

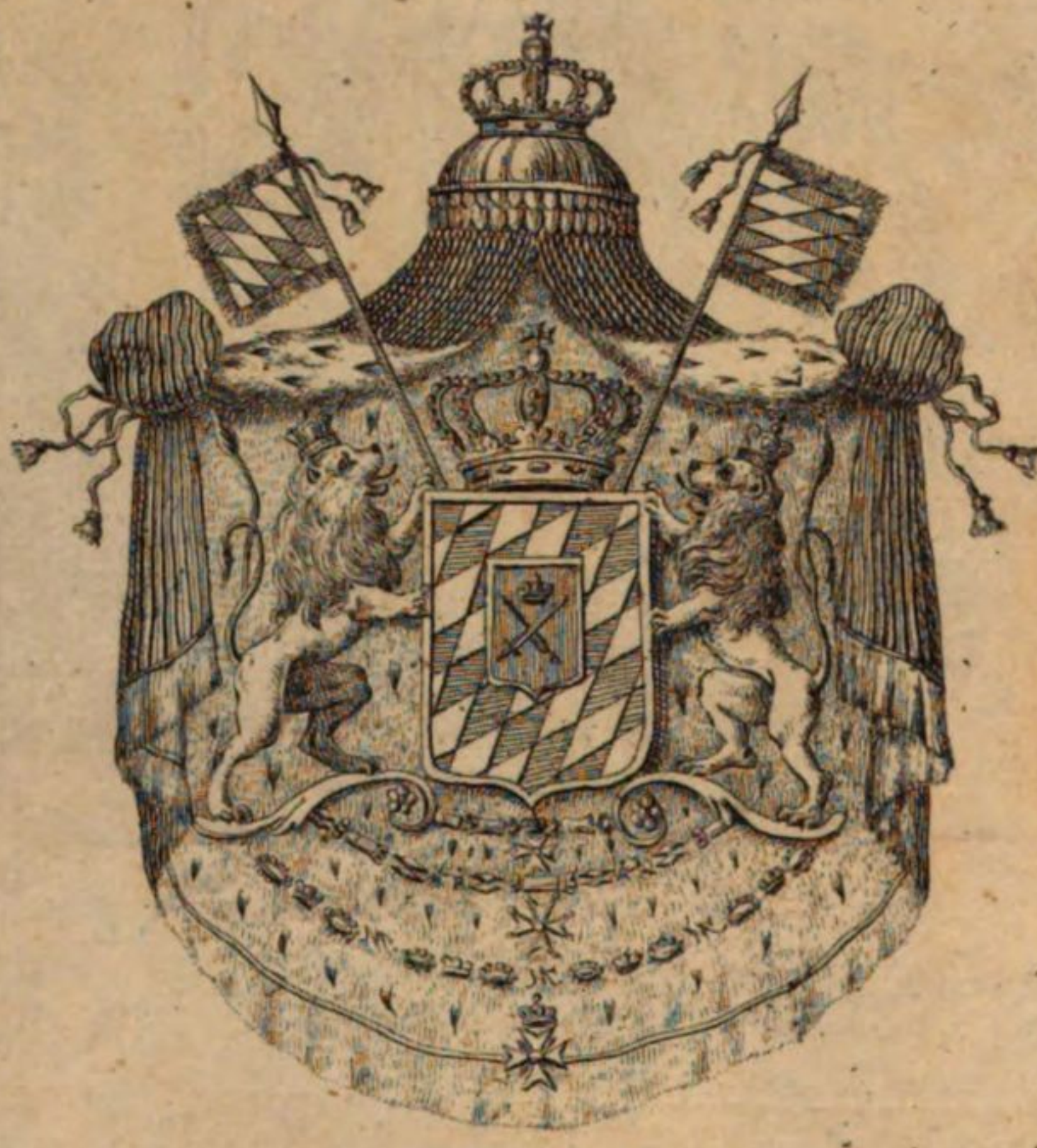


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THE
STATE
OF THE
Church and Clergy
OF
ENGLAND,

IN THEIR
COUNCILS, & CONVOCATIONS,
SYNODS, & CONVENTIONS,

AND OTHER

Publick Assemblies;

Historically Deduced

From the *Conversion* of the SAXONS,
To the PRESENT TIMES.

WITH

A Large APPENDIX of *Original Writs*, and
Other *Instruments*.

By WILLIAM WAKE, D. D. Dean of *Exeter*, and
Chaplain in Ordinary to Her MAJESTY.

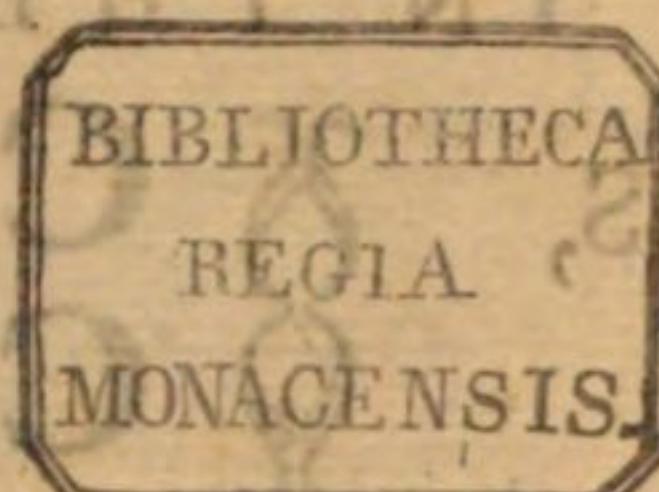
Occasion'd by a BOOK, Intituled, *The Rights, Powers,
and Privileges of an English Convocation*, &c.

L O N D O N: Printed for R. SARE, at *Gray's-Inn-Gate*
in *Holborn*. MDCCIII.

THE
STATUTE

OF THE
Church and Clergy
OF
ENGLAND

IN THEIR
CONCILS,
SYNODS,
CONVENTIONS,
AND OTHER
Assemblies:



Historically Deduced
From the Conversion of the SAXONS
To the PRESENT TIMES

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and Privileges of an English Convocation, &c.

L O N D O N: Printed for R. SARE, at Gray's Inn-Gate
in Holborn. MDCCLIII.

T O
The Most Reverend Fathers in G O D
The LORDS Archbishops :
T O
The Right Reverend
The Bishops :
A N D T O
The Reverend Clergy
Within their respective P R O V I N C E S
O F
CANTERBURY and YORK;

The following S T A T E
Of the *Church and Clergy*
Of *ENGLAND,*

In Vindication as well of
Their Ecclesiastical Rights and Liberties,

A S O F
• The Royal Supremacy,

Is Humbly offer'd by

Their Dutiful Son,

And Faithful Brother,

William Wake.

TO
The Most Reverend Fathers in GOD
The Lords Archbishops:
TO
The Right Reverend
The Bishops:
AND TO
The Reverend Clergy
Within their respective PROVINCES
OR
CANTERBURY and YORK;
The following STATE
Of the Church and Clergy
OF ENGLAND,
In Vindication as well of
Their Ecclesiastical Rights and Liberties,
AS OF
The Royal Supremacy,
is humbly offered by
Their Dutiful Son,
And Faithful Brother,
William Wake

T H E P R E F A C E.

TH E R E is something in the Nature of *Controversial Writing* so Corruptive of Morality, so apt to destroy some of the Noblest Graces of a Christian Life, that I look upon the Case to be much the same in That, as it is in Other Wars, and that nothing less than an absolute Necessity ought to engage a Good Man in Either. What Temptations it ministers to Pride and Passion; to Malice and Uncharitableness; to Falseness and Insincerity; and what Occasions it too often affords to Those who do not come with a large Portion of Calmness and Integrity to the Management of it, for the most indecent Miscarriages, in Some, or All of these Particulars, I shall not need to say: I would to God our Own Times had not given us too many Instances of it; to the Scandal of our Religion, as well as to the just Censure of Those who have allow'd themselves such Liberties as nothing can Excuse; and 'tis to be hoped, when they shall seriously reflect upon what they have done, They will be Themselves the most forward of any to Condemn.

But of all the kinds of Controversies, as there are usually none more unreasonable, so neither are there any which a Man would less desire to be engaged in, than those which arise among such as are Members of the same Church, as well as of the same Civil Society; and have thereby the strictest Obligations lying upon them to Love and Unity with One Another. In such Disputes as these, every good Man would desire the Office of a Peace-maker, rather than of a Litigant: And account it a greater Honour, as well as Happiness, upon any Reasonable Terms, to put an End to a Debate, than to obtain a Victory, which, whatever other Circumstances it might have to recommend it, would still want This, (without which all the rest would be of little Value) that the Breach continues; the Brother is not gain'd; and so Religion suffers, tho' the Particular Matter in Dispute should be never so clearly or solidly proved and determined.

What Melancholy Thoughts these Reflections have sometimes occasioned to my self, in the Prosecution of the following Work; what Restraints they have kept me under, those who are truly Charitable and Unprejudiced, and who alone are proper Judges in such a Case, will easily apprehend; and I hope the following Treatise its self will shew. Often have I been tempted with St. *Clement* to cry out, *Ἐὰν δὲ ἡμῶς εἰσὶν, καὶ ἑτεροὶ, καὶ χρίσματα, ἐκχωρῶ ἅπασιν*: If the Contention be upon my Account; If by throwing me into the Sea, the Storms which have been so unhappily raised among us may be appeased, let me be given up; (a) *μόνον τὸ ποίμνιον τῷ κυρίῳ εἰρηνεύειω, μετὰ τῶν καθεσταμένων* (a) *Clem.*

Πρεσβυτέρων; Only let the Flock of Christ be in Peace, with the El- *Epist. ad Cor.*

ders who are set over it. And now that I am come to the End of my Laborious Undertaking, and do flatter my self that I have produced some Things upon this Occasion, which were not so well known, at least not sufficiently attended to before; yet ten thousand times rather would I not only suppress, but destroy All that I have done, than send it abroad into the World, could I but thereby procure the Peace of the Church, tho' with some Prejudice to the Truth, and with much more Detriment to my own Private Interest or Reputation. But as this is a Happiness not to be expected; so neither without an apparent Injury to the Cause which I have undertaken, as well as to my own Innocence in the Defence of it, can I any longer forbear the Publication of what I have again written for the Support of Both. Hitherto the necessary Enquiries which were to be made, the Extent of my Subject, and the Importunity of my other Affairs, (which I could neither without giving up a great part of my Time to them discharge, nor yet with a good Conscience neglect) have kept me from appearing in my own just Vindication. And this Advantage I may hope to have gotten by it, that many may perhaps be disposed more impartially to read and consider what is presented to them now, than they would have been, had it come much sooner into their Hands. But to delay it any longer, would be to seem to desert a Good Cause; at least to put off the Defence of it so long, as to prompt some to believe it could not be maintain'd; and even the most favourable to think, that either it should have been sooner asserted, or not have been at all revived.

To prevent any such Surmises on the one hand, such Complaints on the other, I now freely publish what I have farther to offer, with relation to the present Controversie: And may God so give his Blessing to it, as he knows me to have proceeded not only with a strict Integrity, but with all due Regard to the Honour and Interest of the Church of *England*; and particularly of our Bishops and Clergy in it: Whose *Rights, Powers, and Privileges*, as I am sure no one can have a more zealous Concern for than my self; so I am verily perswaded (and I think I am not deceived) I have here done more to assert and secure them, than Dr. A. after all his loud Pretences, has endeavoured; or, without forsaking the Principles which he has laid down, I dare boldly say, will ever be Able to Do.

When the *Letter to a Convocation-Man*, the Piece which began this unhappy Controversie, first came Abroad, the Notions of it appear'd to me so very singular, so different from what I had been accustomed to, that I could not but think it a pardonable Curiosity to enquire into the Truth and Reasonableness of Them. What I thus began for my own private Satisfaction, I was soon determined to pursue by some, whom my own Inclinations disposed, as well as my Duty obliged me, to Obey. The Subject was not only Difficult, but New: My Time was very short; my Business sufficient for my whole Strength; and in the midst of my Work, a severe Distemper fell upon me, and for several Days took me off intirely from all the Thoughts of it. Under these Disadvantages I publish'd my first Book in *Answer* to that *Letter*: A Treatise, of which, if I may be permitted to speak my own Thoughts, the worst that can justly be said, is this; That its *Principles* were generally true, and agreeable

to the constant Sense and Doctrine of the Church of *England*, tho' its Matter was but Common, and its Historical Facts not always Exact. And yet, as to the last of these, the Mistakes were neither very many, nor very great; and in the most of them I was misled by some of our Best Historians; Whose Guidance I supposed I might securely have follow'd, and from whose Authority I hoped I should if not always have reported things aright, yet always have found a sufficient Apology for my involuntary Errors.

To this Book, begun and finished in about Three Months time, after Three Years Labour and Examination, an Answer came out under the specious Title of *The Rights, Powers, and Privileges of an English Convocation Stated and Vindicated, &c.* The Distance of Time; the Bulk of the Book its self; and the Number of its Quotations; the familiar References which it every where made to our Manuscript Records, as well as to our Printed Historians; raised in me, at the first View, a more than ordinary Expectation from it: And prompted me to conclude, that in it I should certainly meet with somewhat to instruct, as well as much to correct me; and have my own Wish thus far accomplish'd, as to see this Subject fully Exhausted by Another hand, which I had freely acknowledged, as I had good Reason to do, I wanted both Leisure and Materials to finish.

In this Opinion I was the more confirm'd, upon my first Perusal of the Preface to it. I saw a Spirit of Wrath and Uncharitableness, accompanied with such an Assurance of the then unknown Author's Abilities for such an Undertaking, as I had hardly ever met with in the like degree before. I perceived that he desired, in the direct Reverse of what I had profess'd, to be look'd upon to have written with Care and Deliberation; to have fully search'd into his Subject, and to have been no less plentifully stored with Materials of all kinds for the perfect Clearing of it. And tho' I do not think a Man of Pride and Arrogance, Full of Himself, and a Despiser of all Others, to be generally the best qualified to know either *Himself*, or the *Truth*; yet I hoped I should here find somewhat to Clear the One, and thereby to Attone for, if not to Justifie, the Other.

With this Expectation I came to the Reading of this *Book*; let me add, and with a full Resolution too, howsoever I should be treated, to judge with all the Indifference I could of the Performance; and either freely to acknowledge the Truth, if I should be convinced that I had been mistaken; or else as freely to vindicate both my Self and It, if it should appear, that after all I was in the Right. (a) For as I account an Obstinacy in Error, be the Subject what it will, to be little less than Heretical, I am sure to be very Criminal, on the One hand; so do I esteem it to be no less a Meanness of Spirit on the Other, to desert the Truth, or to be afraid to own it; tho' never so much clamour'd against by Ignorant, or Designing Persons; for the sake of which Ease, Interest, Reputation, Friends, and even Life its self, in many Cases, ought to be despised.

What the Result of my Examination of this Book was, the following Treatise will abundantly shew. I found in it enough to com-

(a) ὅ γὰρ μόνον μὴ ἐπειδὴ τοῖς ἀδικίαις τι πράξασιν, ἢ δογματίσασιν ὁ Λόγος λόγῳ ὑπαγορεύει, ἀλλ' ἐν παντί τῷ πνεύματι καὶ τῇ ψυχῇ τὸν φιλαλήθη καὶ θάνατον ἀπαιτῶνται, τὰ δὲ δίκαια λέγειν τὸ ἐπὶ τῇ πράξει αἰρετικῶς εἶναι. Just. Mart. Apolog. I.

mend the Wit, tho' not the Spirit, of Him who wrote it. Life and Vigour, Quick Thoughts, expressed in a brisk turn of Words, run through the most part of it. One thing indeed I desired, (and even that too, for ought I know, was not the least Evidence of the Artifice of its Author) that a General Darkeness and Obscurity was spread over the whole Performance; so that it was not easie, even upon a careful Reading, to determine either what his Principles were, or by what Arguments or Authorities he supported those Principles.

To settle the Former of these, his *Principles*, I more than once went through the whole Book, and reduced every part of it to the best Order and Method that I could: And by comparing the same things, treated of (as they commonly are) again and again in the several parts of it; and that, for the most part, with the very same Proofs and Authorities; I endeavour'd, with all possible Care, to discover what they were, and to bring them to the best State that I was able. If in this I have sometimes been mistaken, I ought the less to be blamed, not only upon the account of the Difficulty of the Task, but because, to say the Truth, I believe that sometimes the Author himself did not well know his own Meaning; I am sure, did not design that any body else should know it. And for the Latter, I set my self to enquire with all Diligence, from our Registers and Records, how the *Matters of Fact* had stood, that so I might be enabled with the greater Certainty to judge of that part of his Work also.

In this troublesome Employ, several Months pass'd before I could resolve what I had to do: Whether, upon the whole, I was to own my Mistakes, and yield to the Truth of what this Writer had advanced; Or whether I should proceed to Justifie my Principles, and to answer what he had offer'd in Contradiction to them. The Latter of These was what I finally resolved upon; and I resolved upon it with this Perswasion, which neither Prejudice, nor Indignation at the Rudeness or Confidence of my Adversary, but the meer Justice I owe to Truth, obliges me to declare; that in all my Life I never met with so many or such gross Mistakes, (for I am unwilling to call them by any harder Name) of Matters of Fact, as well as Errors in all kind of Principles, as I found in this *Book*; scarce a Leaf of which will bear a Rigorous Scrutiny, and but few that will stand the most Favourable Examination. But so it must needs be, *where an Author writes in the dark out of Other Mens Collections*; and appeals to *Registers* and *Records*, not only without ever seeing of them, but from such short Hints, which tho' the first Transcriber may possibly have understood, yet a raw Compiler, who knows nothing at all of the Matter, can hardly be supposed capable of making any wise or pertinent Use of them. This is an Excuse which Dr. A. I confess has no Right to, because he pretends to have been himself the Gatherer, as well as Digester, of the Materials of his Book: But I am well assured that this was truly the Case; and 'tis the most favourable Apology I know how to make for a great many of his Errors.

Having thus determined to proceed in my Own just Defence, the next thing was to resolve after what Manner I should proceed in it. And here I needed not any long Deliberation: The Controversial way

way was not only the least Instructive, but of all others the least Agreeable to my own Nature and Disposition. I determined therefore to pursue my Subject in an Historical manner; and to meddle no farther with my angry Adversary, than as he should necessarily fall in my way; and for the Remainder of his Book, to leave it to the World to judge as they pleased of it.

Accordingly having in my *first Chapter* shewn what the several *Kinds of Publick Assemblies* of the *Clergy* heretofore were, and in part still are; and in the *Second* offer'd a large Variety of Arguments to prove the *real difference* both in *Law*, and *Fact*, between the *Provincial Convocations*, and the *Parliamentary Convention* of the *Clergy*; (a Point of such Moment in this Controversie, that Dr. A. himself confesses the whole Dispute in a manner to turn upon it; and the want of distinguishing whereof as a very learned Person truly observed, Bishop Stillingfleet, Duties and Rights of Paroch. Clergy, p. 254, 255. has been the Occasion of most of those Difficulties and Prejudices which many good Men have labour'd under with relation to this Matter) and by both these clearly settled the *Subject* of the *Questions* under debate: I proceed, in the *Third Chapter*, to *state my own Opinion* in the former of *Them*, concerning the *Right* of the *Convocation* to *Meet*, *Sit*, and *Act*, ALWAYS and ONLY in *Time* of *Parliament*; the sum of which is briefly this, That our *Bishops* and *Clergy* have a *Right* to be *Assembled*, in *Convocation*, at *Any*, and *All Times*, whenever the *Affairs* of the *Church* require their *Consultation*, or any *Benefit* may be likely to accrue to *Religion* thereby; but have no *Obligation* to *Attend* at all upon the *Parliament*, much less to be forced to continue their *Attendance* during every *Session*, at the *Pleasure* of that *Great Council*, when there is either Nothing for them at all to *Do*; or nothing to *Countervail* the *Trouble* and *Charge* of such an *Attendance*.

In opposition to this *Opinion*, which I still conceive to be for the *Honour* and *Liberty* of the *Church* and its *Assemblies*; Dr. A. has advanced another, and I think a very dangerous Hypothesis; (a) That (a) Rights, &c. p. 49, 67, 68, 75, 216, 355, &c. the *Bishops* and *Clergy* may not be *Assembled* in *Convocation*, but only at such times as the *Parliament* is *Sitting*; and that then it is their duty, not only to be formally *Called*, but to *Meet* and *Sit* too: In his own Words, They are obliged to *Attend* the *Parliament*; and the *Parliament* has a *Right* to be *Attended* by Them. So that, in short then; whether there be any thing for them to *Do* or *No*, yet during the *Session* of every *Parliament* they must *Meet*, and *Attend*; but at any other *Season* they may not be so much as *Assembled*, tho' there should be never so *Great*, or so *Pressing* an *Occasion* for their coming together.

The Arguments which he brings in proof of this Assertion are, in general, Three: The *first* taken from a pretended *Right* of the *Convocation*, as a proper *Provincial Council*, to *Meet* once every year, by virtue of the antient *Canons*; and particularly of that of the *Fourth Lateran Council*, which he chiefly founds his Claim upon. To this I have given a short, but sufficient Reply, in my *IVth Chapter*; and indeed, I cannot but think it a little strange, that a *Divine* of our *Reformed Church* should, in asserting the *Rights* and *Liberties* of an *English Convocation*, build upon the Authority of so late, and so exploded an Assembly as that. A *Council* of which our *Popish Historians* speak with very little respect; Whose *Canons* are still disputed, and deny'd by the best Writers on all hands to be of any Authority;

to

to be sure were never received in our Church, and therefore should not have been alledged as of any moment in the present Case.

With what Design, or for what End, this Writer where he treats of this matter, forsaking his present subject, diverts to shew, that *Presbyters* had from the beginning an equal *Right of Place*, and *Authority of Voice*, in the *Councils* of the *Church*, with their *Bishops*;

(a) *Omnia per singulas Aetates communia Ecclesiae Negotia per Solos Episcopos & nonnullos subinde Presbyteros, Episcoporum suorum loca tenentes, in Conciliis congregatos transacta sunt. Dr. Beverege Codex. Can. Vind. Proem. num. iv.*

confounding thereby both the Power and Dignity of the *Episcopate* and *Priesthood*, I cannot tell. (a) This was not wont to be accounted the *Church of England Doctrine*, nor can it tend to any thing less than to shake the very Foundation of our Constitution, and to furnish the *Presbyterian* with a new Argument against it. But be the Design what it will; having

this part of my Book in hand, it was a Service I thought due both to our *Church*, and her *Bishops*, to shew the Falseness of such a Principle; and to answer, as I have done, what had been offer'd in Proof of it.

His next, and chiefest Argument, to prove the necessary Meeting of our *Convocations* ONLY and ALWAYS in time of *Parliament*, is taken from the *Nature*, and *Form* of our *Constitution*; by vertue whereof Dr. A. pretends that these *Church Assemblies* always have been, and ought to be, *Attendants* upon that *Great Council*: That thus they were wont, from the very times of the *Saxons*, to meet with it; and thus have continued to Assemble together to this last Age.

In answer to this Assertion, which chiefly depends upon *Matter of Fact*, I have diligently traced the *History* of these *Assemblies*, in their several Periods, from the time of the *Saxons* to our own days. I have shewn that neither in the 400 years next before the *Conquest*, nor the 250 years after it, to the 23^d of K. *Edward* the 1st, were the *Lower Clergy* wont, either in *Convocation*, or otherwise, to be Convened, as any proper, or necessary Members of the *Great Councils* of the *Realm*: That only the *Bishops* and *Prelates* first; afterwards such of the Clergy as either held some *Lands* of the Crown, or as the *Prince* thought fit by his special Summons to call to it, came to *Parliament*: But none else, Such only excepted, whose *Places* or *Employs* required their presence there.

When King *Edward* the 1st settled our *Parliament* upon that form which has continued ever since, the *Lower Clergy* were summon'd to it by the same Writs with their *Bishops*, and from thenceforth became a part of the *Estate* of the Clergy there. But neither in that, nor in any of the following Reigns, to the time of King *Henry* the 8th, did the two *Convocations* Attend upon the *Parliament*, nor was it accounted their *Duty*, or as Dr. A. (I know not why) calls it, their *Right* and *Privilege*, so to Do. This I have particularly shewn in my Vth, VIth, VIIth, and VIIIth Chapters; and have thereby effectually proved, in contradiction to his *Second Argument*, that neither have the *Convocations* an *Obligation*, by vertue of our *Constitution*, to Attend upon the *Parliament*, nor the *Parliament* any *Right* to be Attended by Them.

Having thus fully examined this Pretence, (the fairest and most plausible that could have been urged in favour of such an Hypothesis) there remain'd but one Argument more to be consider'd for the finishing of this first Point, that of Custom. An Argument of great

great weight in Matters of this Nature, and which therefore deserved a particular Consideration. Accordingly I have in my IXth Chapter fully discuss'd this Point. I have enquired, first; whether, supposing it to have been the *Custom* for our *Convocations* to *Meet*, *Sit*, and *Act*, with every *Parliament*, since the time of King Henry the viiith, (for in the foregoing Reigns there is no room for any such supposition) that *Custom* shall be sufficient to *limit* both the *King's Prerogative*, and the *Metropolitan's Power*; and to destroy the Liberties of the Clergy themselves too; so as to make it both *Necessary* for them, at such Times, to *Meet*, *Sit*, and *Act*; and to render it *Unlawful* for them either to *Assemble*, or *Do any thing*, at any Other Times: And having, I think, pretty plainly proved that *Custom*, had there been any such, would not have had any *Legal Force* in this Case; I have, secondly, enquired how this matter has stood in Fact; Whether the *Convocations*, for a hundred and seventy years past, have constantly *Met*, *Sate*, and *Acted*, with every *Parliament*, as Dr. A. affirms, without ever presuming to *Meet*, or *Do any Business*, but only in *Time of Parliament*.

In this Method have I pursued the first, and main point, in debate: As for the *Other*, which concerns the *Power* of the *Bishops* and *Clergy*, when met in *Convocation*, to *Make Canons* or *Constitutions Provincial* or *Synodal* without any *License* from the *Prince* so to do, it depends upon the Interpretation of the *Act* of the 25 H. 8. c. 19. which was made in Restraint of their Power in that particular; and the *Practice* of our *Convocations* since the passing of that *Statute*. This therefore I have discuss'd with relation both to *Law* and *Fact*. I have shewn what I take the plain Meaning of the One to be; and how, as far as I can judge, the Other has stood. I have impartially weigh'd what Dr. A. has urged, in both Respects; and as well answered his Arguments, as offer'd such Reasons as I conceive to be decisive in favour of what I had formerly Asserted. This is the Subject of my Xth and Last Chapter, and Concludes the whole Book.

To pay what is due even to an Adversary; It must be allow'd that Dr. A. has done all that a Man of forward Parts, and a hearty Zeal could do, to defend the Cause which he had Espoused. He has chosen the most plausible Topics of Argumentation; and he has given Them all the Advantage that either a spritely Wit, or a good Assurance could afford them. But he wanted one thing, He had not *Truth* on his side: And *Error* tho' it may be palliated, and by an Artificial Menager, such as Dr. A. without Controversy is, be disguised so as to deceive sometimes even a wary Reader, yet it will not bear a strict Examination. And accordingly I have here shewn him, notwithstanding all his other Endowments, (in which, if he pleases, he shall have my free Consent to stand above Me) to have deluded the World with a meer Romance; and from the One End of his Discourse to the Other to have deliver'd a History, not of what was really Done, but of what it was his Interest to make it believe had been done.

But besides these two Great Points upon which our Controversy began, Dr. A. has thought fit to touch upon some Others of a lesser moment; in the most of which I have no less dissented from him than in the principal matters in debate; nor, I suppose, any less shewn him to have been mistaken in the One, than in the Other.

i. The

1. The *Places* in which the *Parliamentary Clergy*, and the *House of Commons*, were antiently wont to *Sit*, was a piece of Curiosity which He thought fit to oblige his *Reader* withal. He has delivered his Opinion freely in Both, and is very severe upon me for having honestly own'd my Ignorance in this particular. Yet, after all, it is certain that He is utterly mistaken in the latter of these; and I believe no less in the wrong for condemning my Conjecture (it was all I pretended to) as to the former.

2. The History of the *Præmunientes*, its Rise, Efficacy, Execution, and Continuance, is another point of a more than ordinary moment in such a Dispute as this, and has been no less triumphantly managed by Him. My Ignorance is here again made the Subject of his scorn and contempt. Yet in the whole account which he has given of it, he has shewn himself to have been utterly in the dark; and in one main Circumstance, that which concerns the *Continuance* of its *Execution*, has own'd his Error, which otherwise I should have more fully confuted.

3. The *Parliamentary Privileges* of the Clergy which once they enjoy'd, but which he thinks they at present have *no right to*; nor, *to say the Truth*, ought to have any, was another *Bye-Point* of no small importance in a Book written expressly in defence of the *Parliamentary Rights and Liberties* of the Clergy. But in these also, as I conceive, he has not only been mistaken in his Opinions, but Unkind in his Concessions; and too easily given up some *Privileges*, which we may still at least keep on foot a Claim to.

4. I have already taken notice of another of Dr. A's Positions, concerning the Ancient *Authoritative Members* of *Provincial*, and indeed of all other *Church Councils*; That meer *Presbyters* had, by virtue of their Character, an Equal Right of Voice and Place with their Bishops in Them. This he earnestly contends for; asserts it positively, and pursues it heartily. He quarrels with one of our most Eminent Canonists, for being of another Opinion: And yet, after all, is here again no less Erroneous in his Assertion, than Injurious to our Constitution; and has not so much as the Colour of any Argument that will bear an Examination, to support his Pretence.

5. The *Form* of our *Great Councils* in the *Saxon Times*, and of the *German Colloquia* upon which he supposes Them to have been framed; and what Interest the *Lower Clergy* had in Both; was a Point of the utmost Concernment to have been truly stated, in order to a right understanding of the Polity of those Ages both in Church and State. Accordingly he insists with all seeming Exactness upon it; and Dr. W. is again arraign'd, according to Custom, for his Ignorance of these Matters. Yet in his whole Account of Both these he is so wretchedly deceived, that one would wonder how he could possibly fall into such Errors himself; or hope to persuade any one, who understood the History of those Times, to give any Credit to his Inventions.

6. The Notion of *mix'd Councils*, of *Clergy* and *Laity*, in which the chiefest Affairs of the Church were transacted during the *Saxon Times*, if not for some *Reigns* after the *Conquest*, is another of his New and Unaccountable Pretences. How little such an Assertion is either for the Honour, or Interest of the Church, I shall leave it to

to any true Friend of the Ecclesiastical Authority to judge. It is enough that I have shewn that in this too He is utterly mistaken; and that in those Times, the proper *Conciliary Affairs* of the Church were transacted in proper *Church Synods*, not in *mix'd Councils*; by the *Bishops* and *Prelates* alone, not by a Conjunction of the *Laity* with Them.

7. About what time the *Lower Clergy* began to be *summon'd* to *Parliament*, is another Point in which Dr. A. thought fit to be at some Pains to inform us. How much of his Book is spent upon this One Subject; with what Rudeness and Scorn he has treated one Learned Writer, now a Reverend Bishop of our Church, (but whether *written out of Reputation into Preferment*, I shall leave it to him to determine) and how freely he has upon this Occasion, tho' not precisely as to this Particular, pronounced against another eminent Defender of our *English Monarchy*, the Industrious Dr. Brady, I shall not need to say. Yet at last he is here too in the same Condition that the (a) *Strikers* out of *new Paths* commonly are, all over Mistake; and the Old Opinion before establish'd, when All is said against it that can be, will still appear to be the Truth.

(a) Rights, &c.
Pref. p. xxvi.

8. How the Method which from thenceforth obtain'd of Summoning the *Deans* and *Archdeacons* in Person, the *Chapters* by One, and the *Diocesan Clergy* by two *Proctors*, both to *Parliament* and *Convocation*, was first settled, and in which of the two it was first practised, was a Nicety in which, when I before wrote, I durst not adventure to determine any thing. For this, Dr. A. severely corrects me: He insults over my Ingenuity; and then pronounces as positively in the Case, as if he had been of Council to King Edward the First in framing the *Premunientes Clause*, and dictating a Form for all succeeding Ages to follow. But I have now shewn, that tho' he had his Choice to take which side he would, and Time sufficient to examine into such a Matter, yet his wonted Fate over-ruled him; He determin'd wrong, and only shew'd his own Ignorance, by his eager Zeal to expose mine.

9. The End for which our *Provincial Convocations* were first introduced, and Generally Summon'd, I had truly affirm'd to be for the Supply of the Prince's Needs: That they might therein obtain the like Aids of their Clergy, which they received from the *Laity* in *Parliament*. It is hardly to be express'd with what an impetuous Fury this Author falls upon me for this Assertion: With what a blind Rage he lays about him; as if I had subverted the *Foundation* of *Christianity*, and deserved my self that *Fire* which he so often calls for; and, I believe, hoped he had effectually kindled for my Book. Yet after all, what I affirm'd is most demonstratively true, and I have now proved it so to be; I boldly affirm it, I have proved it beyond the Power of all his Sophistry (in which I nevertheless freely own him to be a Master) evermore to disguise it.

10. The History of the *Parliament*, 25th Edward the First, in which the great Disputes arose between the King and the Clergy, with the other Circumstances which depend upon it, is another Point particularly laboured by Dr. A. and for Misrepresenting of which, I am call'd to a more severe account than ordinary by him. But his Fortune is still the same: He is mistaken himself in almost every

Particular for which he has thought fit to Censure me; and I have now by Contemporary Writers (such as he appeal'd to, but thought they could not have been had) proved him so to be.

11. The *Provincial Summons* of the *Clergy* to *Parliament*, begun by King *Edward* the Second, and continued for some time by his Son King *Edward* the Third, and then entirely laid aside by him, and never resumed by any of his Successors, was another part of our History, which ought in such a Discourse as this to have been fully and clearly delivered. I would willingly suppose that Dr. A. understood not either what the *Nature* of this *Summons* was; for what *End* it was *Used*; or *how long* it *Continued*. This I am sure, that he has given a very wrong Account of it; tho' such a one as must be confess'd to answer his Purpose a great deal better than the True one would have done.

12. The Dependence of the *Province* of *York* upon this of *Canterbury*; and that not only in Spiritual, but Secular, Affairs; is a Matter of such great Moment, that One would have thought a Man should have taken Care to be very well assured of it, before he had adventured with too much Confidence to Assert it. How far Dr. A. has carried this Subjection, I have had frequent Occasion, in the Course of my following History, to observe. But on what weak, what mistaken Grounds, he has built, in this, as well as in too many other of his Notions, I have, in Justice to the Rights of that injured *Province*, as well as in Acknowledgment of the Generous Assistance I have received from thence in the Prosecution of my present Work, sufficiently shewn.

13. In what Capacity our *Provincial Convocations* were Obligated by our *Constitution* to Attend upon the *Parliament* of *England*, Dr. A. found it necessary to acquaint us. But how to express himself, or what Account to give of it, he could not tell. Sometimes he was willing to have it thought, that the *Clergy* in *Convocation* were One of the *Three Estates* of the *Parliament*. But because that looked too big, and might have been liable to the Exception of Some to whom he particularly designed to recommend both Himself, and his Performance, he rather chose to moderate the Boldness of his Assertion; (tho' by so doing, he made nothing but Jargon and Confusion of his Point) and then they were not an *Estate* of *Parliament*, but an *Estate* of the *Realm* Assembling jointly with the *Parliament*. It is after the same odd manner that he plays with another Phrase, and tells us in what Sense the *Two Convocations* are a Member of the *Parliament*. But in all this, his Principles are as Erroneous as his Proofs have been defective: And how little there is in Them to Warrant any of these dangerous Assertions, I have in the following Discourse abundantly shewn.

14. Ingratitude towards Cardinal *Woolsey*, to whose Munificence, he tells the World, I owe my Comfortable Summer Retirement, was another Charge very proper for an Angry Writer to load an Innocent Adversary withal. But in the whole Management of this Calumny he has not only proceeded without any thing to support his Allegation, but shewn himself so strangely Ignorant of the History of a Society of which he was for many Years a Member, that were I a great deal more his Enemy, than really I am, I could not have wish'd him to have done any thing more effectually to shame himself,

himself, than what he has written upon this Occasion to Defame me.

15. And now I have mention'd that great Cardinal, I must not forget another Charge, in which Dr. A. has been pleased to fall with his accustomed Scorn and Severity upon me. The Question is concerning the Ground of the Clergies *Præmunire*, 22 Henr. viii. One great Cause of which, I agree with him, was for complying so far as they did with the Cardinal in the Exercise of his *Legantine Authority*. But when he restrains it to *that* alone, he as grossly mistakes himself, as he pretends me to have done: And I shall leave it to any Impartial Person, when he considers the Evidences I have produced for my Assertion, to judge between us, which of us gave the truest Account of that Transaction.

These are some of those *Bye-Points* which seemed necessary to be Clear'd by me in the Prosecution of the following History. Many of them are of the utmost Consequence to be well understood; and None of them were so difficult to be examined, but that by a reasonable Diligence it might have been discover'd on which side the Truth lay. Yet in all these (not to say any thing of many more which will occur of the like kind) Dr. A. has not only adventured positively to determine, and always on the wrong side; but in the most of them has insulted over my Ignorance, tho' all the while it appears in the end, that it was for his Own Mistakes.

When I first resolv'd upon this New Undertaking, I design'd to have added some other *Chapters* to it, and in Them to have Examined all the Exceptions of any Moment, which Dr. A. had any where advanced against me. But as what remains may well enough be omitted, without the least Prejudice to the *Points* under Debate, so I doubt not but the Reader will easily excuse my Omission of them; and I hope Dr. A. himself will have no Cause to Complain of it. That which is the most considerable, may, I suppose, be reduced to these two Charges; the One with relation to my Self, the Other to my Book; * That I wrote against my Conscience; * And that, to Set up an *Unreasonable Authority* in the Prince, I have gone upon such *Notions* as naturally tend to the Overthrow of our Constitution both in Church and State.

As to the former of these; That I wrote against my Conscience; Rights, &c. Pref. p. xi, xii. That as little as I knew of these Matters, yet I knew enough to have kept Ibid. Book, me from engaging on that side of the Question I did, had not some very p. 170, &c. powerful Motive come in to determine me, with a great deal more to the Addit. Pref. same purpose; I shall content my self to say thus much, That this p. xiv, &c. was more than he could possibly know to be True, and Christian Charity should have prompted him to hope it was (as indeed it was) utterly False. To God; to my Superiors, from whom this Powerful Motive, had there been any such, must have proceeded; and who are therefore but little less concern'd than my self in the Scandal of this Imputation; To my Manner of Life; And (I speak as a Fool, but this Author has compell'd me) to my particular Conduct, with relation to those Powerful Motives of which he so feelingly writes, I Appeal for my Justification in this Particular: That I enter'd upon this Debate, not only with a full Conviction of the Truth of what I wrote for, but with a firm Perswasion of the Seasonableness of my Asserting of it. Other Infirmities enough there were, which Dr. A. might

might have charged me withal; which I neither could have justly disown'd, nor would I have deny'd. But for the Villany of *Writing against my Conscience*; and which is yet a higher Aggravation of it, of *Sacrificing the Rights and Liberties of the Church*; my own *Reason*; and even my *Salvation* its self, to the little *Profits*, or *Honours*, of the *Present Season*; 'tis so *uncharitable*, as well as *false* and *groundless* a *Slander*, as ought not to have found an Entertainment in the Heart of a Good Man, much less to have been so often, and confidently, Alledged by a *Minister of Christ*: And would almost prompt one to fear, what yet I hardly dare mention, and do hope I should be mistaken in; That it could not have been so readily Imputed by Any One to Another, who was not capable of being Guilty of it Himself.

(a) Rights, &c.
Pref. p. iv, vii,
viii. Book ib.
p. 148, 150,
152, 153, 202,
203, &c.

(b) Appeal,
&c.

(c) Rights, &c.
Pref. p. viii.
Book p. 152,
165.

(d) Rights, &c.
p. 247, 357,
364, 457.

(e) As for his
pretended In-
stances, see
them fully
answer'd by
Dr. Kennet,
Eccles. Synods,
p. 70, &c.

To his Other Objection, (a) That I have set up an *Unwarrantable Power* in the *Christian Prince*; and particularly have given such a *Sovereign Authority* to *Our Own*, as naturally tends to *Overthrow* our *Constitution* both in *Church* and *State*; it will be time enough for me to return a more particular Answer, when he shall please to shew that I have indeed advanced any other Notions than what (b) I have proved, and am ready, if need be, more fully to prove, our *Church of England Divines*, ever since the *Reformation*, to have constantly maintain'd before me. Let him look into the Writings of our Reverend Bishops, *Jewell*, *Bridges*, *Bilson*, *Whitgift*, *Bancroft*, *Andrews*, *Usher*, *Bramhall*, *Davenant*, *Taylour*, *Sanderson*; Or if he had rather I should refer him to those of his own Order, let him see what our *Nowell*, *Sutcliffe*, *Feild*, *Mason*, *Heylin*, *Falkner*, and many Others have written in defence of the *Royal Supremacy* and *Authority* of our *Kings*. If he can, after this, justly charge me with any *New Doctrines*; If he can truly shew that I have gone upon any Principles which These have not maintain'd and defended before me; let him call as loudly as he can, not only upon the *Parliament* for (c) *FIRE*; and upon the *Convocation* for (d) *Censures*; but upon *Heaven* too (if he thinks such Addresses will find an Admission there) for all that *Vengeance* which he appears so heartily to wish might fall upon me. If he cannot, let him say with what *Conscience* he inveighs against me for Asserting no other Authority either in the *Christian Prince*, or in our *English Sovereign*, than what our *Laws* allow; our *Convocations* have defined; our *Greatest Writers* asserted; our *Universities* have declared to belong to them, and We our selves have more than once been obliged to teach and to maintain.

In the mean time, as it is my *Principle*, and has been my solemnly avow'd Opinion, that the *Constitution* of our *Government* is an essentially limited *Monarchy*, in which the *Laws* and *Customs* of the *Realm* are the stated Measure both of the *Prince's Prerogative*, and of the *Subjects Rights*; so I am perswaded that no *King*, or *Queen*, of *England*, can justly claim or exercise any other *Sovereignty* either in *Church*, or *State*, than what those *Laws* and *Customs* do allow of. This was my Opinion when I wrote before; This is my settled Notion still. I am not aware, after all (e) Dr. A. has done to enlighten me, that I have advanced any *Principle* contrary to this Opinion. If unwarily I should have done so, I do here solemnly revoke it; and whensoever I shall be particularly convinced, which

as yet I am not, wherein I have done it, I will be as ready to make a particular Renunciation of it.

Were I now minded to Recriminate, and shew in how many Instances this pretended *Church-Advocate* has set up such Notions, as, being fairly pursued, must tend to the Destruction not only of our *Synodical Rights and Liberties*, but of our very *Episcopal Constitution* its self, I should not need to look far from them. The *Doctrine of Attendance*, which he is so fond of, and builds the greatest part of his *Book* upon, is its self a *Principle of Slavery*, recommended under the Name of *Right and Liberty*: And equally injurious to the Clergy on either side; both as it *Obliges* them to a *Constant Attendance* when ever the *Parliament meets*, and as long as it shall continue to *sit*; and deprives them of all *Power to Assemble*, or *Act*, at any other times, when that Great Council is not held. And how far that *Presbyterian Notion* maintain'd by him, That meer *Presbyters* have by *Primitive Practise and Institution*, an *Equal Right of Place and Voice* with *Bishops*, in the *Councils of the Church*, may be improved to *confound the Powers and Authorities of Both*, I shall leave it to every real Friend of our *Ecclesiastical Polity* to consider.

Many other *Principles* there are scatter'd up and down in his *Book*, which I might here bring together, were I disposed to take the like Method with him, which he has done to prejudice his Reader against me. But this is a way which as I do not need, so neither am I at all desirous to make use of it. My Business is not to *raise Prejudices* against *Any*, but if it may be to *Convince and Persuade All*. And the worst I wish even *Dr. A.* himself, is but this; That God would endue him with a better *Disposition to receive the Truth*, and with a more *Christian Temper* in the *Defence of it*. As for Those who without any other Design, but a meer Zeal for the *Rights of the Church*, and perhaps out of an over-great Dependance upon some whom they supposed to have gone upon the same Principle, have been too easily engaged into an Approbation of what they had not sufficiently either Examined, or Understood; I would only beseech them impartially to weigh what has been now offer'd on both sides; and then let them freely take that Part which they shall find to be the best supported with Truth, and to make most for the real Honour and Liberty of the *Church of England*: A *Church*, to whose *Doctrine and Government*, I have always inviolably adhered; and from whose *Rights, Powers, or Privileges*, no Motives or Considerations shall ever induce me willingly to detract.

It was a Fancy of *Dr. A.* (but like most of his other Notions, false and groundless) that when I publish'd my first Book, I thought my self secured either by the *Subject*, or the *Dedication* of it, against any *Reply* to it. Had these Considerations had any such Powerful Influence on other the like Occasions, the Suggestion might have been made with the greater Shew of Truth, and therefore with the more Excuse, supposing it to have been, as here it was, utterly False. But when not only the *Rights of Princes* have been as boldly *opposed* by some, as they have been solidly *maintain'd* by Others, but even *Princes* themselves have had their *Answerers*, who have neither regarded their *Persons*, nor revered their *Authority*; why a *Private Writer*, of a very moderate Degree, should have expected such an Immunity as *Crowned Heads* have not been able to obtain, I can-

I cannot imagine : Sure I am, I neither Wrote nor Printed with any such Prospect or Presumption.

To prevent any future Mistake of this kind, I do now, not in any way of Boasting, or Challenge, but out of a sincere Desire that the Truth may be discover'd, freely invite every *Reader in General*, and *Dr. A.* himself in Particular, to examine what I here publish to the uttermost. If he finds my *Principles* to be erroneous ; my *Proofs* defective ; my *Facts* mistaken ; or my whole *Scheme* ill-laid ; let him, on God's Name, Correct me whereinfoever I am in the Wrong. If he do's it, according to the *Apostles* Rules, Of *speaking the Truth in Love* ; and *doing all Things in Charity* ; He shall have not only my Approbation, but my Thanks too. But if this he cannot do ; if he be not able so far to overcome an unhappy Disposition, improved by an unbounded Liberty of Writing after another manner, as not to mix a Spirit of *Pride* and *Contempt* ; of *Bitterness* and *Detraction* ; of *unjust Suspicion*, and of that kind of *Wit* which of all others the *least commends* the *Parts*, as well as the *least becomes* the *Character* of a *Scholar*, a *Christian*, and a *Minister* of the *Gospel* ; let him take his own way, *ἕξει καὶ ζουμένους ἀξιωματεῖν*. Whatever he do's, as I shall, for my part, still continue my Endeavours to improve my Knowledge in these Matters, and be ready to correct my own Errors, if I shall have the good Fortune to be better inform'd ; so am I no less desirous that these Matters should be thoroughly search'd into by All Others. For as I resolve not to be wanting to my Own just Defence, by whomsoever I am attacked, whilst I am perswaded that I do assert the Truth ; so neither will I be obstinate in retracting my Mistakes, as soon as I shall be convinced, by whatever Means it be, that I have been guilty of Any. Of this I have given a small Earnest in the Corrections which I have already made of my own Work ; and I will continue to give a farther Testimony of the same Sincerity, if I shall hereafter meet with the like just Occasion so to do.

The following Book having not only been almost intirely written, but a great part of it printed off before the Death of my late Royal Master, of Glorious Memory, I cannot but be sensible that many Expressions may occur in it, which are not so suitable to the present Times. For these the Reader will please to make a due Allowance ; and consider what it was proper for me to say then, not how I might more fitly have express'd my self now.

To give the greater Authority to some of the main Parts of my History, and at the same time enable Others to judge the more surely of them, I have, at the End of my Book, added a large *Appendix* of Instruments and Records, very few of which were ever Publish'd before. Of these, many were Copied by other hands ; and in some which I transcribed my self, I found the *Registers* oftentimes Defective. I have printed them as exactly as I could ; and in some of the Sheets which I corrected my self, have added my own *Conjectures* in the Margin ; which being generally no more but *Conjectures*, and made in haste, as I was overlooking the Proofs, the Reader is desired to take, or reject them, as he shall think them probable or not : For I ought not to impose that upon Another, with which I was not always thoroughly satisfied my self.

Amongst

Amongst these Instruments I once designed to have placed the *Statute* of the 25th of *Henr. viii. chap. 19.* as I took it from the Record; and to have exactly follow'd both the Words, and the Punctuation, as I found it there. But I have had so many Occasions to Copy it in my Book, that I thought it would be needless to Repeat it again in the Appendix.

And now it remains only for me to acknowledge by what Helps I adventured upon this long and difficult Work, and to whom I am chiefly indebted for Them. (a) Dr. A. has thought fit to set a general Mark of Contumely upon All such, especially of our own Profession, as should have either the Courage, or Good Nature, to be Assistant to me in it. But the Persons to whom I have been obliged, are above the Reach of his Censure; and are too well known, both for their Integrity, and Good Affections to the *Church of England*, to be in danger of suffering by any Character that he is able to fix upon them. (a) Addit &c. Pref. p. ix, x, xi.

To our most Reverend *Metropolitans* I must, in the first place, crave leave to pay my most thankful Acknowledgments, for their singular Encouragement and Assistance in this Undertaking. Not only the *Registers* of the *See of Canterbury*, and the *Manuscripts* of His Grace's *Library at Lambeth* lay open, at all times, to my own Inspection; but those of his *Metropolitan Church of Canterbury* were, by his Favour, carefully Examined for me. As for Those of the Other Province, They were, by my Lord of *York's* particular Permission and Encouragement, so diligently search'd by two of the worthy *Dignitaries* of his Church, that I could scarce have profited more, had I had the Opportunity, which Dr. A. hastily gave himself, of collecting them with my Own hand.

To the Reverend the *Bishops* of *Worcester, Eli, Sarum, Norwich, Chichester*, and *Carlisle*, I owe the Accounts which I had from the *Registers* of their respective Sees, and Churches. Several of their Lordships were so kind as to examine them for me Themselves; The rest caused them to be carefully looked into, whensoever I either needed, or desired, to profit by them.

What Help I had from the *Registers* of *Winchester* and *Durham*, I owe to the Favour of the Reverend and Honourable *Deans* of those Churches, who took care to have them examined for me. Those of *Lincoln*, the Reverend *Precentor* and *Chancellour* of that Church, from time to time consulted, as I had need of them. So did one of the Pious and Reverend *Canons* of the Church of *Litchfield*, those of that Place. The rest I obtain'd by the Favour and Pains of several other Learned and Diligent Persons, whom tho' I do not particularly mention, yet I ought not to conceal my great Obligations Them.

The *Rolls* of *Parliament*, with some other very considerable MSS, I had the Use of by the Favour of the Reverend Mr. *Stillingfleet*. They were part of his worthy Fathers, the late most Learned Bishop of *Worcester's* Collection: A Person of whom how slightly soever Dr. A. has thought fit to speak, yet will he always be Reverenced as One of the chiefest Ornaments and Defenders of our *Church*, its *Doctrine*, and *Discipline*, by All who knew Him, and do not utterly forget Themselves.

Some

Some other Manuscripts were freely communicated to me (as they were also to Dr. A.) by the Reverend the *Lord Bishop* of *Norwich*: Particularly the two Registers of *Canterbury* and *Hereford*, so often mention'd, and I think to so good Purpose, in the following Book.

It may possibly be expected, that while I am making these Acknowledgments to Others, I should not wholly forget Dr. A. himself; who tells the World, not only that He had sent a very proper Information to Me, but that I did thereupon make some farther Enquiries than I had done before. But the Truth is, the Person whom He instructed with this Favour, deceived both Him and Me: And tho' I have made the best Enquiry I could about it, among our few Common Friends, yet am I still at a Loss to know either by what hands the Intimation He speaks of was sent, or indeed that any such Intimation was ever sent to Me at all.

What other Manuscripts I have used, and where they may be found, I have particularly noted in the *Catalogue* of Them, subjoin'd to this *Preface*. By these Helps, and the Advice of some Learned Persons, whom I took the Liberty of Consulting withal, when any Difficulties occurred to Me, as I thought my self qualified to handle this Subject in a more full and ample manner than had ever been hitherto done, so did I the rather choose to do it in an Historical way, that I might thereby avoid the very *Shew of Controversie* as much as possibly I could: And where I could not help engaging with my Angry Adversary, I have yet endeavour'd to oppose him with the least Offence that I was able; and do hope that I have (generally) so watch'd my self, as not to return upon him any part of those Injuries, which he has thought fit, with such an industrious, unrelenting, Scorn and Malice, to cast upon me. For, indeed, I should be very sorry to be Guilty of That my Self, which I take to be so highly Blameable in Him. But if after all, I should chance to have been any where surprized into any Reflections contrary to this Rule, (which yet I hope I have not) I must bespeak at once both the Pity and Excuse of my Reader: Who may from thence discern how unfortunate a thing it is to be Obliged to Converse with some Persons; from the Contagion of whose Examples, tho' a Man watch himself never so carefully, yet he cannot be Always, or Absolutely, secure.

As for the *Matters of Fact* which I have Reported, I doubt not but that they will appear to have been generally very exact. I know whom I have to deal with; and had I no Concern otherwise for Truth, yet I should not have been willing, by departing from it, to give so Vigilant and Merciless an Adversary any Advantage against me. Not that I suppose but that in running through so large a Series of History, where such an infinite Number of Things and Circumstances are brought to light, which before were either not at all, or but very little understood, several Mistakes may have been Committed, for which I must expect no Quarter from Those whose Concern it is, at any rate, to run down my Performance. I have written under a Continual Distraction from Other Affairs which were not to be Neglected. Many Things I have been forced to take upon the Report of Others; and in Those which I have Examined my self, I may justly fear I have sometimes been mistaken.

Such

Such Errors as these, tho' I have used my utmost Care to prevent Them, yet I dare not pretend to be altogether free from Them. Our most accurate Historians have labour'd under the like Misfortunes: And till Writers cease to be Men, these Instances of Human Frailty will more or less appear in their Best Performances. This I can with great Sincerity profess, and having said it I shall have done; *I have not willingly Mistaken, much less have I Misrepresented, any Matter of Fact: I have not knowingly Concealed any thing that made against Me: I have Asserted nothing but what I verily believe to be the Truth: And I have defended it with nothing but what after a diligent Examination I take to be True.* Under this Assurance I cheerfully commit my Self, and my Cause, to the Judgment of all Wise, and Charitable, and Indifferent Persons. For the rest, and particularly for Dr. A. they have their Liberty; let them *Think*; let them *Speak*; let them *Write* as they please of Me.

C

The

*The Manuscript Registers, Histories, and Records,
referr'd to in the following Book.*

TH E Parliament Rolls from Edw. the IIId. to Henry the VIIth.
Jura Cleri, &c. Extracted out of those Rolls, in Biblioth. Lambeth.
The Journals of the House of Lords, from K. Henry VIII. to K. James II.
Summonit. Parliamentar. a 23 Edw. I. ad 3 Edw. VI. MS in Bibl. Lambeth. fol. num. cclxxxv.
Chartæ Antiquæ ex Autograph. in Turri descript. inter MSS Dom. Stillingfleet.
Rot. Claus. Reg. Johann. 3 Vol. fol. ibid.
Rot. Claus. in Turri Lond. ab Edw. II. ad Edw. IV.

Registra Archiepiscoporum Cant. in Bibl. Lambeth.
-----Ecclesiæ Christi Cantuar. in Ecclef. Metropol. Cant.
Registrum Henrici Prioris Cantuar. in Bibl. Episcopi Norwic.
Registra Episcoporum Londinensium.
Registra Episcoporum Winton. & Ecclef. Winton.
Registra Episcoporum & Ecclesiæ Lincoln.
Registra Episcoporum Sarisberiens.
Registra Episcoporum, & Ecclesiæ Wigorn.
Registra Episcoporum Hereford.
-----Registr. Booth, Fox, & Bonner Episcop. Hereford. penes Episc. Norwicensem.
Registra Episcoporum & Ecclef. Eliens.
-----Registrum Eli, penes Episc. Norwic.
Registra Episcoporum Coventr. & Lichfeld.
Acta Capitul. Ecclef. Cath. Lichfield. in Mus. Ashmol. Oxon. num. 794.
Registra Episcoporum Roffens.
Registra Episcoporum Cicestrens.

Registra Archiepiscoporum Eboracens. & Ecclesiæ Ebor.
Acta Convoc. Provinciæ Ebor.
Registr. Episcoporum & Ecclesiæ Dunelm.
Registra Episcoporum Carliol.
Registrum Prioratus Bathon. in Hospitio Lincoln.
Registrum Gualteri de Moniton Abbat. Glaston. in Colleg. Gresham. num. 2.
Acta & Processus contra Templarios in Prov. Cant. MS. in Bibl. Bodl. NE.
Synodalia in Colleg. Corp. Christi Cantabr.
Acts and Extracts of Convocations of the Province of Cant. since the Reformation.

Textus Roffensis in Ecclef. Roffens.
MSS. Chronici Saxonici Varia. Bibl. Cotton. Tib. A. 6. B. 4. B. 1.
Et sub nomine Chron. Abbendon. Domit. A. 8.
Chronic. & Annal. de Theokesbury. Bibl. Cotton. Cleopatr. A. 7.
Chronicon Prioratus de Dunstable. Ib. Tiber. A. 10.
Chronicon Jo. Malvern. MS Colleg. Benedict. Cantabr. M. 14.
Chronicon Adæ de Murimuth. MS in Colleg. Magd. Oxon.
Chronicon S. Albani MS. in Bibl. Bodl. NE. F. ix. 1.
Chronicon Anonym. Codd. Laud. Bibl. Bodl. Oxon. K. 84.
Continuatio Polychronici, a tempore quo definit Knyghton. MS. penes Hent. Worsley
ex Hosp. Lincoln. Armig.
Historia Jo. de Everiden. in Collegio Armorum.
Historia Walteri Coventre. inter MSS. Dom. Stillingfleet.
Historia Petri de Yckham. in Bibl. Lambeth. Cotton. & Bodlejan. Laud. 1. n. 61.
Continuatio Gualteri Hemingford. MSS Digby. Oxon. num. 170.
Codex Wigorn. Bibl. Oxon. inter MSS Francisc. Junii. num. 99.
Vita Edwardi III. MS. Anonym. Colleg. Magd. Oxon.
Epistolæ Thomæ de Bekynton. Bibl. Lambeth. fol. n. ccxi.
Historia Ann. 1269. MS Corpor. Christi Oxon. num. 154.
Lireræ Universit. Oxon. ad Regem Henricum V. ibid. num. 183.
Several Miscellaneous MSS of the Cotton Library, Tiber. C. 1. Cleopatra E. 1. 2. 5. &c.

I shall not need to mention the Editions of our Printed Historians, &c. Only I must observe, that throughout the Whole I refer to the 1st Edition, and separate Addenda of Dr. A's Book; being the only Editions I have of it.

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THE
STATE
OF THE
Church and Clergy
OF
ENGLAND.

CHAP. I.

Of the several kinds of the Assemblies of the Clergy of England : And particularly, Of 1. Their Parliamentary Convention. 2. Their Provincial Convocation. 3. Their Diocesan Synods. And, 4. Their Provincial Councils. And how all these differ from One Another.

THE Design of the present Undertaking being to give an Account of the *Rights, Powers, and Priviledges* of an *English Convocation* ; Two things there are that will be needful to be *Stated* by me ; without a right Understanding whereof, it will be impossible to bring this Matter to any Certain and Rational Conclusion :

First, What that English Convocation, of which we are now Discoursing, is ? And,

Secondly, What those Rights, Powers, and Priviledges are, which we either affirm, or deny, to belong to it ?

For the better clearing of the *former of these*, I must observe, that tho' the Word CONVOCATION be, in its self, of a general signification, and may indifferently be applied to any *Assembly* which is *Summon'd*, or *Called together after an orderly Manner* ; yet Custom (which in these Matters is wont to prevail) has determined its Sense to an Ecclesiastical Use, and made it if not *only*, yet *principally* to refer to the *Assemblies of the Clergy* ; of which some Account therefore, must in the first place be given by me.

That the *Bishop* of every *Diocess* had here, as in all other Christian Countries, a Power to *Convene* the Clergy of his *Diocess*, and in a *Common Synod* or *Council* with them transact such Affairs as specially related to the *Order and Government* of the Churches under his *Jurisdiction*, is not to be question'd. These *Assemblies of the Clergy* were as *Old* almost as the first Settlement of *Christianity* amongst us : And, amidst all our other Revolutions, continued to be *Held* to the very time of King *Henry the VIII.* Something of this kind there is still continued in the *Church of York* ; whether in any other, I cannot tell.

B

What

Provincial
Councils.

What the *Bishop* of every *Diocese* did within his own *District*, the *Archbishop* of each *Province*, after that *Greater Division* was made among us, did within his proper *Province*. They called together first the *Bishops*, afterwards the *Prelates* of their *Province*; and, by degrees, added to these such of their *Inferiour Clergy* too, as they thought needful, for *Counsel* and *Advice*, and with their leave, sometimes even for *Voice* and *Suffrage*.

In these two *Assemblies* of the *Clergy* (the *Diocesan Synods*, and the *Provincial Councils*) only the *Spiritual Affairs* of the *Church* were wont, for a long time, to be transacted. So that in this Respect therefore there was no difference between the *Bishops* and *Clergy* of our own, and of all other *Christian Churches*. Our *Metropolitans*, and their *Suffragans*, acted by the same *Rules* here that they did in all other *Countries*: They held these *Assemblies* by the same *Power*; *Convened* the same *Persons*; and did the same *Things* in them.

National
Councils.

When the *Papal Authority* had prevailed here, as in most other *Kingdoms* and *Countries* of *Europe*, by the leave of our *Kings*, and at the *Command* of their *Legats* sent from *Rome*, another and yet larger sort of *Councils*, were introduced among us, of the *Bishops*, and *Prelates* of the whole *Realm*. These were properly *National Church-Councils*, and were wont to be held for some special designs, which either the *Pope*, the *King*, or *Both*, had to promote by them.

Sect. 2.
Of the State
Assemblies of
the Clergy.

But besides these *Synods* common to *Us* with all other *Christian Churches*; and which were in their *Nature* and *End*, as well as *Constitution*, properly and purely *Ecclesiastical*; Two other *Assemblies* there were of the *Clergy* of this *Realm*, peculiar to our own *State* and *Country*; in which the *Clergy* were *Convened* not for the *Spiritual Affairs* of the *Church*, but for the *Good* and *Benefit* of the *Realm*, and to *Act* as *Members* of the one as well as of the other.

Now the *Occasion* of these, was this: When the *Faith* of *Christ* was thoroughly planted here, and the *Piety* of our *Ancestors* had liberally endow'd the *Bishops* and *Clergy* of the *Church* with *Temporal Lands* and *Possessions*; not only the *Opinion* which they had of their *Prudence* and *Piety* prompted them to take the most *Eminent* of them into their *Publick Councils*, but the *Interest* which they had by that means in the *State*, made it expedient so to do; and to commit the direction and management of their greatest *Offices* and *Affairs* to them. Hence our *Bishops* first, and then some of our other *Prelates*, were very early brought into the great *Councils* of the *Realm*; and there, together with the *Laity*, consulted and acted in them.

Thus were the greater *Clergy* first brought into our *State-Councils*, and made a constant, stablish'd part of them. But, in process of time, our *Princes* began to have a farther *Occasion* for them: For being encreased in *Number*, and with that in their *Wealth* too; not only our *Kings*, but the *People*, began to think it reasonable that they should bear a part in the *publick Burdens*, as well as enjoy their share of the *Publick Treasure*. Hence our *Saxon Ancestors*, under whom the *Church* was the most free, yet subjected their *Lands* to the threefold *Necessity* of *Castles*, *Bridges*, and *Expeditions*. *William the Conquerour* changed their *Tenure*, and laid the *Burden* of a further *Service* upon them. And the following *Princes*, in their *Parliaments*, *Taxed* a great part of their *Temporal Possessions*, after the same manner, and at the same time, that they did those of the *Laity*.

Sect. 3.

But still this reach'd but to a small *Number* of the *Clergy*, and to a part only of the *Revenues* of those whom it did affect: The *Body* of which was yet, in great measure, exempt from these *Charges*; and was therefore by some other way to be brought under the same *Obligation*. In order hereunto several Measures were taken, till at last they settled into that *Method*, which finally obtained, and set aside the necessity of any other way. First, the *Pope* laid a *Tax* upon the *Church*, for the Use of the *King*; and, both their Powers uniting, the *Clergy* were forc'd to submit to it. Next, the *Bishops* were prevailed with, upon some extraordinary *Occasions*, to oblige their *Clergy* to grant a *Subsidy* to the *King*, in the Way of a *Benevolence*: And for this, Letters of *Security* were granted back by the *King* to them, to ensure them that what they had done, should not be drawn into *Example*, or *Consequence*, against them. And these *Concessions* were sometimes made by the *Bishops* in the *Name* of their *Clergy*; but the common way was, that every *Bishop* held a *Meeting* of the *Clergy* of his *Diocese*: There they agreed what they would do; and empowered first their *Bishops*, afterwards their *Arch-deacons*, and finally *Proctors* of their own, chosen for that *End*, to make the *Concession* for them. Thus

Thus stood this matter, till about the time of King *Edward* the First, who not willing to continue at such a precarious Rate with his *Clergy*, took another Method; and after several other Experiments, fix'd at last upon an *Establishment*, which has in some sort been continued ever since to this very day. The Method he resolv'd upon was this: Having *Summon'd* his *Parliament*, and issued out his *Writs*, as usual, to the *Bishops* and *Prelates* to come to it; he inserted a *New Clause* into the *Bishops Writs*, which from the first Word of it is called the *Præmunientes Clause*, by which he required them to Cite such of their *Inferiour Clergy* to come along with them to *Parliament* as he there specified, and thought sufficient to *Act* for, that is, in Truth, to *Grant* him *Aids* in the Name of, the whole Body of the *Clergy*.

Here therefore began a *New Assembly*, for I cannot properly call it any thing else, of the *Clergy* of the *Realm*: A *National Collection* summon'd to Represent the whole Body in *Parliament*; and to *Act* as the *Estate* of the *Clergy* there. In this Capacity they were from thenceforth commonly Cited to that great Council; and consider'd as one of the first, and chiefest *Estates* of the *Realm* in *Parliament*. Sect. 4.
The Parliamentary Convention.

I shall not need to say how unwilling the *Clergy* were to be drawn into a part of these *Great Councils*, or what good reason they had for such their unwillingness. A late *Author* has referr'd this to their Love of their *Priviledges*, and an over-tenacious adherence to their *Spiritual Rights*, which exempted them from the *Obligation*, as they thought, of being *summon'd* by any *Lay-Power*. But this was at most but the pretence: The true cause was, that by coming with the *Laity* to *Parliament*, they foresaw they should also be *Tax'd* with them there; and be forced to bear as great, perhaps a greater proportion, of those *burdens*, than the *Laity* themselves would do.

It was for fear of this, that they first applied to the *Papal Authority* to cover them from these *Impositions*. When that would not do, they recur'd to other Methods. Sometimes they quarrell'd with the manner of their *Summons*: At others, they came but in *small Numbers* to *Parliament*, and then pretended they could do nothing in the absence of the rest of their Brethren. Sometimes they brought such *limited Powers* with them, as restrained them in a manner, from *Acting* to any purpose there: At others they had *double*, or *treble Letters* of *Proxy*; some more *limited*, to shew above-board, others more *large* to proceed upon in case of an *extraordinary Exigence*; and to avoid such Inconveniencies as an absolute Refusal to do what was required of them, might be likely to bring upon the *Clergy*. But the most common and reasonable *Excuse* was, that the *Persons* call'd by the King to *Parliament*, were but a *small part* of the *Body* of the *Clergy*; and therefore instead of *Granting* what was demanded of them there, they pray'd that they might meet together in a larger proportion in their own *Provincial Assemblies*, and there in a *fuller Body* agree upon what they should do.

In this the King was contented to indulge them: So that he carry'd his *Point*, and had his *Aid*, he was willing to leave them to their own *Way*, in the granting of it. And the *Clergy*, who hoped by these means in time to recover their *Liberty*, by breaking off from their *Parliamentary Attendance* altogether, the more readily complied with the King's desires in the one, that so they might be the more easily *Excused* from the other.

These *Provincial Assemblies* of our *Bishops* and *Clergy*, Convened for these Ends of *Supplying* the King's Needs, either by *confirming* what had before been conditionally granted in *Parliament*, or by *granting* that here, which they had refused to do there, are what we properly call *Convocations*; and which at first differ'd from their *Provincial Councils*, not only in the *Members* of which they were *Composed*, and in the manner of their *Call* to them; but especially, in the end and purpose for which they were *Summon'd*, and the *Business* that was done by them; the one being held for *State*, the other for *Church, Affairs*. In the one they were called to act as the *Ministers* of *Christ* in things pertaining to the *Doctrine* and *Worship* of the *Church*: In the other to *Treat* as *Members* of the *Commonwealth*; and for the good of the *Church*, as it was incorporated with the *State*; and thereby exposed to all the *Evils* and *Dangers* which should any time fall upon it. Sect. 5.
The Convocation.

At first these *Convocations* were called by our *Metropolitans*, at the desire or instance of the King, without any particular *Writ* or *Commission* to that purpose.

pose. But when the Method began to be once settled, so that the *Clergy* would not grant any thing out of their *Spiritualties* to the *King* in *Parliament*, but only in *Convocation*; then the *King* thought it needful to fix upon a more certain Way, whereby to secure their meeting in these *Assemblies* for this End: And so by his *Writs* to the *Archbishops*, he as much required their meeting in *Convocation*, as by those to the *Bishops* he had required their coming to *Parliament* before.

Sect. 6.

Thus were these *State-Conventions* of our *Clergy* first settled, and their *Assemblies* fix'd for *Civil Matters* as well as *Ecclesiastical*. And their *Provincial-Convocations* were at the first as distinct from their *Provincial-Councils*, as their *National-Assemblies* in *Parliament*, from their *National-Assembly* in a *Legantine*, or *Church-Synod*. But in process of time a *Confusion* ensued: And as the meeting of the *Clergy* in *Convocation*, and doing that there from the time of *K. Edward II.* for which *K. Edward I.* had called them to *Parliament*, soon lessen'd their *Appearance*, and lost their *Interest* there: (The *King* and the *Clergy* being in a manner agreed, the one not to come to *Parliament*, the other not to concern himself whether they came or no, so long as they did his *Business* elsewhere:) So their frequency of *Assembling* in *Convocation*, by degrees, very much lessen'd, tho' it never totally broke, their *Meeting* and *Acting* in *Provincial-Councils*; and put them upon transacting the *Business* of both, in either. The first beginning of this was Owing to the *Exigences* of the *King's Affairs*; who, when the *Clergy* were met in *Council* for the proper *Business* of the *Church*, began early to send his *Commissioners* to them, and desire an *Aid* of them; and which rather than be obliged presently to come together again for that end in *Convocation*, they were oftentimes content to grant in *Council* to him.

But our *Archbishops* kept up the distinction yet longer, on the other side; and either transacted no proper *Conciliary Affairs* in *Convocation*; or, if they had any such to transact there, they issued out *Conciliary Letters* together with their *Convocation-Mandates*, and caused their *Clergy* to meet under a double Capacity, by a double Call, for the double Work that was to be done by them when they came together. But even this too, in time, was omitted; and the *Archbishop* thought it enough, when they were *Assembled* in *Convocation*, either by his *Authority* to require, or by his *Consent* to permit them to *Act* in a *Conciliary* manner also. By this permission or command of his, he made them a *Council* as well as a *Convocation*; and that as effectually as by his *Letters of Summons*, he had been wont to do it before.

Thus the Case stood, when the *Act of Submission* in the 25th of *K. Henry VIII.* was passed. Since which the *Clergy* being restrained from making any *Canons* or *Constitutions*, in their *Convocations*, without the *King's Licence*; the Power, as to this particular, which was before lodged in the hands of the *Metropolitan*, is now put into the hands of the *Prince*: Who having summon'd them as a *Convocation* for *State-purposes* (as his *Writ* shews) has it now in his own Breast, whether he will let them *Act* at all as a *Church-Synod*, or no. They are a *Convocation* by his *Writ of Summons*; but a *Council*, properly speaking, they are not, nor can they *Legally Act* as such, till they have obtain'd the *King's Licence* so to do.

Having said thus much, in general, with relation to the several kinds of *Assemblies* of the *Clergy* of our *Church* and *Realm*; I will now go on more particularly to Enquire into the *Nature*, *Rights*, and *Powers*, of the Chiefest of them, and that in this Order:

First, I will Consider what may be necessary to be known, with Relation to the two *State-Assemblies* of the *Clergy*:

1. The *Parliamentary Convention*, and
2. The *Provincial Convocation*.

Secondly, Of the two more common *Ecclesiastical Assemblies*:

3. The *Diocesan Synod*, and
4. The *Provincial Council*.

1. Of the *Parliamentary Convention* of the *Clergy*.

Sect. 7.

I shall not need to say, that when the *King* designs to hold his *Parliament*, he is in Order thereunto, to issue out his *Writs* some convenient time before, for the Summoning of such of the Members of it, as are obliged to pay a *Personal Attendance* there; and for the Election of those, who are to represent the rest of the Kingdom in it. In pursuance of this Method of calling his *Parliament*,

liament, the King sends a distinct *Writ* to every *Bishop* of *England*, (the *Bishop* of the *Isle* of *Man* only excepted) in which having first declared the Cause of his holding of it, and appointed the *time* and *place* of its Assembling; he requires that laying aside all other Affairs, every such *Bishop* should take care to be personally present at the *time* and *place* prefix'd, *Nobiscum & cum ceteris* ¹ *Quibusdam* *Pralatis, &c.* ² *arduis & ur-* ³ *gentibus Nego-* ⁴ *tiis, &c.* ⁵ *To Treat and Advise together with himself, and with the rest of the* ⁶ *Nobiscum ac* ⁷ *cum Pralatis,* ⁸ *Magnatibus,* ⁹ *& Proceribus* ¹⁰ *prædictis, super* ¹¹ *actis Negotij,* ¹² *tractaturi, ve-* ¹³ *strumq; Consili-* ¹⁴ *um impensuri.* ¹⁵ *Brev. Parliam.* ¹⁶ *Prelates, Great Men, and Nobles, upon the Affairs, which are there to be consulted about.*

And thus far the *Writ* concerns the *Bishop* alone; and is in substance the same with that of every other *Peer*, who is summon'd, in like manner, to *Parliament*. But the *Bishop* is not only concern'd to come to *Parliament* himself, but is required to premonish his *Clergy* to come along with him. And therefore to his own *Summons*, a farther Clause is added, to Empower and Command him to *Summon* them: ¹ *That he should premonish the (Prior or) Dean and Chapter of his Cathedral Church, the Archdeacons, and all the Clergy of his Diocese; that they the said (Prior or) Dean, and Archdeacons, in their proper Persons; the Chapter by one, and the Clergy by two fitting Proxies, sufficiently Empowered by the said Chapter and Clergy; should by all means be present at the Parliament with him, (to Do) and Consent to those things, which by the blessing of God shall by their common Advice, happen to be Ordained, in the matters aforesaid: And that this he should by no means omit.*

Such is the Command which every *Archbishop* and *Bishop* receives from the King, with relation to this matter: I cannot tell whether I ought not to observe; ² *See Prymmer's Register, p. 7, 8. Part. 1.* that in the *Diocesses* of *Coventry* and *Litchfield*, and of *Bath* and *Wells*, the *Priors* and *Covents* of *Coventry* and *Bath*, as well as the *Deans* and *Chapters* of *Litchfield* and *Wells*, being required heretofore to come to *Parliament*, they were both put into the *Premunitory Clause*; and *Summon'd* after the same manner that the *Deans* and *Chapters* of the other *Diocesses* were. But I must not omit, that in case a *Bishop* were abroad in any foreign Parts, so that the King's *Writ* could not be directed to him, nor executed by him; it was wont ³ *See Prymmer's Register, p. 9. ib. Electo Menevensi, vel ejus Vices gerenti ipso agente in Partibus transmarinis.* to be sent to his *Vicar-General*, to act in his stead; and by him, the *Clergy* of every such *Diocese* were premonished, after the same manner that they should have been by the *Bishop* himself, if he had been at home.

Nor was there any less care used in the *Vacancy* of a *See*, than in the *Absence* of the *Bishop*; The *Writ* ⁴ *See Summo-* ⁵ *nit. 24. Edw. I.* being directed to the *Dean* and *Chapter*, as *Guardians* ⁶ *Custodi Archie-* ⁷ *piscopatus Ebor.* of the *Spiritualties*, in the one case, as it was to the *Vicar-General* in the other. So that still the *Clergy* of the *Diocese* were sure to be *Summon'd* to *Parliament*; ⁸ *Sede Vacante.* and required to attend the King in it. ⁹ *Sic. 27. Edw. I.*

The King's *Writ* being thus directed to, and received by the *Bishop*, it was communicated by him, in this manner, to his *Diocese*: Copies of the *Writ* were made out, and directed to the *Prior*, or *Dean*, of the *Chapter*, and to the *Archdeacons* of the *Diocese*; and a *Mandate* added to this Effect: *That he did by Vertue of the recited Writ, premonish them, and by them the Chapter, and Clergy, that they themselves in Person, and their Chapter and Clergy by their Proctors, should take care to be present at the day, and place, mentioned in the King's Writ, for the Ends and Purposes therein required of them.* ¹⁰ *Custodibus Episcopatus Lincol. sede Vacante: & Capitulo Ecclesie B. Petri Ebor. Custod. Spir. ejusdem Dioc. sede Vacante—* ¹¹ *&c. Prym. p. 11.*

To secure their *Obedience*, in this respect, both to their own *Mandate*, and to the King's *Writ*; the *Bishops* sometimes were wont to Command their *Clergy*, that they should some convenient time before the *Session* of *Parliament*, account to them what they had done in pursuance of both. And then the return ¹² *Ven. in Christo Patri, &c.—* ¹³ *Mandatum Vestrum nuper suscepimus in hac verba—* ¹⁴ *Hujusmodi igitur* ¹⁵ *Mandato Vestro* ¹⁶ *in omnibus pre-* ¹⁷ *rebinus, ut con-* ¹⁸ *venit. A. 1295* which was made was commonly after this manner: They recited in their *Certificate* the whole *Mandate* as sent to them by their *Bishop*, with the King's *Writ* included; and added that they would pay a due *Obedience*, as it befitted them, to his said *Mandate*: ¹⁹ *Regist. Henr. Prior. Cant. fol. 67.* which was a kind of *Discharge* to the *Bishop* for his having duly Executed the King's Commands, according to the Tenor of the *Writ* directed to him.

The *Clergy* having thus made their *Return* to the *Bishop*; the *Bishop* did in like manner certify the King of what he had done, in *Obedience* to his Command. Of this I have met with an *Instrument* as low as ²⁰ *Append. ad An. 1539.* King *Henry* the Eighth's time; which may serve to shew at once both the ancient Practice, and the occasional continuance of it, in this Particular.

Being thus *Summon'd* both by the King, and their *Bishop*, to come to *Parliament*; the next thing to be done was, to meet together for the choice of their *Proctors* that were to be sent thither. For this the *Dean*, or *Prior*, held his *Chapter*, and the *Archdeacon* his *Synod*; in which the *Proctors* being chosen; they were sent up

up to the *Parliament* at the time appointed with *procuratorial Letters*, from the *Chapter* and *Clergy*, to Empower them to act in their Names, and on their behalf, in it.

These Letters were directed, for the most part, to the *King*; tho' sometimes they were only prefaced with a General Address to *All Persons whom it might Concern*: But still the substance of them was, "To *Make, Ordain and Appoint*, the "Persons who were sent by them, their *Proctors*, to appear on their behalf in *Parliament*; there to *Treat with the Prelates, and Great Men, of the Realm, of the* "things to be debated in it, for the good of the *King and Kingdom*; and to con- "sent to what should be agreed to, on their behalf; and to engage themselves "to abide by what their *Proctors* should do, under the *Caution* (many times) of "all their *Goods*."

Of these *procuratorial Letters* (if we may give Credit to that ¹ *formulary* of calling the *Clergy* of *England* to *Parliament*, enter'd in the *Register* of *Archbishop Arundel*, almost 300 years ago) there were usually two Copies seal'd to every *Proxie*; one of which he was himself to keep, the other was to be delivered to the Clerk of the *Parliament*, to be Enrolled by him. And sometimes besides these *Ordinary Proxies*, which were wont to be more restrained, they had ² one or two of a larger *Power*, which were secretly committed to them, and not without great need to be either shewn, or used, by them.

Having thus received their *Commissions* to attend upon the *King* in *Parliament*, it is not to be doubted, but that accordingly in the time of *King Edward I.* they did do it. How long they continued to meet and act there, is a *Question* which I shall not undertake to determine. The *Conjecture* of our learned ³ *Heylin* (a Person well versed in these matters) is what at present seems to me the most probable; that about the time of *King Henry VI.* they began to leave off being made use of in any business; till at length by degrees they were not enquired after, nor did come at all to it. To this we may presume the *Clergy* themselves gave encouragement; who always look'd upon their *Parliamentary Attendance* as a Burden and a Grievance, and were therefore glad, to get free from it; tho' in this they are thought by some of our modern *Church States-men*, to have been out in their *Politicks*.

But tho' the *Lower Clergy* therefore seem not to have come to *Parliament* for above 200 years past, yet the *King* has nevertheless still continued to keep up his *Right* to their Attendance; and the *Bishops* have upon Occasion continued to pay Obedience to his *Writ*, by their *Execution* of it. The *premunitory Clause* is still the same, (excepting where the Reformation made by *King Henry VIII.* has alter'd it as to the *Priors* of the *Cathedral Churches* now all turn'd into *Deans*) that it has been for Three hundred years past: And that *Clause* has continued to be, more or less, Executed, down to the very last *Century*. A late *Author* ⁴ has furnished us with Instances to shew, that not only the *Bishops* sent their *Mandates* to their *Deans* and *Archdeacons*, but that they Obeyed them too; by choosing their *Proctors*, and Empowering them to Act for them, to the end of *King Henry the Seventh's* Reign. From the Records of the Church of *York* ⁵ it appears that they continued to do the same to the latter end of *King Henry the Eighth*. In those of the Church of *Norwich* ⁶ we have the like Evidence, for the time of *Queen Elizabeth*. And in ⁷ *Litchfield*, an instance of the *Bishops* Executing this *Clause* at the latter end of *King James the First's* time. In the Church of ⁸ *Lincoln* we find this *Clause* to have been Executed yet later, by the Authority of *Archbishop Laud*, Anno 1640. Whether any notice since that hath been taken of it, I cannot tell: But as the Authority upon which these Persons Acted is the same now that it ever was, so it cannot be doubted, but that every *Bishop* to whom such a *Writ* is directed, may legally proceed after the same manner in it; tho' a long desuetude, added to the great Change which has been made in the Reason of the thing it self, seems to have rendred it not only *needleless*, but *inexpedient*, so to do.

While the *Proctors* of the *Clergy* were not only chosen for the *Parliament*, but were required to Attend upon it, and Act in it; they were sometimes wont upon their return, to account to the *Clergy* what they had done in pursuance of that power which they had granted to them. ⁹ To this end the *Clergy* were again Assembled, at the end of the *Parliament*, to hear, receive, and put in effectual Execution, what had been ordained and done, by the *Prelates, Archdeacons*, and their own *Proctors*. But the backwardness of the *Clergy*, in granting *Aids* to the *King* in *Parliament*, which

¹ Registr. Arundel. par. 1. fol. ultimo.

² Memorand. Jo. Dalderby Ep. Linc. fol. 229. 247. 267. &c.

Lib. Aet. Capit. Linc. Secundus. fol. 5.

³ Tracts, fol. p 703, 704.

⁴ Rights, &c. Append. num. xi.

⁵ Aet. Capit. Ebor. ab Anno 1504. Anno 1536 1539.

⁶ Registr. Brev. Epist. &c. temp. Jo. Parkhurst An. 1572.

⁷ Registr. Capit. Litch. Anno 1620.

⁸ Lincoln. lib. Aet. Capit. not. xx. fol. 204. ad An. 1640.

See Dr. A's since Addit. the writing of this.

⁹ See Registr. Hen. Prior. Cant. fol. 63. Tho' the meeting that refers to was of a singular nature, and not a compleat Parliament. Vid. infr. ad Ann. 1294. Append.

in a little time brought the giving of *Subsidies* wholly within the Power of their own *Provincial Convocations*, soon put an end to *this Practice*; of which, therefore, not many *Instances*, I conceive, remain upon Record to us.

And thus have we seen how by the *Bishops Writs* alone, the *Clergy* of the *Realm* were generally call'd to *Parliament*. There is yet one part of it remaining to be accounted for, I mean the *Regular Prelates*; the number of which that were Personally called to *Parliament*, as it was not very great, so it may suffice to say, that they were commonly Summon'd thither by several Writs specially directed to each of them; after the same manner (excepting the *Premunitory Clause*) that the *Bishops* were wont to be.

But tho' this therefore were the Method first settled by King *Edward the First*, and which has still continued to be the stated manner of *Summoning* the *Clergy* to *Parliament*; yet a time there was, in which this alone was found not to have been sufficient, to oblige them to a due Attendance upon the Service of the *King*, and the Affairs of the *Kingdom*, in it. And therefore to strengthen these several Summons made by the *Premunitory Clauses* in the *Bishops Writs*, a farther Care was taken, to issue out two *Provincial Parliamentary Writs* to the two *Archbishops*; requiring them to add their *Mandates* to the *Clergy* of their *Provinces*, not to fail to do, what the *King* had, by his other Summons, required of them. The Sum of these Writs was this: "That the King having resolved at such a

Sect. 10.

"certain time to hold his *Parliament*, upon the Account of divers great Affairs, which especially touched himself, and the state of his *Kingdom*; and therein to Confer, and Treat with the *Archbishops* and the other *Prelates* and great Men, and Nobles of his *Kingdom*; had thereupon sent his Writs to the several *Bishops* of his *Province*, and commanded them that (at the Day and Place appointed) they should not fail to be personally present, to Treat with the other *Prelates* and great Men, upon the said Affairs, and to give their Advice with relation thereunto: And that farther he had commanded them, to premonish the *Deans*, *Priors*, and *Chapters* of their *Cathedral Churches*, the *Arch-Deacons*, and all the *Clergy* of their *Diocesses*; That their said *Priors*, *Deans*, and *Arch-Deacons*, in their own Persons; their *Chapters* by One, and their *Clergy* by Two Proxies, sufficiently empowered by their respective *Chapters* and *Clergy*, should, together with their *Bishops*, attend at his *Parliament*; to do, and consent to what should there be Ordained, with relation to the Affairs before-mentioned. Which Recital being thus made, it then follow'd to the *Archbishop* to this effect: "That the *King* being unwilling that his Affairs, to be Treated on in the said *Parliament*, should be hindred by reason of the Absence of the said *Deans*, *Priors*, and *Arch-Deacons*, did therefore command and intreat him, That he should cause the *Deans* and *Priors* of the *Cathedral Churches*, and the *Arch-Deacons* of his whole *Province*, to come in their proper Persons; and the *Chapters* of the *Cathedral Churches* by One, and the *Clergy* of every *Diocese* by two Proctors a-piece, to the Place, and at the Time appointed; to treat of, and consent to, what should there be ordered in the Premises.

¹ Regist. Reynolds. Arch. fol. 299. 308, &c. Regist. Stratford. Ep. Wint. fol. 29. Regist. Henr. Prior. Cant. fol. 236. &c.

This was the Form of those Writs which were sometimes sent to the two *Archbishops*,² or to their *Prior* and *Chapters*, if the *Archbishopricks* themselves were Vacant; to secure the Attendance of the *Clergy* at the *Parliament*: The *Archbishops* having received them, did issue out their *Mandates*² to the several *Bishops* of their *Provinces* accordingly; requiring them peremptorily, to Cite those of their *Diocesses*, whom it concern'd, to obey the *King's Orders*; and to certify them of the Execution of this their *Mandate*, and return to them at the Day and Place appointed, the Names of those whom they had Cited to come to the *Parliament* in pursuance thereof.

² Regist. Reynolds. Arch. Cant. fol. 326. b.

When these kind of Summons to *Parliament* first began, and how long they continued, I shall not pretend exactly to define: The most early which I have met with, was that directed to *Archbishop Winchelsea*, in the Fifth of *Edward the Second*; (probably the very first of this nature) as the last was that of the Fourteenth of *Edward the Third*; after which, if Mr. Pryn⁴ has been exact in his search, there are no more upon Record; and therefore we may conclude, That about that time, the *King* began to omit them; being little concern'd whether the *Clergy* came duly or not to *Parliament*, so long as they both came to, and did his Business, according to his desire, in their *Convocations*.

³ Regist. Epist. Rob. Langley Prior. Norwic. fol. xiii. a. Append. ad Ann.

⁴ Pryn. Reg. part. i. num. 74

The *Prelates* and *Clergy* being thus, by One, or Both these ways, called, to the *Parliament*,

¹ Regist. Cob-
ham. fol. 71. b.
In Append. ad
Ann. 1321.

Parliament, were obliged with great Exactness to attend upon it; and that at the Day on which the King had appointed it to begin. Infomuch that the Bishop of Worcester¹ being detained by some necessary Business of his Church, which he feared might hinder him from coming to the beginning of it, he was forced to send his Excuse in a very Dutiful manner to the King, by a special Messenger, Mr. Nicholas de Bore; "who was Empower'd to give his Majesty a more full account of his Concerns, and to beseech him to bear with a short delay; the Bishop engaging himself to consent to whatsoever should be ordained in that Assembly, before his Arrival.

² See before
Sect. 8.

If any Bishop or Prelate were under such Circumstances that they could not come in Person to the Parliament at all, in that case they were wont to appear and act by *Proctors* deputed in their stead. These were Empowered by *Procuratorial Letters*, directed sometimes to the King himself; sometimes only pre-faced in general; but still the substance of them was,² "To Commission the Proxies who were constituted thereby, jointly and separately to appear on their behalf before the King in his Parliament; and to treat with him, and the Nobles and Great Men, and Prelates of the Realm; and to Consent in their Names to what should be ordain'd, by the King, his Nobles and Council; and to alledge upon all Occasions the Cause of their Absence, and make Excuse for it.

How the Lower Clergy (being thus assembled) acted in Parliament, and in what Affairs their Consent was thought to have been necessary, it is not easy to Determine. If in a matter so Obscure, I may be allow'd to offer my present Thoughts, I conceive that the Bishops and Clergy, like the Lords and Commons, deliberated of such Matters in which they were properly concern'd, in a separate Assembly, by themselves; which having done, they left it to their Archbishops and Bishops to deliver their Sense, and to give or refuse their Assent, for them, in Parliament. For, to the best of my Observation, I cannot find that they were wont to appear Personally there like the Lay-Commons, to transact their own Affairs; and in many cases 'tis evident, that they referr'd it to their Bishops to Petition, and Act for them.

Rot. Parl. 3.
Rich. II.
Num. 38.

As for the things to which they were called to Consent, they were chiefly, if not only, those which concern'd their own, or the Churches legal and proper Rights. In other matters, their Consent was so little expected, that their express Dissent, was not thought sufficient to put a stop to them. Of this, we have a famous instance in the Third of Richard the Second, in which, when it was resolved to enlarge the Powers of the Justices of Peace, and the Prelates and Clergy made express Protestations against it, that it had not, nor should ever pass with their Consent;—Answer was made for the King, that the King would not forbear for their Protestations to make his Justices as he was wont, and by his Coronation-Oath was obliged to do. And even in matters of a more near relation to the Church, yet if the Interest and Liberties of the State were no less concern'd, the King and his Parliament did what they thought needful to the support of it, notwithstanding their Remonstrances against it; as in the Cases of Mortmain, Provisions, Ecclesiastical Courts and Causes, Tythes, &c. might easily be made appear.

And thus have I given such an Account as was needful to clear the nature of this first sort of the Assembly of the Clergy; and which, by this time, I suppose, will not be thought to have been improperly called by me, their Parliamentary Convention: It being indeed a proper part of the Parliament of England; and making up one of the first and chiefest Estates of it. I shall only stop so long, as to offer a few necessary Observations upon what has been Discours'd, as to this matter, and so go on to the other kind of Convocation, which I am in the next place to consider.

First Then, From what has been said, it is plain, that this Assembly was a Convention of a civil Nature, tho' composed of Ecclesiastical Persons. For besides that the other two Estates, the Nobility and Commons, are meerly Lay; this Meeting, as I before said, was clearly a part of the High Court of Parliament, which surely is far from being an Ecclesiastical Council. Nor is it any Exception against this, that possibly Ecclesiastical Affairs may sometimes be found to have been transacted in it; and with which the Other Estates have not medled. For tho' since the time of King Edward the First, (that is since the time that our Parliament was settled into that form under which we are now considering of it) this has but rarely happen'd; yet would that only prove that the Archbishops and Bishops

Bishops, took the Opportunity of their being called together to the *Parliament*, to transact some Affairs among themselves, in a *Conciliary* manner; and in that acted not by vertue of the *Kings Writ*, but at the *Archbishop's command*, or by a *voluntary consent* among themselves, in what they did. But considering this *Assembly* as called by the *King's Writ*, and meeting upon his Business with the other *Estates* of the *Realm* in *Parliament*; and acting in their *Parliamentary Capacity* there; tho' (as the two *Houses* now do) they might, and I conceive they did, separately meet and debate by themselves, yet was it still as a part of that great *Council*; and so their *Assembly* must even then be look'd upon as a *Civil*, and not as an *Ecclesiastical*, *Assembly*.

Secondly, As this Convention was in its Nature and End, a meer Civil Assembly, so was it, in the next place, a *National Convention*. It was called from all *Parts* of the *Realm*; and that in order to represent the *Whole Clergy* of the *Realm*, and to *Act* on their behalf there. And accordingly it appears, that while the *Premunitory Summons* was not only issued out by the *Prince*, but was actually *Obeys'd* by the *Clergy*, they came from both *Provinces* alike to the *Parliament*, in the same manner that the *Bishops*, who were Assembled by the same *Writ*s, continue at this day to do. Sect. 13.
So also Rights, &c. p. 226, 228.

As therefore the High Court of *Parliament* is in its *Frame* and *Constitution*, a *National Assembly*; so must the *Clergy* which were Summon'd to it be look'd upon as designed to Represent the *whole Body* of the *Clergy* of *England*; and not those of *One Part*, or *Province* only, as, in their other *Convocations*, we shall hereafter see that they did.

Thirdly, From what has been said, it evidently appears, that as the *Parliament* is, in general, the *Great Council* of the *King* and *Kingdom*; so this *Assembly* of the *Clergy*, thus called, must be accounted to have been the same; a *part* of the *Council* of the *King* and *Realm*, as the *Lords* and *Commons* are. Sect. 14.

Hence we see that the whole *Direction* of it, is seated Originally in the *King*, and entrusted to his Management. 'Tis he who *Summons* it, who appoints both the *place* and *time* of its *Assembling*; and when he sees fit, either *Prorogues* it to a farther season, or wholly *Dissolves* it. Whenever he pleases he comes, and sits in it: He requires all the *three Estates* to *Attend* upon him; commands their *Resolutions* to be laid before him; and by his *supreme Authority* either *Confirms* them into *Laws*, or utterly *disannulls* them, as he sees cause to approve, or not, of their *Deliberations*.

In this *Council*, neither the *Clergy*, nor either of the other *Estates* can conclude of any thing by themselves. They may *debate asunder*, may *transmit* their *Resolutions* to one another; but *every part* must consent before any thing can be done to bind the *whole Kingdom*, or be so much as presented to the *King* for his *Royal Assent* in *Parliament*.

And from all which the Conclusion is plain and certain, that this *Parliamentary Convention*, was only a part of a much greater Body; which could Establish nothing by it self, but was to *Treat* and *Consent*, together with the other *Estates* of the *Realm*, in *Parliament*, and to *Act* in *Conjunction* with them; and, at last, to be ruled by the *Royal Authority* which called them together, and without which all their *Debates* were of no *Force*. Let us now see, what the Nature of that *Other Assembly* of the *Clergy* is; which, to distinguish it from this I have hitherto been speaking of, I before called

2. The Provincial CONVOCATION.

That the *Realm* of *England*, with relation to its *Ecclesiastical Politie*, is divided into two *Provinces*, under the Power and Conduct of two *Metropolitans*, the *Archbishops* of *Canterbury* and *York*, every one knows, who knows any thing at all of the *Estate* either of our *Church* or *Kingdom*. Now the *Assembly* of the *Prelates* and *Clergy* of either of these *Provinces*, under their respective *Archbishop*, for the dispatch of such Affairs as the *King* requires them to meet about, and proposes to them being *Assembled*, and which relate to the *Church* as it is a *Part* and *Member* of the *State*; is what I call our *Provincial Convocation*, and what since the disuse of the other before-mentioned, and of our *Provincial Synods*, hereafter to be Considered, is, in General, denoted by the Word *CONVOCATION*. Sect. 15.

How these *Convocations* have been *Assembled*; of what *Persons* they have *Consisted*; after what *manner* they have *Acted*; and how their present *Constitution*, does in all these particulars differ from what it was before that *Submission of the Clergy* Anno 25th of *Henry the Eighth*, of which I shall hereafter speak, are points not only in themselves very fit to be Considered, in such a *Discourse* as this; but are withal so necessary for the true *stating* of the *Questions* under debate, that I shall not think it at all beside my purpose, to insist particularly upon them.

Sec. 16.

It is not to be doubted, but that our *Archbishops* had heretofore a sufficient *Power* of their own, to *Summon* the *Clergy* of their *Provinces*, at such times as either the *Canons* of the *Church* directed, or the *Necessities* of the *King's Affairs*, required them so to do. This, we are sure, they did do, and our *Princes* readily allow'd of it: But especially from the time of which I am now discoursing, and from which I have dated the Establishment of the other *Convocation*, the Reign of *K. Edward the First*, the power of the *Metropolitan* to *Assemble* his *Provincial Clergy*, was so well settled, that should the *Prince* have opposed it, he would not only have been thought therein to have invaded the *Liberties* of the *Church*, but would probably have been treated by them as one that did so.

Indeed so proper a part was this accounted of the *Archbishop's Prerogative*, that even the *King* himself could no otherwise call one of these *Convocations*, than by making use of his *Authority* in the doing of it. And tho' when the *King* Comanded the *Archbishop* to hold a *Convocation*, he was, for the most part, regularly Obey'd in it; yet, should a *Dispute* have risen, and the *Metropolitan* have refused to *Summon* his *Clergy* in Obedience to his *Writ*, such was the power of the *Church* in those days, that we may confidently Conclude they would not have dared to come together, without his Leave, or against his Will.

Sec. 17.
1 Registr.
Courtney Arch.
Cant. fol. 81,
82.

An eminent Instance of this we meet with in the time of *King Richard the Second*,¹ when the *Commons* having granted to the *King*, *Two Fifteenths* upon this Condition, that the *Clergy* should, in their *Convocation*, give two *Tenths*; the *Archbishop* in open *Parliament* protested against such an Imposition; and declared that he would never more treat with his *Clergy* about granting any *Subsidy* to the *King*, or call a *Convocation* to any such purpose, till that Condition in the *Grant* of the *Commons*, were rejected, and razed out of it.

2 Registr.
Courtney. 1b.
fol. 82.

The *King* comply'd with the desire of the *Clergy*, and caused that whole Clause to be razed out of the *Grant* of the *Commons*; and the *Clergy* thereupon agreed to a *Tenth*; the one half absolute, the other under some certain Limitations. This was done the 19th of *December* 1384. Upon the 15th of *January* following the *King* wanting a farther Supply, issued out a new *Writ* to the *Archbishop*² for another *Convocation* to be held before the *Mid-Lent* following. The *Archbishop* being Grieved at this, wrote with great Instance not only to the *King*, to withdraw his *Writ*, but to the *Chancellor* and *Treasurer*, to the *Bishop of Landaffe* the *King's Confessor*, and the other *Court-Bishops*, to perswade him so to do:³ Concluding, that he would rather be ruined himself, then expose the *Clergy* to such *Exactions*; And I believe, says he, that the *Clergy* cannot be called together, unless I write to them to that purpose.

3 Ib. fol. 83.
a. Credimus
quod Clerus
Convocari non
valeat, nisi
scripsimus pro
eodem.

'Tis true either his *Courage* fail'd him in this particular, or he was prevailed with to change his Resolution: For the *Convocation* met, tho' the *King* got nothing by it. But however this shews what the *Archbishop's* Opinion was; and we need not doubt but that he well understood a matter in which his *Metropolitanical Authority* was so highly concern'd.

4 Rationes
Cleri Prov.
Cant. contra
formam Cita-
tionis, &c.
Anno 1314.

As for the *Clergy*, they were so far of the same Opinion, that *Archbishop Reynolds* having once inserted the *King's Writ*, at length, into his own *Mandate*; tho' he call'd them together by his *Ecclesiastical Authority*, yet being met, they enter'd their Remonstrance against⁴ this, as well as against some other particulars; affirming that it was an *Injury* to their *Ecclesiastical Liberty*, and tended to the subversion of it, to have the *King* at all to meddle with their *Assembling*: And Cited no less than a *Provincial Ordinance*, made before in the time of *Archbishop Winchelsea*, to the same purpose; That no *Convocation* should be held in time coming, upon the pretence of any such commands.

It is therefore certain, That these *Convocations*, tho' not strictly in their own Sect. 18. nature *Ecclesiastical Assemblies*, yet have always been convened by an *Ecclesiastical Authority*; nor is there, I believe, so much as a single Instance to be given of their having been call'd by any other: And tho' the King has been always in possession of a right, to require the Archbishop to summon his *Provincial Clergy*, whenever he has thought it for his service so to do; yet the very Terms in which he was wont to require this of him, plainly shew by what Authority the *Convocation* was accounted to meet; ¹ *We intreat and command you, says he, to call together the Bishops of your Province, to appear before you, in such a Place, and at such a Time as you shall think fit.* So the Old Writs generally ran; and the Archbishop thereupon required the Bishop of London, by his own *Ecclesiastical Authority*, to Summon them accordingly: ² *Quocirca, &c.* to confirm all, the Bishop of London having received the Archbishop's *Mandate*, to this purpose, took no other notice of the King's *Writ*, than barely to recite it, as it lay in the Archbishop's *Mandate*; and so went on: ³ *"By Vertue and Authority of the most Reverend Letter (the Archbishop's Mandate) peremptorily to Cite each Bishop of the Province to appear, at the time and place appointed therein for their Assembling."*

And accordingly all the other *Instruments* which relate to the Calling of these *Convocations*, agree in this particular; and shew, that even when the King required such a *Convocation* to be held, yet it was by the Archbishop's Authority that it was called, and held: For the Bishop of London having, in Obedience to his *Primate's* Command, issued out his *Mandate* to every Bishop of the Province to come himself, and to bring his Clergy along with him to the *Convocation*; each Bishop in his *Diocese*, sent to his Dean and Chapter, and Archdeacon, or Archdeacons, thereupon; And required them to put the Archbishop's Orders in Execution; and then 'certified the Archbishop of what he had done in this manner; *"That by the Authority and Force of his Letters which he there recited, or rather of his most reverend Command; he had summoned his Clergy, and would come himself, as he was required."* And the Bishop of London returned his Certificate at the meeting of the Synod in these Terms: *"That by Authority of the Archbishop's Letters, he had summon'd the Bishops of the Province, to the Day, Business, and Place expressed in the said Letters; And by the same Authority had commanded and enjoined them, &c. and all this without taking the least notice of the King's Writ, or of any thing done by him, by vertue thereof."*

vestrarum literarum exigit, & requirit. Et sic Mandatum vestrum Reverendissimum, quantum in nobis fuerit, sumus diligenter— Executi. Certificator. Episc. Lond.

¹ *In fide & dilectione quibus nobis tenemini Rogando mandamus, quatenus suffraganeos vestros, &c. Convocari faciat. So the Convoc. Writs ran.*

² *Quocirca Fraternitati vestrae committimus & mandamus, quatenus omnes & singulos dictae Ecclesiae nostrae Cant. Suffraganeos, &c.—Citeris. Et postea, Citari peremptorie & praemuniri Volumus, & Mandamus. &c.*

³ *Quarum quidem literarum Reverendissimarum— Vigore pariter & autoritate, Vos— peremptorie Citamus, &c.*

⁴ *Vobis igitur— Mandamus quatenus dictum mandatum— legitime Exequamini. Form. Execut. Mandati.*

⁵ *Reverendissimo, &c. — Mandati vestri— autoritate & vigore, Priorem Ecclesiae nostrae Cathedralis, &c.— Citari et praemuniri fecimus, &c. Forma Certificatorii.*

⁶ *Quarum autoritate literarum omnes & singulos, &c.— peremptorie Citavimus, ad diem & locum in dictis vestris literis expressat. mandando eadem Autoritate & injungendo eisdem— facturi, visuri, audituri & recepturi, quod tenor*

Hence in all the *Acts* of these *Convocations*, when met, it appears that they were called, and carried on, as the Archbishop's *Convocations*; And so they were stiled too, and that by the King himself, in all those *Instruments* in which he had any occasion to speak of them. And to put it beyond all question, that these *Convocations* were wont to be held, not by the King's *Writ*, but the Archbishop's *Mandate*; whenever he pleased, he not only prorogued them from time to time, but, by his own Power, dissolved them too; and that tho' call'd and held by him at the King's command.

Such is the Authority, by which these provincial *Convocations* were wont to be Assembled heretofore; and by the very same Authority it is, that they continue to be held now. Nor has the Statute of the 25th of Henry the 8th, had any other influence on the state of these *Assemblies*, as to this matter, than only this; That whereas before, the Archbishop might, whenever he pleased, without any other Direction, by his own proper Motion, have summon'd his Clergy to his Synod; now he may not do it, but by the King's *Writ* to warrant him therein: But as for the power of calling of them, that is still left to him as it was before; the *Mandates* run in the same Form; and by his *Summons* it is, and by no other, that our *Convocations* do assemble at this day.

Having thus seen what the Power is, by which these *Convocations* are called; Sect. 21.

let us, in the nextplace, enquire into the *Method* of calling of them. I have already observed, that since the Act of the 25th of *Henry* the 8th, the first step toward the assembling of one of these *Convocations*, must proceed from the *King*; without whose *Writ* the Hands of the *Metropolitan* are now tied up, so that he is no longer at liberty (as he once seems to have been) to call the *Bishops* and *Clergy* of his *Province* to him at his own *Will*. I must now add, that when the *King* does by his *Writ*, require the *Metropolitan* to *Assemble* his *Convocation*, he is, by the same Law, oblig'd to do it: The intention of which being to transfer the whole power of *Assembling* the *Convocation*, which was before divided between the *Prince* and the *Primate*, to the *King* alone; It must therefore be understood, not only to restrain the *Archbishop* from summoning of it without the *King's* leave, but to oblige him to do it, at his *Command*. Nor indeed is this any more then what the *King* was in possession of long before: The *Clergy* in their *submission* confess it, and our *History* clearly delivers it to us. For, notwithstanding the struggle of the *Clergy* against our *Princes* meddling at all in this Matter, which I before mentioned, and of which I shall give a more full Account hereafter; yet certain it is, that both *Archbishop* *Peckham* and *Winchelsea* had summon'd these sort of *Convocations* at the command of *King* *Edward* the *First*; and that all the following *Archbishops*, from *Archbishop* *Reynolds* downward, did continue in like manner so to do. ¹ As for *Archbishop* *Peckham*, he not only inserted the *King's* Letter at large into his *Mandate*, *Anno* 1282 (which so much offend- ed the *Clergy* in the Case of *Walter Reynolds*) but professed himself in Obeying the *King* in that Matter, to do no more than what he thought he was in Duty bound to do. ² And which ought to be more consider'd in a Man of his Character; he not only thus summoned his *Clergy* at the *King's* command, but for the more speedy and sure Assembling of them, he broke through the Formality of executing his Summons by the *Bishop* of *London*, to whom that Office belong'd; and left it to the *King* to send his *Letters* by his own *Messengers* to them, ³ and to add his own *Royal* command in this Case to the others *Ecclesiastical* Authority.

¹ Registr.
Peckham. fol.
lxxxii.

² Quia igitur
Regie Maje-
stati tenemur
quatenus se-
cundum deum
possimus Obedi-
re.—Vobis—
Mandamus,
&c.

³ Vid. Epist.
Jo. Peckham
in Append. ad
Ann. 1282.

⁴ An. 1297.
Reg. Winchel.
fol. 225, 226.
An. 1298. Re-
gist. lb. fol. 242.

Sect. 22.

'Tis true, *Archbishop* *Winchelsea* was more stiff, both in opposing that *King*, and in Exalting the *Ecclesiastical* Authority; but yet ⁴ Instances we have still remaining upon Record to shew, how far even he comply'd with his Demands in this Particular: And tho' under a weak Prince, and a new *Archbishop*, a stand was made, and some endeavours used by the *Clergy* to free themselves from all pre- tence of Convening at the *King's* command; yet in a little time, they setled again upon the Old Bottom: Insomuch that from *King* *Edward* the *Third's* time downward, I have not met with any one *Archbishop* who refused to call his *Clergy* together, whenever the *King* insisted upon it, and by his *Writ* required his so doing.

How the *King's* *Writ* to the *Archbishop* in this case was penn'd, I have in part before observ'd. The usual Form was this; Having first declared the Rea- sons, for which he thought such an *Assembly* was necessary to be held; in the next place, "To desire and command the *Archbishop*, That considering the pressing Needs and Occasions before-mentioned; he would cause his *Suffragans*, &c. to be cal- led together in the usual manner, to appear before him, in the place there mentioned, or any other which he should judge to be more expedient; and that with all convenient speed. To which oftentimes was added, an Engagement to him to press his *Clergy*, "by the best Arguments he could use, to a liberal supply of his Needs, and to certifie "into the *Exchequer*, the quantity, and Circumstances of what should be granted by "them.

This was the substance of the *King's* *Writ* to the *Archbishop*: Indeed as to the Circumstance of Time, that began, by degrees, to be more limited. For First, the *King* prescribed a certain Term, within which he should cause his *Convocation* to be Assembled: Afterwards he appointed the very day to him. But in this, the *Archbishops* heretofore took their own Liberty, and fixed upon another day, or some longer time than what had been prescribed to them. Howbeit, by de- grees, even in this too, the *King's* Authority prevailed; and the *Royal* *Writ*, not only assigned the very day for the *Clergy* to meet upon, but was punctually o- beyed in it.

When therefore the Statute of the 25th of *Henry* the 8th, put the calling of the *Convocation* under the direction of the *King's* *Writ*; it restrain'd indeed the *Metropolitan* from convening it by his own power, without the *Prince's* Authority and

and Allowance, as he had sometimes been wont to do before; but it made no other change in the manner of assembling it: The whole process of which continues in the same Method, and almost in the very same Words, that before were used; And what that Form was, I now proceed to consider.

In the Province of York, the Archbishop having received the King's Writ, immediately sends out his Mandates to his Suffragan Bishops, to come to his Convocation, at the Time and Place appointed by it; and to summon their respective Clergy to do likewise. But in the Province of Canterbury, a more solemn method is used: The Archbishop sends his Mandate to the Bishop of London, (or in his absence, to his Vicar-general) reciting the King's Writ; and commanding him thereupon in his Name, and by his Authority, to require all the several Bishops of his Province, to appear before him at the Time and Place which he thereby appoints; and to summon their Clergy, who are to come to his Convocation, to be ready in like manner to appear before him. Sect. 23.

The Bishop of London; (or in the Vacancy of that See) the Bishop of Winchester; or in case of a Vacancy in both, which has sometimes happen'd, the Bishop of Lincoln; having received this Mandate from the Archbishop, forthwith dispatches a Copy of it to the Bishop, or Vicar-general of every Diocese within the Province of Canterbury. And then adds, *Quarum, &c.* "That by the Vigor and Authority of the most Reverend Letters before re-cited, he does by the Tenor of these Presents, cite the Reverend Father, (to whom he sends them) and by him, All and singular the Persons specified in the said most Reverend Letters, as far as concerns himself, his City and Diocese; to appear at the Day and Place before-mentioned, to do and receive, as the said most Reverend Letters denote. And further enjoins him, by the Authority aforesaid, at the Day and Place appointed, to certify the most Reverend Father, or his Commissaries, of what he has done in this matter, by his Letters Patents, containing distinctly and openly, the Names of the Persons that have been cited by him thereupon. *Regist. Arundel. fol. lxxv. a. Henr. Wint. Episc. Qui tanquam sacrosanctæ nostræ Cant. Ecclesiæ subdecamus, Ecclesiæ Lond. Vacante, quæ ipsius Ecclesiæ nostræ Cant. Decanatus decoratur honore, nostræ, & ipsius Ecclesiæ nostræ*

Mandata, ex debito vestri Officii recipere, & exequi tenemini cum effectu. Regist. Arundel Arch. Cant. — Henr. Episc. Lincoln. Qui tanquam sacrosanctæ nostræ Cant. Ecclesiæ Cancellarius, vacantibus London & Winton Ecclesiis, quæ ipsius Ecclesiæ nostræ Cant. Decanatus, & subdecanatus decorantur munio & Honore — fol. lxxii. vol. 1.

The Bishop of every Diocese, having received this Mandate from the Bishop of London, in Obedience thereunto, presently takes care to have it Obey'd, either by Executing it himself, or by sending a Copy of it to his Official; and then "Committing it to him, and requiring of him, to Execute it, according to the whole Force, Form, and Effect of it, with all convenient speed: And to certify him within a certain time, which he thereby limits, of what he has done, or caused to be done in the Premises. This the Official, or his Commissary-General does; and so the Persons are all duly Cited to, and Chosen, for this Convocation. Sect. 24.

Who they were that, of old, were wont to be summon'd to these Assemblies, the Forms of the Writs by which they were called, will not suffer us to doubt: In which the Archbishop requires the Bishop of London to Cite, first, the Bishops of every Diocese within his Province; "and by them the Deans or Priors of their Cathedral Churches, and the several Chapters of the same; the Archdeacons, Abbots and Priors, having Convents under them; and other Prelates of Churches, Exempt, and not Exempt, together with the Clergy of their Diocesses: And that the said Bishops or Vicars general, the Deans, Abbots, Priors, Archdeacons, with the other Prelates of Churches Exempt and not Exempt, should appear in their proper Persons; Each Chapter by One, and the Clergy of each Diocese by Two sufficient Proctors, to act for them. These were the Antient Members of our Convocations, from the time that they were called by the King's Writ: And the same still continue so to be; only with this difference, that there being now no Priors of Cathedral Churches, the Deans only are mentioned; and the Regular Clergy, which before made a considerable part of these Assemblies, since the dissolution of their Religious Houses, are totally omitted. Sect. 25.

The day of the Convocation being come, the Archbishop was with great state and solemnity attended to, and received at, the Place where it was to be held. This, in the Province of Canterbury, has commonly been St. Paul's Cathedral, London; where Mass being said, and a Sermon preach'd, the Convocation was commonly begun in the Chappel of the Virgin Mary, at the Head of the Quire of Sect. 26.

of that Church, and from thence adjourn'd to the Chapter-House, and continued there.

And here, first of all, the Bishop of London was wont to exhibit his Certificate to the Archbishop himself, of the Execution of his Mandate, in Citing of all Persons concern'd to appear before him in Convocation: Which being Read, the Archbishop usually appointed some Commissioners to receive the Certificates of the other Bishops; and to examin the procuratorial Letters of the Chapters and Clergy, and assign'd a time for the doing of it.

Sect. 27. How these Proxies differ'd from those which were sent up to the Parliamentary Convocation; the several Forms, still remaining of them, sufficiently shew. I shall only observe, That as those were commonly directed to the King; so these were, in like manner, to the Archbishop: As those empower'd their Proctors to act with the Bishops, Great Men, and Lords in Parliament; so these empower'd them to treat with the Prelates and Clergy in Convocation; and to consent to such things as should be concluded by them. And, as in the other Convention, if any who was required to come in Person to it, could not appear there, he deputed some one in his stead, to alledge the cause of his absence, and to act on his behalf; so in this Convocation, if any Prelate, Dean, or Archdeacon, came not himself, he sent up his Proctor to act for him; and desired, in this Case, the Archbishop, as in the other, the King, to allow of him.

Sect. 28. These Preliminaries being over, if any Persons concern'd to come to the Convocation, neither appear'd at it themselves, nor deputed any others to Act in their stead, the Archbishop pronounced them Contumacious; and Decreed that the Convocation should proceed in its Business, notwithstanding their absenting of themselves from it.

And now the Archbishop, as President of his Convocation, usually declared to them for what Reasons he had call'd them; and required them to debate maturely concerning them: And then, for the most part, the King sent his Commissioners to them, to lay before them the Necessities of the Government, and to Exhort them to a ready and liberal supply of them.

To deliberate of these things, the whole Convocation, at first, both met, and debated together: If any greater difficulties arose, the Archbishop directed them, to go aside into several Committees, and consider with themselves what was fit to be done, and to report their Opinions to him. Thus in the Convocation of 1296,¹ They divided into IV Bodies, and consulted; the Bishops by themselves; the Deans, and Archdeacons by themselves; the Religious Clergy, Abbots, Priors, and other Prelates by themselves; and the Proctors of the Clergy by themselves. Afterwards, they divided into III Parts²: And this continued to be the more common Method for some time. But still they were only occasionally dismissed by the Archbishop to some part of the Church, to advise together, and agree what they would do, upon some more difficult Matters, and so they came together again.

How they managed their Debates upon these Occasions, tho' we are not particularly inform'd, yet may we reasonably Conjecture; They agreed upon some proper Person to be, for that time, the Chairman of their Committee,⁴ and by him were both directed in their Consultation, and made Report to the Archbishop, and Bishops, of their Resolutions. Of this, the Acts of our Ancient Convocations give us several clear Intimations; in which the Dean of the Arches, or some other of the Archbishops Officials, is commonly found reporting the Conclusions of the Clergy to the Archbishop, without any manner of Choice mention'd, or Title extraordinary given him upon that Account. Sometimes two Persons together⁵ have been employ'd to this purpose; and sometimes, in the procees of the same Convocation,⁶ two distinct Prolocutors have been appointed to discharge this Office for them.

¹ Registr. Illip. Arch. Cant. fol. 117. b. Arch. cum Confratribus in Domum Capitularem D. Pauli divertit; Abbatibus, Prioribus, Decanis, & aliis, una cum procuratoribus Cleri, in dicta domo Capitulari remanentibus. — ib. Tota insimul Synodo, &c. — Sic Registr. Sudbury. fol. lix. Courtney lxxiii. &c.

² Vid. Chron. Dunstap. M^r. Cotton. in Hist. Convoc. fol. 84. 85.

³ Registr. Witlesey in Convoc. Ann. 1369. fol. xxii. b. &c.

⁴ Vid. Registr. Arundel Arch.

Cant. in Convocat. 1402.

fol. lix. &c.

1406 ib. fol. lxxv. &c. 1408.

fol. lxxi. &c.

Registr. Chich. Choice mention'd, or Title extraordinary given him upon that Account. Sometimes two Persons together⁵ have been employ'd to this purpose; and sometimes, in the procees of the same Convocation,⁶ two distinct Prolocutors have been appointed to discharge this Office for them.

ley, an. 1438. fol. cv. &c.

⁵ Convoc. Ann. 1411. Reg. Arundel.

A. C. fol. xxiii. Die lun. vii. Decemb. Ven. viri Magistri Henricus Ware Curie Cant. Officialis; & Philippus Morgan. Ex parte Cleri, cujus gerebant Organum vocis, exposuerunt, &c.

⁶ Sic Convoc. 1438. in Prima Sess. Thomas Bekynton: in Secunda Jo. Lyndesfield. (Tho. predict. adhuc vivente. lb. fol. cxii.) Registr. Chichley. fol. civ. cix. &c.

Whilst the ¹ Regular Clergy continued to deliberate by themselves, they also had their *Chairman*, as well as the *Seculars*, to moderate in their *Committees*, and to make report of their *Resolutions*. But for any certain Person solemnly chosen to manage the Debates either of the one, or of the other, as a distinct part, or body, of the Convocation, we meet with no instance of it, till Archbishop *Chicheleys* time, that is, till near the middle of the *Fifteenth Century*. In effect, the first Convocation, in which I have yet observ'd any *Prolocutor* of the *Lower Clergy* to have been chosen, at the beginning of their Session, is in that of 1425; in which the *Acts* of the *Synod* ² tell us, "That the Archbishop having declared the ² Convocat. Anno 1425. fol. xl. b. Regist. Chicheley A. C. cause of the Convocation the Second day of its Assembling; the Deans, Archdeacons, and Proctors of the Chapters and Clergy, at the command of the most Reverend Father, withdrew into the Lower-house, under the Chapter-house, to Treat of the said Causes, and to chuse out from among themselves, one Referendary, or Prolocutor, who, in all their stead, might deliver their Sence, and carry back the Answer that should be made to them. And the famous *Lyndewood*, was the Person who, upon this Occasion, was chosen by them.

But tho', in this Convocation, they, at the Archbishop's Command, chose a *Prolocutor*, yet did not this make it a constant Custom for them from thenceforth so to do. In the very next Convocation, ³ *Lyndewood* in the name of the Clergy, intimated indeed to the Archbishop what their Opinion was: but there is no Account that any choice was made of him, for any such purpose as before; nor is the Title of *Referendary*, or *Prolocutor*, here given to him, as it was in that other Convocation. In several Convocations after, either no notice is taken of any such Person at all; or none of any that was chosen, by the Archbishop's direction, to be a constant *Prolocutor* to them. And that none was so appointed, we have this Argument to assure us, that in the Convocation of 1438, Mr. *Thomas Beckinton* ⁴ is mentioned as their *Prolocutor*, in their first Session; and in the next Session of the same Convocation, both the Office, and Character, is ascribed to another Person, Mr. *Jo. Lindefield*, *Bekynton* being still alive, and a Member of their House. Which therefore, as I conceive, does evidently shew that they had only made choice of *Bekynton*, as they had been wont to do of others, to be their *Chairman* for that Occasion: And that now, he being absent; or, for some other reasons, which at this distance we cannot Judge of, they agreed upon the other, for the same purpose, and after the same manner.

Thus stood this matter during the whole time of Archbishop *Chicheley*; and so it continued in that of his Successor, *John Stafford*; as far as I can judge by the only Convocation, of which I have met with any *Acts*, during his Presidency, ⁵ Anno 1444. and in which, tho' Mr. *William Bycomill*, Official of the Archbishop's Court, be stiled *Prolocutor* of the Clergy, and Officiated as such; yet there is no intimation given of his Election to that Office, or any Command recorded of the Archbishop to any such purpose.

But what was hitherto a matter of private choice, rather than of publick notice, now became a standing Act of the Convocation. The Proctors of the Clergy, which before had only gone aside Occasionally to consult among themselves in some matters of a more than ordinary Importance; and, for the rest, transacted their Affairs together with the Bishops and Prelates; and even in Archbishop *Chicheley's* time, pass'd some whole Convocations, without ever separating, or going aside at all, now began to act in a Body by themselves; tho' still subject to the direction of the Archbishop and Bishops, and ready upon all Occasions to attend upon them, and make report of their proceedings to them. For this they had been wont to agree upon some of their own Members to moderate their debates, and to transact their Affairs with the Archbishop and Bishops in their Names; and the Archbishop and his Brethren, instead of opposing, had seem'd rather to give countenance to it. And now under the next Archbishop, the Custom began to be solemnly introduced, which has ever since continued: Who not only commanded them to go to their own House, and chuse their *Prolocutor*, but having so done to return and present him to him. ⁶ Vid. Act. Convoc. 1452. Registr. Kemp. fol. 219. &c. This they first did, as far as I have observ'd, in the Convocation ⁶ of 1452. when Mr. *John Stokeys*, Official of the Archbishop's Court, was both chosen and presented by them to this Office; and so continued to be Elected, and admitted to the same Employ in their following Convocations, for Eleven years together.

⁷ Registr.
Bourghier. fol.
13.

How this, at first, was done, we may in some measure learn from what is recorded of it in the Acts of our *Convocations*. In the *Convocation* of 1460, the *Rules of chusing and presenting the Prolocutor* ⁷ were either not yet perfectly Settled, or not yet sufficiently understood : For it is there said that the *Archbishop* having commanded the *Clergy* of the *Lower-house*, in the *Third Session*, to go to their *House* and chuse their *Prolocutor* ; in the next *Session*, they came up to the *Upper-house*, and conferr'd with the *Archbishop*, of, and concerning, certain *Articles* touching the *Election* of a *Prolocutor*. In conclusion of which the *Archbishop* commanded all those of the *Lower-house*, that they should repair thither and chuse a *Prolocutor*. This they did, and chose Mr. *John Stokelys*, *Official* of the *Court of Arches*, and presented him to the *Archbishop*, *Bishops*, and *Prelates*. He would have disabled himself for the *Office* ; but at the command of the most Reverend Father, he accepted of it.

⁸ Aft. Convo-
cat. ib. fol. 18. a.

In 1463, the most Reverend the *Archbishop* ⁸ commanded the *Deans* of the *Cathedral Churches*, the *Archdeacons* and *Proctors* of the *Clergy*, to go to the *Lower-house*, under the *Chapter-house*, the place assigned to them, and that where they were wont to sit, to chuse a *Prolocutor* : And Mr. *John Stokelys* was again chosen by them and presented to the most Reverend Father, and his Brethren, by *William Say*, *Dean* of *Pauls* ; which *Presentation* the *Archbishop* admitted of.

⁹ Registr. Mor-
ton. Arch.
Cant. fol. 34.

In *Archbishop Morton's Convocation* 1486, the most Reverend Father ⁹ *pro Tribunali sedens*, sent away the *Clergy* to chuse themselves a *Prolocutor* ; which being done, and the Person chosen presented before the most Reverend Father, and his Brethren, he was admitted, and accepted of, by the *Archbishop*.

How this *Election* and *Admission* has been transacted, since the time of King *Henry the Eighth*, the *Formulary* of *Archbishop Parker*, and the *Acts* of those *Convocations* which yet remain to us, sufficiently shew. The *Archbishop* still requires, as he was from the beginning wont to do, the *Clergy* of the *Lower-house* to retire to their place, and agree upon some pious, learned, and trusty Person, for that Employ, and solemnly to present him the next *Session*, to himself, with the *Bishops* in the *Upper-house*. Which having done, the *Archbishop* admits him to, and accepts of him for that *Office*.

Seft. 32.

Who they are that now constitute these *Two houses* of *Convocation* (since the dissolution of the *Religious Houses*) is easily resolved ; the *Archbishop* and *Bishops* alone remaining in the one ; and the *Deans*, *Archdeacons*, and *Proctors* of the *Chapters* and *Clergy*, continuing to constitute the other. As for their State immediately before, the *Original Subscriptions* of the *Convocation* of 1536, in the *Cotton Library*, ¹⁰ clearly represent it to us ; in which the *Two Houses* separately subscribe ; those of the *Upper-house* by themselves, and those of the *Lower* in like manner. And from whence it appears that at that time, the one consisted of the *Bishops*, *Abbots*, and *Priors* ; the other of the same kind of *Members*, of which it is now composed.

¹⁰ Cleopatr.
E. v.

¹¹ Registr. A-
rundel, A. C.
fol. 72. b.
1 Par.

And this seems to have been the Constitution of these *Two Houses* for above a hundred years before : For in the *Convocation* of *Archbishop Arundel*, ¹¹ *Anno* 1408, the *INFERIOR CLERGY* being divided apart from the greater *Prelates*, and sitting in the *Schools* of *Divinity* under the *Convocation-house*, according to the appointment of my Lord the *Archbishop*, after their usual manner ; the *Archbishop* of *Canterbury*, with the *Bishops*, *Abbots*, and *Priors*, in the other house, went on to the business then under consideration.

¹² Registr.
Chicheley. 1. Pa.
fol. 18. b.

The same was the Division in his Successor *Archbishop Chicheley's* time, as appears by the *Acts* of the *Convocation* ¹² of 1419. When the most Reverend Father, having declared the *Causes* of the *Convocation*, " Appointed the *Deans*, "
" *Archdeacons*, and *Proctors* of the *Clergy*, that they should repair to their usual "
" house, and there treat, and communicate, of, and concerning, the matter afore- "
" said ; to the end, that having deliberated of, and upon, the *Premises*, they "
" might by the Authority of the *Council* finally conclude, and unanimously or- "
" der concerning them. Upon which they forthwith retired from the *Chapter- "
" house*, to the place assigned them ; the most Reverend Father, with his Bre- "
" thren the *Bishops*, the *Abbots* and *Priors* of his *Province*, remaining, and treat- "
" ing together.

It were an easy matter to bring several other the like Authorities in proof of this ; but I suppose these are sufficient. I will only observe, That tho' the *Abbots* and *Priors* continued ordinarily to sit, and deliberate together with the

the *Bishops*, in the *Upper-house* after it, became customary for the other *Clergy* to debate a part from them; yet still upon any particular emergency, they divided too; and the *Religious* (as well as the other *Clergy*) went together to *Consult* and *Treat* of what they had to agree upon. ¹ Of this I shall offer but one Instance (and that later, in time, than those I before mentioned to shew their sitting together:) in the *Convocation* of the same *Archbishop Chicheley* Anno 1438: In which a debate arising concerning the promotion of *Graduates* in the *Universities* of *Oxford* and *Cambridge*; they concluded that certain *Statutes* being reform'd, which were set down in a *Cedule* presented by the *Abbot* of *Gloucester*, the *Prolocutor* of the *Religious*, they would agree to the *Constitution* made, with relation to that affair, in the *Convocation* of 1421. ^{Regist. Chicheley ibid. fol. 105. a.}

Having thus considered how the *Convocation* has been wont to meet, and prepare its self for *Action*; it will now be time to enquire how it has been wont to go on, and to *Treat* and *Conclude* of those *Affairs* for which it was *Assembled*. It cannot be deny'd but that before the time of King *Henry the Eighth*, the *Convocation* was in full liberty of *debating* and *determining* any thing that fell under its proper *Cognisance*, without any *restraint*, or *limitation* to hinder it in that respect. How far the *Statute* of the 25th of that King, c. 19. has *limited* them in their *power* of *making*, as well as of *promulging*, and *executing*, *Canons* and *Constitutions*, I shall hereafter particularly consider. In the mean time, we will enquire what the *State* of the *Convocation* was, in this respect, before the passing of that *Act*: And that will enable us the better to Judge, both of its *Powers*, and *Privileges*, at this day. ^{Sect. 33.}

That the *Archbishop* was wont, as *President* of the *Synod*, to declare to the *Prelates* and *Clergy*, the *Reasons* of his *Assembling* of Them, and wherein he desired their *Advice* and *Assistance*; I have before observed, and all the *Acts* of our *Convocations*, of which great numbers still remain to us, concur to shew it. Nor is it less evident from the same *Acts*, that of the things, so proposed to them, by the *President* of the *Convocation*, both the *Prelates* and *Clergy* were obliged, in the first place, to *Treat* and to *Conclude*. They represent the *Archbishop* as *Acting* in a very *Authoritative manner* in this respect; and directing them not only in the matters of which they should *Debate*, but oftentimes after what manner they should proceed in the *debating* of them. It would be too long to multiply the several *Instances* in this place, which occur to prove this to us; and I shall have a more proper *Occasion* hereafter to take a particular notice of them. I shall only add here, that excepting in the *Conditions* which accompanied their *Grants* of *Subsidies*, (and in which they oftentimes took occasion to represent such *Grievances* as they desired some *Remedy* of from the *Government*) it will be hard to find any *Instances* wherein the *Clergy* in *Convocation*, have, of themselves, debated of any thing without either the *general Leave*, or the *particular Direction*, of the *Archbishop*, as *President* of the *Synod*, so to do; or a *previous Petition* presented to him, for his *Consent* to them, to proceed in such matters as they were willing to *Consult* about. ^{Sect. 34.}

The *Subject* of their *Debates* being thus fix'd, the next thing will be to enquire how they proceeded to *Debate* upon it. Now this anciently they did All together, in *One Common Body*: If the matter were of a more difficult Nature, but especially if it concern'd the *Property* of the *Clergy*; (as in *Grants* of *Subsidies*, which I must still beg leave to say was the great *Business* these *Convocations* met about;) the *Archbishop*, in that case, usually required the several *Orders* of the *Convocation*, to *Consult* by themselves, and to *Agree* on what they thought fit to do. But still the *Resolution* was finally made by the *whole Synod together*; which for that reason generally began and ended every *Session* in a *common Body*, however they might afterwards divide into distinct *Companies*, for the better *Treating* and *Debating* of their *Affairs*. ^{Sect. 35.}

The *Convocation* being come to an *Agreement* in any matters, the *Archbishop*, as *President* of it, was wont finally to give his *Assent* to it; and so it became an *Act* of the *Convocation*; or rather to speak more conformably to the *Words* of their *Records*, an *Ordinance* of the *Archbishop* and *Convocation*. Hence we find the *Authority* by which their *Constitutions* were made, thus express'd in the publick *Acts* of their *Assemblies*: 'The *Archbishop* with the *consent* of the *Prelates* and *Clergy*, hath *Established* and *Ordained*: The *Archbishop* with the Con-

¹ Regist. Chicheley. 1. par. fol. 5. Dom. de Consensu Prælatorum & Cleri quandam Ordinationem fecit. — Eodem die, Dom. de Consensu Prælatorum & Cleri, ac de Decreto Consilii sui Provincialis.

¹ Registr. Arundel. 2 par. fol. 29. Mr. W. Byconil—prelocutor, supplicabat Domino ex parte Cleri—ut Festum S. Edwardi, de Fratrum suorum Consensu, sub duplici festo roboretur: Quod de consensu fratrum suorum, & totius Cleri in dict. Convoc. Statuit & Ordinavit.

² Ib. fol. 12, 13. Cum in nostro Provinciali Concilio,—de Consilio & Assensu Vestris (Ep. Lond.) & aliorum venerabilium Confratrum & Suffraganeorum nostrorum, ad instantem Petitionem totius Cleri nostræ Cant. Provinciæ, certas Constitutiones Provinciales—Ediderimus, &c.

Sec. 37. And even in the Concern of Subsidies, in which they may be accounted to have been the most Masters of themselves, yet evident it is that the Archbishop heretofore had a singular power over his Clergy, inasmuch that in one

³ Brev. Reg. Claus. 9. E. 2. m. 17. See Prynn. Registr. Vol. 1. p. 154. Ad subsidium nobis faciendum, quatenus Vobis absentibus, cui subsunt, & in quorundam aliorum absentia potuerunt, unanimiter Consenserunt. Sc. Prælati & Clerus—

⁴ Ib. Prynn. Registr. p. 234. E. Claus. 4. Ed. 3. m. 3. dors.—Prælati responderunt, quod propter absentiam vestram (Arch. Cant.) Eorum responsum tunc facere nequiverunt. Conf. Registr. H. Eccles. Cant. fol. 298. b.

⁵ Registr. Sudbury Arch. Cant. fol. 72. Exposuit itaq; Archiepiscopus necessitates Regias, sed simul protestabatur, quod non imponeret, nec artaret Clerum suæ provinciæ, ad aliquod certum Subsidium Concedendum.

that they neither gave any thing to the King, against his Will, and but seldom opposed what he insisted upon to be granted by them.

⁶ Registr. Wittlesey Arch. Cant. fol. 17, &c.

Thus in the Convocation⁶ of 1369, the Archbishop proposed to the Clergy the granting of a very large Supply, a Triennial Tenth to the King, and commanded the Religious to go apart to one side of the Church; the Clergy to another; and to consult about the Grant which he had mentioned to them; and report their Resolution to him in the Chapter-house the next day. This they did, and mutually agreed to give Two Tenths; the one, absolutely; the other, upon certain Conditions; but would by no means consent to give any more. Having made their Report, the Archbishop still insisted upon his first Proposal, and earnestly pressed them to comply with it; and then directed them to go aside once more, and think better of what he had desired for the King of them. Upon this second Division, the Proctors of the Clergy stuck to their first Grant; but the Religious so far comply'd, as to retrench the Conditions upon which they had before given the Second Tenth; but for a Third, they both excused themselves from complying with it.

Upon this the King sent his Commissioners again to the Synod, to declare the urgency of his Affairs, and shew them how that the Two Tenths proposed by them, would not answer his Occasions: And therefore exhorted them, that as the Bishops had Consented to a Triennial Tenth, so they would do likewise. When the Clergy heard this, they excused their Proceeding, by alledging that they knew not what the Prelates had done; whose Example they now presently followed; and after all their stiffness, yielded to what was demanded of them.

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As for the manner of passing such Grants, the Forms in which they proceeded were usually these: The Clergy of the Lower-house drew up, and presented their Grant to the Prelates: If they approved of it; then their part was to Consent: Which having done, the Archbishop, last of all, Accepted of it, and Confirmed it.

Among

Among the other *Subsidies* which pass'd in *Convocation*, One, not uncommon heretofore, was a *Charitable Benevolence*, or *Subsidy* to the *Archbishop* himself; in the Passing of which, the Phrase was somewhat alter'd, from what was used upon the other Occasions. I shall need only to offer one Instance for all, of this, in the *Convocation* of 1486, in which the *Clergy* granted to the *King* a great *Subsidy* of twenty thousand Pounds, and two *Subsidies* to the *Archbishop*; to which when the *Bishops*, and other *Prelates* had expressly yielded their *Consent*, and *Assent*; and unanimously granted, as much as in them lay, the said *Subsidies*; the *Archbishop* finally gave his *Consent* also to the *One*, and thankfully Accepted of the Others.

¹ Regist. Mor-
ton. Arch Cant
fol. xlv. a.

Thus were the Acts of this *Convocation* pass'd; and being thus ratifi'd by the *Archbishop*, they became thereby compleat and perfect; and neither needed, nor looked for, any other, or farther Authority. In the business of *Subsidies*, the matter is clear, beyond all Exception: For the *Archbishop* having certified to the *King*, the *Grants* of the *Clergy*, he presently issued out his *Writs* for the Collection of them; which was all that he either did in this case, or thought he had any need to do; plainly thereby acknowledging their Authority, and that their Acts were Valid by their own Power, and needed not any Ratification from without, to give force to them. And for their *Ecclesiastical Canons*, and *Constitutions* (to take in them also on this Occasion) the *Civil Power* medled not at all with them; unless they had chanced to go beyond their Bounds: but the *Clergy* having agreed to them, and the *Archbishop* ratified them; they were forthwith Published as his *Provincial Ordinances*; and all such within his *Province*, to whom it belong'd, were bound to take notice of them, and yield Obedience to them.

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Indeed, if in any thing they had Exceeded their proper Bounds, and determined in such Cases as did not belong to them, to the Prejudice of the *King*, his *Crown*, or *Dignity*; in that Case their *Constitutions* were not only accounted void of all Force by the *Laity*, but they were sometimes required themselves to repeal them. So *Peckham* did his *Constitutions*, made in his *Provincial Council*, Anno. 1279. Which, in the next *Parliament*, he himself revoked.

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² See Dr. Brady. V. ii. Ap-
n. 45.

The *Convocation* having done what it was summon'd for; the *Archbishop*, who, during its Session, had by himself, or his *Commissioners*, prorogued it according to his own pleasure; now, by the same Authority, was wont to dissolve it; and that without any *Writ* or *Licence* from the *King* so to do. And this he did, not only in the *Synods* which he called at his own proper Motion, but in the *Convocations* summon'd by him, in Obedience to the *King's Writ*. But in this, his Authority has since been abridged; so that now, as he cannot Assemble a *Convocation* but by the the *King's* pleasure, so neither having Assembled it, can he Dissolve it without his Permission: Nay, and even the *Prorogations*, and *Continuances* of the Sessions, are oftentimes made by *Writ* from the *King*; tho' in these, the *Archbishop* still continues to enjoy, if not all, yet, at least, a good Part of his *Ancient Prerogative*.

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But, tho' in this respect therefore his Power is much lessen'd; yet in the other Parts, which relate to the Government of his *Clergy* in *Convocation*, he has the same Authority he ever had. By vertue of this, he has still the sole Power of giving leave to any Members of the *Synod* to be either altogether absent; or, to retire before the *Synod* is ended. By the same Power he pronounces those, who neglect their Attendance, without his permission, *Contumacious*; and proceeds by *Ecclesiastical Censures* against them. Of all which, we have a clear Evidence in the *Convocation* of 1605; in which, three Members of the *Lower House* retiring from the *Synod*, without the *Archbishop's* *Licence* in that part, first sought and obtain'd, were suspended from the Celebration of *Divine Service*, and from all manner of Exercise of their *Ecclesiastical Jurisdiction*, Active or Passive; and in their several Churches, were publickly proclaim'd so to be.

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³ Regist. Bancroft. Arch. Cant. fol. cxxxviii. cxxxix.

And here then let us stop, and from the Account which I have hitherto been giving of this second sort of *Convocation*, let us consider what the nature of it is, and how widely it differs from that which I before describ'd. And

1. It may be observ'd, That this *Convocation* is a perfect and entire Assembly of it self; whereas the other was but a part of a greater Body; one of the Three Estates of the Realm in *Parliament*. Now this the very *Writs* themselves, by which these two *Convocations* are assembled, plainly shew: In the one of which,

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the Clergy are summon'd to appear before the King in Parliament, to (do, and) consent to such things, as by the Common Advice of the Other Estates, should be concluded upon; in the other, they are called to Debate, Conclude, and Establish by themselves, without either mention or concurrence of any Others. And the same their very Acts themselves declare; which, in their Provincial Convocation, they were wont to pass entirely by themselves, within their Own Body; and were so far from asking the Consent of the Lords, and Commons, that before the time of King Henry the Eighth, they needed not even the King's Authority to enforce them. Whereas, in Parliament, they could only begin such Affairs, as they desir'd to have pass'd, by Petition, like the other Commons: And without the Assent of the great Men first; and then of the King in Parliament; their Own Agreement signified nothing, as to the giving of any force or validity to what they did.

As much therefore as a part of an Assembly only, differs from a compleat and perfect Meeting; as much as an Assembly which can Conclude effectually upon Nothing, nor give Authority to their Resolutions, without the Consent of the other parts of the same Body; differs from an Assembly which is endowed with full Power and Authority to Conclude by it Self, its own Acts; so much must the One of these Convocations be granted to differ from the Other; and the Provincial Synods of the Clergy, be confess'd to have been; and, in some measure, still to be, more Perfect, and Authoritative in their kind, than their Parliamentary Conventions.

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2. From what has been said, it appears, That these latter sort of Convocations are not National, but Provincial: They consist of the Clergy, of but One of the two Provinces; and their Ordinances, and Constitutions reach no farther than the Bounds of that Province for which they Act; but have no Power to Oblige without the Limits of it. And in this again, this Provincial Convocation Essentially differs from the Parliamentary; which, whatever Defect it may have in other respects, is yet a part of a National Assembly; consists of the Clergy of the whole Kingdom; and by its Acts, when pass'd according to the Rules of its Constitution, binds the whole Realm to a Submission to them. Now this, as to the One Part of it, the Persons summon'd to these two Convocations, is again evident from the Writs by which they are Assembled: Which in the One are sent into both Provinces, and equally Cite the Bishops, and Clergy of them both; in the Other, are sent into One alone; and neither directed to, nor pretended to be sent any farther. And as for the other part, which concerns the Authority of its Acts; the very Name of Provincial Ordinances, by which they are called, and the Archbishop's Directions of them, and Mandates concerning them; all shew the Orders of these Convocations to be limited to the Provinces, by whose Prelates and Clergy they were made: And I need not say, that Acts of Parliament oblige the whole Realm, and are of equal force in one Province, as in another.

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3. These Provincial Convocations are (tho' not strictly) Ecclesiastical Assemblies; yet much more so than their Conventions in Parliament. The Persons of which they consist, are generally Ecclesiasticks: If any Others (as the Dean of the Arches, and possibly some other priviledg'd Persons of the Archbishops Courts) are admitted to be Chosen into them, yet are they such only as either Exercise, or are qualified to Exercise, an Ecclesiastical Jurisdiction; and are upon that account allow'd to be Members of Them. Their Affairs of which they are Authorized to debate, are of an Ecclesiastical Nature, tho' in Order to State Purposes; concerning the Security of the Church; the Priviledges which belong to it; and the Goods and Profits of the Clergy: And all which, as our Law-books tell us, even their very Subsidies themselves are Matters of a Spiritual nature, as long as they continue under the Debates of the Convocation; and are not passed by them into Lay-hands. Whereas in the Parliamentary Assembly all is quite otherwise: There the Persons are divided according to the Three Estates of the Realm; and so two parts are meerly Lay, to One that is Otherwise. Their Constitutions, indifferently take in Ecclesiastical and Civil Affairs: And of which soever it be that they determine, their Acts are good in Law; nor will any Exception, in that respect, lie against them, for having medled beyond their Bounds, and concluded of Matters which did not belong to them.

' Mich. 21.
Edw. iv. fol.
47. & 20. H. 6.
fol. 12, 13.

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4. In these Provincial Convocations, before the Clergy's Submission, the Authority of the Archbishop was Chief. He called them sometimes without any Writ at all from the King to authorise his calling of them. He appointed, for the most

most part, both the *Time* and *Place* of their *meeting*: He *presided* in them: He *prorogued* and *dissolved* them at his own *Will*: He gave *force* to their *Acts*; and, in effect, did the same in his *Convocation*, that the *King* was wont to do in his *Parliament*. And within the *Limits* of that Statute of the 25th of *Henry* the 8th, c. 19. and in subordination to the *King's* direction, he still continues to exercise a great part of that his *Ancient Jurisdiction* as to these *Matters*. But in the *Parliamentary Convocation*, all this *Power* is lodged in the *King*. He *Calls*, he *Prorogues*, he *Dissolves* his *Parliament*: He *passes* its *Acts*; and the *Archbishops* had no more to do in any of these *matters*, than the meanest of their *Suffragans* that was summon'd thither. All that they were entituled to, was, when the *Clergy* debated together, as a separate *Estate* of *Parliament*, upon any *Matters*, to be *Chief* in the *Committees* of the *Clergy* of their respective *Provinces*; and to make report of their *Resolutions*: But for any *Authority* in *Parliament*, when the whole *Body* met together, they had none at all; the *King* alone *Order'd*, and *Govern'd*, and *presided* in it.

And from all which, the difference between these two *Convocations* is clear, even to demonstration; That that *Assembly* which consists of the *Clergy* of one *Province* only; whose *Constitutions* bind only that *Province* for which they *Act*; which admits only of *Ecclesiastical Persons*, and can determine only of *Ecclesiastical Affairs*; in which the *Archbishop* of the *Province* had anciently the *ultimate Power*, and by virtue thereof, *presided*, *order'd*, and *govern'd* in it; must be altogether of a different *Nature* and *Constitution*, from such an *Assembly*, in which all these were quite otherwise: In which the *Clergy* of both *Provinces* met together; whose *Acts* bound the whole *Realm*; which consisted chiefly of the *Laiety*; and had *Authority* in all kind of *Matters*, without *Confinement* or *Limitation*: In which, *Lastly*, The *King* had the last concluding *Power*; and did finally *Order*, *Rule*, and *Govern* all; *Summoned* it by his *Writ*, and *Dissolved* it at his *Will*.

But 5thly, and to conclude these *Remarks*: This *Provincial Convocation*, however, for convenience and freedom of *Debate*, it is usually now divided into two *Houses*, is yet together but One *Assembly*, consisting of the *Bishops*, and *Clergy* of the *Province*, with their *Metropolitan* at the head of them.

Thus heretofore they both met and acted together, and pass'd several whole *Synods* without so much as once separating, or debating asunder from one another. When afterwards they divided, for the better managing of their *Deliberations*, it was only *Occasionally*, upon some greater *Emergency*, that they did so; and then they went aside for an *Hour* or two, treated by themselves, and so return'd to the *Place* of *Assembly*, and deliver'd their *Opinions*, and there came to a common *Resolution*. And tho' it be now become the *Establish'd Method* of this *Convocation*, when they sit and act, to *deliberate asunder* in two *houses*; yet this cannot alter the *Nature* of their *Assembly*, which is still called by the same *Writ*, that it was before this *Division* was thus settled into. By virtue of that *Writ* it meets, and acts; and from the *Terms* thereof, therefore, it must still derive its *Nature* and *Constitution*. Now in the *Writ* for the *Convocation*, not only the *Bishops*, but the *Deans*, *Archdeacons*, and *Proctors*, are all equally summon'd together; not only to meet in the same *place*, and before the same *Person*; but to treat so too: *Quod compareant, &c.* are the words; 'to appear before us, or before our *Commissaries* in *St. Paul's Church*, and to treat with Us: And therefore, tho' for the better dispatch of *Business*, the *Clergy* of the *lower-house*, commonly sit together, and debate among themselves, yet they then properly Act as a *Convocation*, according to the tenour both of the *King's Writ*, and the *Archbishop's Mandate*, when they come up to the *Upper-House*, and there agree with the *Prelates*, before their *Metropolitan*, of what they have to do: Whereas their debating by themselves, is but a preparatory *deliberation*, like that of a *Committee* of *Parliament*, for the better dispatch of their *Affairs* when they come together; and to fit *Matters* for a common *Resolution*.

Hence it is, that the *Archbishop* still acts as *President*, not of the *Upper-house* alone, but of the whole *Synod*. He *prorogues* the *Convocation* from one *Session* to another: And, if by the *Archbishop's* *Direction*, or *Consent*, the *lower Clergy* have sometimes been required, or allowed, to meet in the interval between *Session* and *Session*; yet the *Convocation* has nevertheless been looked upon as *prorogued*, tho' they have sate; and the *Sessions* have been computed, not from those meetings, but from

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Quod iidem Episcopi, Decani, &c. compareant coram Nobis, aut nostro in hac parte locum tenente in Eccles. Cath. D. Pauli Lond. ad tractand.

from the *Archbishop's*, or his *Commissaries*, appearing, and the *Convocation's* assembling before him.

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And this shews either the *Ignorance*, or *Error* of some Men, who look upon the *Convocation* as an imperfect body, 'till the two *Houses* be separately met, and a *Prolocutor* chosen; without which, they almost question whether it may properly be called a *Convocation* at all. And in all which, they do not consider how much they prejudice that very *Constitution*, which they would be thought so zealous to defend. For, according to this Account, tho' the *Convocation*, for the last ten Years, has been constantly called, prorogued, dissolved; yet having never solemnly met in its two *Houses*, and chosen a *Prolocutor*, we have, in truth, had no legal *Convocation* at all; and so the *Parliament* has sat all this while, without any *Convocation* assembled with it.

Nay, but this President will go yet farther: For so it met in King *James's* time too; so in the three last *Parliaments* of King *Charles the Second*, which carries the *Prescription* still farther. But, God be thanked, whatever some Mens *Notions* may be, the *Law* considers these Matters at another rate. And the *Convocation* in the Eye of *That*, is as fully *Assembled*, to all intents and purposes, the first *Hour* that it meets together, in the *Place*, and at the *Time* appointed by the *King's Writ*, and the *Archbishop's Mandate*, under the *Presidency* of the *Metropolitan*, or his *Commissioner*; as if it were put into the most solemn *Form*, which these Men desire. And thus much the *Publick Acts* even of these last *Con-*

¹ Brev. Reg
pro prolo-
gand. Conv.
Cum præsens
Convocatio
Cleri vestrae

vocations shew: Which, by the *King's Writ*, have been continued from one *Session* to another; have been *Prorogued*, *Dissolved*; and in all these, have been addressed to by the *King*, as a legal *Convocation*, duly assembled, and actually sitting too; and thereby solemnly acknowledged by him as such.

² Brev. Reg. pro Dissolvend. Convoc. Cum præsens Convocat. &c. Certis urgentibus Causis, & considerationibus. Ipsam præsentem Convocationem hoc instante die duximus dissolvend. Vobis Mandamus quod Eandem præsentem Convocationem dissolvatis, &c.

The same has been testified in the *Archbishop's Commissions*; who, for the Execution of these *Writs* has formally deputed One of his *Suffragan Bishops* in his stead, to *Prorogue*, *Continue*, and *Dissolve* them; as true and legal *Convocations*, duly met, and qualified for his *Commission*, and the *King's Writs*, to be directed unto. All which must be look'd upon, not only as a *Vain Formality*, but even as an *Error* in point of *Law* too; if these *Convocations*, for want of a *Sermon*, and a *Prolocutor* of the *Lower House*, have, in truth, never been legally assembled at all; nor, by consequence, ever been put in a capacity of being thus continued, or dissolved by the *King*; or of having a *Commission* granted by the *Archbishop*, for the Execution of his *Writs* to that purpose.

³ Substitutio Dom. Arch. pro Prologand. Con. RR. patres, &c. ad interessend. & præsidend. vice, loco, & autoritate suis in Sacra Synodo atque Eandem Synodum ad dies Congruos & Opportunos. Continuat. & Prorogand. Substitutur. pro dissolvend. Convocat. Reverendis. &c. loco suo constituit Rev. &c. Cicerent. Episc. ad dissolvendam præsentem sacram Synodum sive Convocationem, alias Auctoritate Regia Inchoat. & Celebrat. & de die in diem Continuat. & Prorogat.

But to remove all doubt as to this matter; let it only be consider'd from what time the *Convocation*, even when it does sit and act, dates its *Beginning*, and computes its *Sessions*; and whether it does not act as a *Convocation*, before either the *Houses* separate, or any *Prolocutor* at all be chosen. Now, so it must be confess'd to do; or the *Return* of the *Bishop's Certificates*; the pronouncing of the *Absent Members Contumacious*; the direction of the *Clergy* of the *lower House*, to chuse their *Prolocutor*, and the appointing of a *Day* to present him upon, (all which are usually done at the first meeting of it) must be said to be no *Synodical Acts*; Nor that first Assembly a proper *Session* of *Convocation*; unless the *Metropolitan* tarries while the *Clergy* go down, and chuse their *Prolocutor*, and have him confirm'd, before he prorogues it; which they will very rarely find him to have done.

Were it needful to pursue this matter any farther, I might instance in some whole *Convocations* which have met, and adjourned, for a whole *Session* of *Parliament*

ment together, and yet (having nothing to do) never chose a Prolocutor; till at their next *Assembling*, having a *Commission* to do *Business*, they then thought it needful to have One, for the orderly managing of it. So did the *Convocation* of *York* in 1603: Which tho' it met, (as that in the other *Province* did;) yet doing nothing that Year, * it had no *Prolocutor* till 1605, and never thought it self the less a *Convocation* for Want of One. But I will rather mention an Instance nearer home, and within the memory of many who are still living, and able to bear Witness to it.

* See their *Convocation-Book*, ad An. 1605.

In the *Convocation* which sate in 1677, Dr. *Sancroft*, then Dean of *St. Paul's*, being *Prolocutor* of the *Lower-house*, was nominated by the King to Succeed *Archbishop Sheldon* in the *See* of *Canterbury*. He was confirm'd *Archbishop*, January the 24th. On the 29th of January the *Convocation* which had been prorogued from the 16th of the same Month, met; and continued sitting from thence to March the 14th, without any *Prolocutor*: Upon which day Dr. *Stillingfleet*, who succeeded that Reverend Person in the *Deanry* of *St. Paul's*, was also by the *Clergy* in *Convocation*, made his Successor in the Office of *Prolocutor*. In this Interval, there were Six Sessions of *Convocation*, and all in time of *Parliament*. Upon March the 14th, the *Acts* of that *Convocation* tell us, "That the *Clergy* of the *Lower-house* appearing personally before the *Lords Bishops*, and being required to repair to their own proper House, and chuse a fit Person from among themselves to be *Prolocutor*, or *Referendary*, into the Room of the last, lately promoted to be *Archbishop* of *Canterbury*, chose Dr. *Edward Stillingfleet*. Here now near two Months pass'd, in which the *Convocation* was held on, and yet no *Prolocutor* chosen. If this were to all intents and purposes a good *Convocation*, in *Law*, notwithstanding any such defect; then I see no reason, why any other *Convocation* may not be so, as well as that. If it were not; then seeing they continued to Sit and Act without any *New Writ* of *Summons*, from the King, any new *Election* of *Proctors* for the *Clergy*, or any other Authority to make up any defect in *Law*, which for want of being a compleat *Convocation* (in these Mens Opinion) they might have incurr'd; we must conclude all their Proceedings from thenceforth to have been *Irregular*, if not void in *Law*, (even the choice and admission of their new *Prolocutor* not excepted) And how that whole *Synod*, came to fall under so gross a mistake, and yet neither the *Bishops* nor *Clergy*, to know, or suspect any thing of the matter, I shall leave it to those who advance, or comply with, such strange Notions, in their turn to Consider.

And this may suffice to shew what the Nature of these Two Assemblies is, and how they differ from one another. I now proceed to the other sort of Assemblies, of which somewhat must be said for the better clearing of my Subject, tho' otherwise we have at present, but little to do with them; I mean, the proper *Ecclesiastical Synods*, and *Councils* of our Church; and of the *Bishops* and *Clergy* of it.

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Of these the lesser in Number and Extent, but of most ancient Institution, were those, which I shall therefore first begin with:

3. The Diocesan SYNODS,

Of the *Bishops* and *Clergy*, of every *Diocese*, who by their joyn't Counsel and Authority (committed to them by *Christ*) order'd the Affairs of their respective *Diocesses*, before any other *Councils* were settled, or assembled in the Church.

By what Authority these *Synods* met; of what Persons they consisted; what Powers they had; and for what Purposes they were assembled; tho' it may seem a little foreign to my present Business to shew, yet neither ought I wholly to pass it by, upon so fair an Occasion.

That the *Bishop* of every *Diocese* has, by Divine Commission, a power to Govern the Church of *Christ*, over which he is placed; and, in order thereunto, to Call together the *Presbyters* which Minister under him, was the constant Sense of all the ancient *Councils*, and *Fathers* of the Church. They have not only allow'd of this Power, but have directed the Exercise of it, and Commanded the *Bishop*, from time to time, to put it in Execution.

How often every *Bishop* was Obliged to Assemble his *Diocesan Synod*, the *Canons* of the Church inform us: Which generally ordained that these *Councils* should

Sect. 50.

See Spelm.

Council. Vol.

be II. p. 1.

be held at least *Once every year*, and obliged the Clergy, under the severest Penalties, to appear at them. In the ancient *Formulary* for holding of these *Synods* among us, the order is, that they should be *Convened twice in the year*; and this seems to have then been the ancient measure of them. ² The *Synod of Calcyth*, settled it betimes here; And if we may rely upon the *Worcester Copy* of the *Synod of Winchester* ³ Anno 1076, we must look upon this to have there again had a publick Determination. 'Tis true in the *Cotton MS.* the Decree is more general; *That every Bishop should hold a Synod every Year*; And yet, above 200 years after, in the *Constitutions* of the *Bishop of Durham*, ⁴ Anno 1312: The Proportion of 2 yearly *Synods* was not only Established as a rule for that Bishoprick, but was said to have been Established according to the *Canonical Sanctions*, which therefore seem to have yet continued in a general force among us. But the common Direction of the ⁵ *Canon Law* was to have such *Synods* held *Once in the year*: And this ⁶ *Lynwood* seems to deliver as the rule of our Church too; and there is this reason to believe that by this time it was become so, that when the *Reformation* was made of the *Ecclesiastical Canons*, then in force in this Church; ⁷ this was the Proportion which we find was intended to have been continued by those, to whom the review of those *Canons* was committed.

⁸ *Reformat. Leg. Eccles. De Eccles. & Ministr. Ejus. Cap. 20.*

To this *Synod* all the Clergy, who had any *Benefice* within the Diocese, were obliged to come: ⁹ And so were the *Regulars* too, as well *Abbots* as *Monks*; excepting only those who, in process of time, were *Exempted* from the *Episcopal Jurisdiction*. And even those, ¹⁰ if they had any *Benefices*, by reason whereof they became subject to the *Authority* of the *Bishop*, were obliged upon the account of such their *Benefices* to come likewise. In the *Constitutions* of the *Bishop of Durham*, ¹¹ the Members of these *Synods* are thus computed; *Abbots, Priors, Archdeacons, Provosts, Vicars, and Parochial Chaplains*: And that this was nothing peculiar to that *Diocese*, the *Reformation* of our *Ecclesiastical Law* ¹² shews, which was gathered out of the *Canon Laws*, then in Practice among us; and (omitting only the *Regulars*, who were now suppressed) enumerates the rest much after the same manner, the *Bishop* with his *Presbyters, Parochial Ministers, Vicars and Clerks*.

If the *Diocese* were small, and had but one *Archdeaconry* in it; the whole Clergy met together at once for these *Synods*. If it were more large, the *Bishop* sometimes divided his *Synods*, according to the Number of his *Archdeacons*; and held his *Diocesan-Council* at several times, and in several places. But still the Method of proceeding was the same in all; and the same Business done in the One as in the Other: And what that was, must next be Enquired.

Now the first thing that was usually done on these Occasions, was for the *Bishop* to make his *Synodical Enquiries*; ¹³ of which the ancient forms still remain to us. Then the *Synodical Causes* were heard: Every one who had any proper Complaint to make, was permitted to speak; and for this end, not only the Clergy, but the *Laity* too, were suffered to be present at these *Synods*, and to speak in Them.

In these *Synods*, the *Bishop* was wont to declare to his Clergy what had been decreed in the *Larger Synods* of the ¹⁴ *Province*: In these, he was directed to Charge his Clergy to have a Care of their Ministry, and to lay before them the main branches of that Duty, which was incumbent upon them, in their respective Places to fulfil.

And lastly, in these *Synods*, the *Bishop* published his *Own Diocesan Constitutions*: Which being Read, and Agreed to by the *Synod*, were from thenceforth of force within the *Diocese*; provided they were not contrary to what had been Decreed in some *Superiour Council* of the *Province*. Of these we have several Collections already published in the Volumes of our *Councils*, and many more there are still remaining in the *Registers* of our Churches, which witness the same to us.

¹⁵ *Leo IV. Epist. ad Episc. Britanniae. apud Labb. Concil. Tom. 8. col. 31. Ord. Rom. in Pontificali. lib. III. fol. 189. Edit. Venter. An. 1561. Lynwood. de Appellat. l. 2. Tit. 7. cap. In Consilio, verb. Statutum. Francise. Leo prax. for. Eccl. par. 2. cap. 9. Sect. 15.*

How they proceeded in the *Celebration* of these *Synods*, the ancient Orders framed for the holding of them, inform us; The Clergy in solemn Procession came to the Church where they were to meet, at the day and hour appointed by the *Bishop*, and sat according to the *time* of their *Ordination*.¹ Then the *Deacons* and *Laity* (even *Women* not excepted) were admitted. The *Bishop* (or, in his absence, his *Vicar*) being come in, and the stated *Prayers* ended; made a solemn *Exhortation* to them. Then (by the *Roman Order*) a *Sermon* was to be preach'd; after which, if any *Clergy-man* had any *Complaint* to make, or any thing else to *Offer*, he was heard by the *Synod*.
Sect. 52.
Vid. Ord. Mss. Bibl. Cotton. Supr. Cit.

The *Complaints* of the Clergy being over; the *Laity*, in the next place, were permitted to make theirs. Then the *Bishop* proposed his *Diocesan Constitutions* to them. After which, if nothing farther remain'd to be done, he made a large *Synodical Exhortation*, in the way of an *Injunction*, to his *Clergy*; and so all concluded with solemn *Prayers* suited to the *Business* for which they were assembled.

For the *Dispatch* of all this, the common time allow'd, was Three or Four² days: And a several *Rubrick* was Establish'd to direct the proceeding in every one of them. But if the *Business* of the *Synod* could be done in lesser time, the *Assembly* was to be continued no longer then was necessary for the finishing the *Affairs* that came before it.³
Sect. 53.
Vid. Ord. Supr. Cit.
Reform. leg. Eccles. loc. cit. Cap. 23.

Such was the Nature of these *Councils*; which accordingly were continued in Use among us to the time of King *Henry the Eighth*. The *Names* by which they were called were various: Sometimes *Concilium Episcopi & Concilium Episcopale* * from the Authority which the *Bishop* had, both to call and to preside in them. Sometimes *Specialis Synodus cum Presbyteris habita*;⁴ in Opposition to the more large *Assemblies* of the *Bishops* of the *Province*; to which *Presbyters* were not wont to be admitted: Sometimes *Civile Concilium* from the *City* in which the *Episcopal Seat* is fix'd; in Opposition to that of the *Province*, which takes in the *Bishops* of all the *Cities* of it: And lastly, if without Offence I may add it; in some of the most *Ancient Rituals*, it was term'd, *Provinciale Concilium*; tho' since the *Reformation* of the *Roman Offices* by order of the *Council of Trent*; that Title is changed, and the Word *Provinciale* struck out of them.
Sect. 54.
Capitular. To. i. col. Supr. cit. Can. 2 dist. 38. Et Cap. 25. de Accusat. D'Artis Op. Canon. Com. ment. in decr. p. 25. E. D'Artis ibid. Du Fresne Gloss. Lat. voce Concilium Civile. p. 1147.

Having thus accounted for these *Synods* as they were pure *Ecclesiastical Assemblies*; give me leave to add yet one thing farther, concerning them, That like our *Provincial Convocations* before mentioned, these also were sometimes Convened for *Civil Purposes*; to supply the *Prince* with *Money* by their own *Grant*, or to *Empower* others to do it for them. Of the former of these we have an Instance in the year 1279, in which the *King*, and *Archbishop* of *Canterbury*⁶ jointly require the *Bishops* of every *Diocess* to call their *Clergy* together in Order to the granting themselves what was desired of them: — Of the latter, we have an Example about Three years after, in which the *Archbishop* directs every *Bishop* to call his *Clergy* together, and to declare the *King's Request* to them; that so they might *Empower* their *Proctors* (who were now first agreed to be sent to the *Provincial Convocation*) to *Consent* to such a *Subsidy* as the rest of the *Bishops* and *Clergy*, when they came together, should conclude to grant to him.⁸
Sect. 55.
Bibl. Patr. Tom. xiii. l. cit. Ord. Mss. Bibl. Cott. Ord. Spelm. Tom. 2. p. 1. Ord. Rom. in pontifical. Venet. Supr. Cit. Registr. Giffard. Episc. Wigorn. fol. 101. Registr. Peckham, fol. 165. a.

But to leave these *Synods*, now grown into disuse among us; and pass on to the last kind, in which the present Argument is more immediately concern'd,
Sect. 56.
Registr. Giffard. fol. 153.

4. The PROVINCIAL COUNCILS of our Church:

Which I have before said, and shall now shew to have been different in many respects from the *PROVINCIAL CONVOCATIONS* of the *Clergy*, before Considered.

For, First, The *Convocation*, tho' it be *Provincially* Summon'd, and with respect to each *Province*, is a proper *Provincial Assembly*, yet is it in the intention of the *Law*, a *National Convention* of the whole *Clergy* of *England*, in two *Provincial Convocations*: Whereas the proper *Ecclesiastical Synod*, was purely a *Provincial Council*; was Summon'd by One *Archbishop*, without any relation to the *Synod* of the *Other*; and has been often held in One *Province*, when none has been either *Called* or *Assembled* in the *Other*.

Hence we find that when the *King* issues out his *Writs* for a *Convocation*, he evermore directs them to both the *Provinces*; And *Assembles* the *Whole Clergy*,

not only at or about the same time, but in the same *form* of *Writs*, and for the same *Ends*. And tho' I will not say there were no Exceptions at all in this Case heretofore; yet I believe upon Enquiry it will be found, that the King has not often Call'd the *Convocation* of one *Province*, without Summoning about the same time that of the *Other*, or at least without some relation to an *Antecedent*, or *Consequent* Calling of it.

It is upon this Account, that those who give the most accurate account of our *Ecclesiastical Assemblies* not only State such a Difference as I am now speaking of, between the *Convocations* of the *Clergy*, and their *Provincial Synods*; But give the former the Preference to the latter; and place it as the *first*, and *highest*, of all the *Ecclesiastical Courts* of this *Realm*. I shall instance only in two Persons, but those of such Eminence in the *Laws* and *Antiquities* of our Country, that they may well pass instead of many; The one our Learn'd Mr. *Cambden*, who tells us that, "Our Chief Spiritual Courts are, the Synod which is called a *Convocation*, and is always held at the same time that a *Parliament* is; and the *Provincial Synods* in both *Provinces*. The other our Famous Mr. *Lambard*,² who is yet more full to the same Purpose, "Ecclesiastical Courts, says he, be many in Number, and diverse in Nature, whereof the greatest is the *Convocation* of all the *Archbishops*, *Bishops*, and whole *Clergy* of both the *Provinces* of *Canterbury* and *York*; the which is always Summon'd by the *King's Writ*, and can Do NOTHING without the *Royal Assent* first had and obtained.—— The next to those, be the two *Provincial Synods* of *Canterbury* and *York*.

¹ *Britanniae*
Introduct.

² *Archeion.*
p. 9. 10.

Sec. 57.

And this points out a second difference between the *Convocation*, and a *Provincial Synod*, viz. That the former was wont to be generally Called by Order of the *King's Writ*; whereas the other was Assembled by the sole *Ecclesiastical Authority* of the *Metropolitan* of each *Province*.

There are, I know, some Instances late upon Record, in which the *Convocation* seems to have been Summon'd by the *Archbishop* alone, without any Authority of the *King's Writ*, as 'tis Confess'd at first they commonly were. But then as it may reasonably be presumed, that the *Metropolitan*, in that Case, had his *Command* for what he did, tho' not in the solemnity of a *Royal Writ*; so I have some reason to believe that in many of those very Instances, there was a *Writ* issued out to the *Archbishop*, tho' he sometimes thought fit to Suppress the mention of it in his *Mandate*, and thereby seems to have acted by his own Authority in it. I cannot tell whether ever any *Archbishop* took a greater Liberty than *Arundel* did, in this respect: The Circumstances of *King Henry the Fourth*, especially in the beginning of his Reign; the Sufferings of the *Archbishop* under *King Richard the Second*; And the Interest which those Sufferings gave him with the *New King*, and the Influence they had upon that *Revolution* which set the *Crown* upon his *Head*; all encouraged him to a *freedom*, which would not perhaps have been endured in another Person, and under a more steady Government. And yet that even he rather concealed the mention of the *King's Writ*, upon these Occasions, then acted wholly without it, let the following Instances suffice to shew.

³ *Register. A-*
rundel. part. 1.
fol. 4. a.

⁴ *Regist. A-*
rundel. part. 1.
fol. 554.

In the *Convocation* which met at *London*, *October 21. 1402*. There is no manner of notice taken of any *Writ*, but the *Archbishop's*, made use of for the Assembling of it. On the contrary in the Preamble to his own Summons, he tells his *Clergy* that "the urgent and difficult Affairs which concern'd the State of the *Universal Church*, did in a manner compell him at that time, tho' unwilling, contrary to his own Resolution, to call together the *Prelates* and *Clergy* of his *Province*. No notice of the *King's Command*; no mention of the *Realm* of *England*, and its Needs. Here now is all the appearance in the World of a meer *Ecclesiastical Authority* in the Calling of this *Convocation*. And yet after all, in this *Archbishop's* own *Register*,⁴ we meet with the very *Writ* by which the *King* Commanded the *Summons* of it: *Teste'd, July 20th, Regni Tertio*. And thereby are admonish'd not to conclude too hastily that the *Archbishop* had no *Writ* to Summon his *Convocation*, because in his form of *Summons*, he sometimes takes no Notice of any.

What we have here a positive Proof of, we may fairly presume to have been the Case of the *Convocation* which met about two Years after, *Nov. 24. 1404*. The *Parliament* had just been sitting at *Coventry*, and the *Clergy* were Assembled but ten days after, at *St. Paul's, London*. The *Archbishop* in his *Mandate*

Mandate, ¹ says only, that he called it at the King's request, and at the instance of his Lords and Nobles. But the Archbishop of York dealt more openly in the Case: He own'd ² the Assembling of the Convocation of his Province, Decemb. 11th. the same Year, to have been the effect of the King's Writ, dated in his Parliament at Coventry, Novemb. the 2d. And thereby gives us just reason to believe, that the Convocation of Canterbury met by the same Authority: There being no reason to doubt, but that a Writ was issued out for both Provinces alike; and that the Clergy came together by the same Call in the One, that they did in the Other.

¹ Regist. A. rundel. par. 1. fol. lxii. b. ² Regist. R. Scroop f. cxxxi.

And the same I must beg leave to conclude, 'till I shall be better inform'd, of the Convocation summon'd by Archbishop Warham an hundred Years after, Anno 1509: For, besides that the Form it self runs, at last, in the usual manner of the King's Writ: *Super arduis & urgent. Negotiis*; and that it does not appear, that any other Business than what was proper to a State-Convocation was done in it: I cannot imagine how the whole Convocation of the Clergy, could have acknowledged in their Submission, that their Convocations always had been summon'd only by the King's Writ, had they at the same time known, that the very Person who then presided over them, had within the Reign of that very Prince, to whom that Acknowledgment was made, called them together merely by his own Authority, without any Writ, or Order from the King so to do.

But be this as it will; This is certain, that generally speaking, the Convocation was not summon'd by the Archbishop, but at the King's Command, testified by his Writ to him, to Authorize him so to do: Whereas the Provincial Synod was held by the sole power of the Metropolitan; the King might sometimes approve of, or advise the Calling of it; but I believe it will be hard to find out, any one Instance, wherein he required the Archbishop by any Royal Writ, to assemble such a Council.

This was, in fact, the Practice to the very time of King Henry the Eight; and if we enquire into the reason of it, we shall thereby meet with a third Difference between the Convocation (as we now consider it) and a Provincial Synod, viz. That the former was Originally design'd for Civil Purposes; the Latter was principally held for the Spiritual Needs and Affairs of the Church.

See. 58.

I am sensible, that I shall displease some Persons, by repeating here, what they have pretended to be elsewhere so highly offended withal: But it is indeed the Truth, and I am neither afraid, nor ashamed to own it: That the Original Ground of Assembling the Convocation; and, but for which, the Clergy had, in all probability, never been called to it, was to supply the Necessities of the Government. This the King often declared in the very Writs of Summons: This was what he sent his Commissioners to the Convocation, when met, to demand of them: And I still affirm, what I before truly alledged, in despite of all the Endeavours that have been used to calumniate me for it; that this was what the Crown especially aimed at, in Convening of it. The Grievances of the Clergy, and their Petitions for Redress, were the natural Results of their Subsidies on their part. They laid hold on the Opportunity of giving their Money to obtain an Enlargement of their Priviledges; or some Consideration of such things as they thought themselves to be aggrieved in. They prefer'd Bills against Hereticks, Condemned their Errors, and sometimes judg'd them too in these Meetings; and, by degrees, they drew the Cognizance of most other Ecclesiastical Matters, (such especially in which the Polity, and Government of the Church were concern'd) under the Cognizance of these Assemblies. But these were not the Ends for which the Prince originally called them together; nor was a Convocation needful for the obtaining of them. The One might have been done, for many Reigns, in Parliament; the Other, to the last, in their Provincial Councils. But a Subsidy could no where have been so effectually granted, as in a Convocation; and for that therefore our Princes, generally called the Clergy together to these Meetings.

As for the proper Ecclesiastical Synod of each Province, the Business of that was of another Nature. To make Canons and Constitutions, for the Faith and Discipline of the Church; and to remedy any Disorders which they found to be crept into it. If they were a Body capable of such an Act, and that being met for other Purposes, the King took the Opportunity of demanding Money of them; they oftentimes chose rather to give it there, than by refusing it,

to be put to a New Charge and Trouble of Meeting again in *Convocation* for the doing of it. But still this difference there was in the Case; the *Convocation*, tho' it sometimes did other Business, was yet assembled properly for a Civil, or *State-End*: The *Provincial Council*, tho' it often gave *Subsidies* to the Prince, being met, was yet call'd for another purpose; to consider of *Church Affairs*, and to do the Work of an *Ecclesiastical Synod*.

Sect. 59.

Now the different *Ends*, of these two *Assemblies* produced another considerable *Difference* between them, in a fourth Respect; and that is, of the very *Persons* who were called to the *One*, and to the *Other*.

The *Convocation* being intended to meddle with the *Property* of the *Clergy*, and to Charge the *Revenues* of the *Church*; it was necessary, that all who were to bear a part in the *Subsidy*, should also give their *Consent* to it. The whole *Body* of the *Clergy* were therefore to be called to this *Assembly*, either in *Person*, or by *Representation*. The *Diocesan Clergy* had no less right to meet, and dispose of their own *Mony*, than the *Bishops* and *Prelates* had to give theirs. And accordingly, we find that they were by the express tenour of the *King's Writ*, all along call'd to it.

But in the *Provincial Council* the Case was very different: Here the *Bishops* only were, of necessity, to be summon'd. The *Government* of the *Church* was, by Divine Authority, committed to them; when as yet there were no *Regulars* in the *World*; nor had the *Lower Clergy* learnt the *New Doctrine*, of being Vested with an equal *Right* in the *Spiritual Legislature* with them. Accordingly we find, that our *Ancient Councils* knew no other *Members*, but *Bishops*. When afterwards the *Regular Prelates* were admitted; yet was it neither constantly, nor with any Opinion of any *Right* they had to be called to them. Much less were the *Parochial Presbyters* accounted any proper, or *Authoritative Members* of these *Synods*. If the *Archbishop* thought their Attendance needfull, he Cited them to it: Otherwise, he either totally Omitted them, or left them at liberty to come or not, as their *Affairs* and *Occasions* should prompt them to do.

Thus the Case continu'd for a very great while among us, and I shall hereafter make a particular proof of it. In the mean time, I shall add yet one *Difference* more to be observed between these two *Provincial Assemblies*,

Sect. 60.

5thly. That the *Convocation* being design'd for *State-Ends*, was accordingly summon'd for the most part with some respect to a *Parliament*, either before Assembled, or afterwards to be held, or to meet concurrently with it: Not that there was any necessary Connexion, by the nature of our *Constitution*, as some have fondly Imagined, between the *One* and the *Other*; but only for the better answering of the *King's purposes* in both: Whereas the *Ecclesiastical Council* had no manner of respect to it; nor, (unless for the Convenience of the *Bishops* of the *Province*, in which the *Parliament* met, and that but very seldom) was it at all Assembled with it.

It is true, that for an Age and half last past, our *Princes* have thought fit to Unite their *Parliaments*, and *Convocations* very near together: Nor has the *One* been ever Assembled by them, but that the *Other* has been call'd concurrently with it. But then both the *Preceding Practice*, and the *Original Establishment* of these two great *Assemblies*, sufficiently bespeak their mutual Independance on *Each Other*; and shew the *Parliament* to have its full Integrity without a *Convocation*; and the *Convocation* to be perfect in all its Parts, without the Addition of a *Parliament*, to compleat the nature of it.

That therefore these two *Meetings* have had any Relation to one another, we are to ascribe it not to any necessary Dependance of the *One* upon the *Other*, but meerly to the pleasure of our *Princes*; who have thus thought fit to Summon both; and to the Convenience which they found in it, for the better advancing of the *Common Ends* of both. But, for the *Ecclesiastical Provincial Councils*, as they have been call'd by a different *Authority*, and were design'd for another sort of *Affairs*, so have they, for the most part, been held at other Seasons; and sometimes been prohibited by our *Kings* to be held in time of *Parliament*, least they should put a stop to those other *Affairs*, in which the Chief, if not only *Members* of them, were there to be Engaged.

Sect. 61.

These then are the Main Circumstances in which our *State-Convocations*, and our *Ecclesiastical Provincial Synods* heretofore, differ'd from one another. As for

for the manner of *Meeting* and *Acting* in them, it was much the same in both; and therefore what has been said of the Former, may suffice to shew the Methods of proceeding in the Latter.

And thus have I given such an Account of the Nature of these several *Assemblies* of the *Clergy*, as seem'd necessary to prepare the way, for the better understanding of what I am hereafter to offer concerning them. I shall but just mention some few *Remarks* which will farther arise from the *Difference* now observed between these two kinds of *Provincial Assemblies*; and so conclude this Chapter. And,

1st. From what has been said it may appear, That the *Convocation*, tho' it be a true *Provincial Meeting* of the *Clergy*, and so, in that respect, an *Ecclesiastical Assembly*, was yet Originally design'd for *State-purposes*; and Conven'd by our *Princes*, not for Matters of *Doctrine* or *Discipline*; but to *Counsel* and assist them in the difficult, and urgent *Necessities* of the *Church* and *Realm*. So both the *Writs*, by which they have been wont to be summon'd, run; and so the *Business* which our *Kings* have employed them about, sufficiently speak to us. The *Defence* of the *Kingdom* and the *Church* of *England*; has been the constant *Subject* concerning which they have been called to treat; and the supplying of the *King's Needs*, and the Enabling him thereby to defend both, have been the general *Means* whereby they have, in these *Meetings*, contributed to the *Defence* of both.

This has been the *Business* of these *Convocations*; for this they were first *Invented*; and to this end they have all along chiefly employed their *Counsel*, and *Assistance*. If being met together upon this Account, they have, at the same time, consider'd of any other Matters, either *Civil* or *Religious*; yet that has been for the most part at their own *Motion*, and for their own *Interest*, or *Convenience*: But still our *Kings* have Assembled them for the *Purposes* now mention'd; from the *tenour* of whose *Writs*, and the *nature* of whose *Affairs*, proposed by their *Commissioners* to the *Clergy*, when Assembled in their *Convocations*, we must date the *Original Design* of their *Meeting*, and determine what it was that moved our *Princes* to call them together.

2^{dly}. It is evident from what has now been observ'd, That our proper *Ecclesiastical Synods*, were those which the *Archbishop* was wont to call by his own *Authority*, for *Ecclesiastical Purposes*; and which being called, were wont to be employ'd, only or chiefly in order to that *End*.

Señ. 62.

Nor is it any *Exception* at all against this, that sometimes we find even those also to have debated of other Matters, and to have done the *Business* of a *State Convocation*; seeing this was not the *End* for which they were Assembled, but only an *Occasional Use*, which (being met together) the *Prince* thought fit now and then to make of them. And it may as reasonably be said, that the *Bishops*, when they are summoned to *Parliament*, by the *King's Parliament-Writs*, are called to an *Ecclesiastical Council*; because that sometimes, (as for Instance in the *Parliament* of *Gloucester*, the Second of *Richard* the Second) being met together upon the *Affairs* of the *Kingdom*, they have taken that *Opportunity* to *Resolve* themselves into a *Church Synod*, and to *Act*, and make *Constitutions* among themselves, as such; as that either the *Convocation*, is a proper *Ecclesiastical Council*, because it has sometimes proceeded by the *Authority* of the *Metropolitan*, when Assembled to do *Church-business*; or that the *Provincial Synod* was not such a *Council*, because that now and then, at the *King's Request*, they have *Acted* as a *Convocation*; and granted *Subsidies* for the supply of his *Occasions* in it.

But 3^{dly}, and to have done: These *Ecclesiastical Councils*, as they never had any *Relation* to a *Parliament*, but were occasionally summon'd by the *Metropolitan*, before the 25th of *Henry* the 8th, whenever he thought it to be expedient for the *Church's service*; so I do not see, but that with the *King's Authority*, testified by his *Writ* to that purpose; the *Metropolitan* may still hold his *Provincial Synod* at any time, that he shall think it needful so to do.

Señ. 63.

There has, I know, been an *Opinion* advanced by some who have not wish'd well to our *Church*, to the contrary; and (which is wonderful) that *Opinion* has lately been espoused by a profess'd *Advocate* for the *Rights*, and *Liber-ties* of the *Clergy*; for what Reason it is not difficult to guess. But upon what ground of *Law*, they build their *Opinion*, I must own my self at a loss to find

find out. Sure I am, there is not one Word in that Statute; the 25th of Henry the Eighth, which ties up the King in this Case, or lays any other restraint upon the Metropolitan, except that of proceeding by the Authority of the King's Writ. And when, by vertue of that very Statute, Two and Thirty Persons of the Clergy and Laity were chosen to Reform our Ecclesiastical Laws, and to chuse out such as were agreeable to the Statutes and Customs of the Realm, and (in their judgment) profitable to the Government of the Church; they still continued the Use of those Provincial, or Episcopal Synods, as it had before been practised, with no other Change but what that Act required, of Recurring to the King's Authority for the holding of them.

¹ Reformat.
Leg. Eccles.
de Eccl. & Mi-
nistr. cap. 18.
pag. 103.

This I take to be a demonstrative Proof, that those Wise and Learned Men, chosen out of the most able Members both of Parliament and Convocation, for so Nice a purpose, knew nothing in the Continuance of such Provincial Synods, that was contrary to Law then: If it be since become so, I shall be glad to know what Statute it is, that has abridged the Authority of the King, and the Liberty of the Church in this Particular. Till that be shewn, I must conclude that such Synods as these, with the King's Concurrence, the Metropolitan may still hold; and pity it is, but that the Use of them, should, from time to time, as Occasion requires, be Restored among Us.

CHAPTER II.

That the Parliamentary Convention of the Clergy, Summon'd by the Premunitory Clause in Bishops Writs, and the Provincial Convocations, Summon'd by the King's Writs to the Two Archbishops; are Two different Convocations, both in Law and Fact, from one another; and have different Rights, Powers, and Priviledges, as such.

THo' from the Account which has been given in the foregoing Chapter, of the several Convocations of the Clergy, and the Nature of them, it be sufficiently Evident, that they are Two distinct Assemblies, and have their different Rights, Powers, and Priviledges as such; yet so strong is the Power of Prejudice, that it has sometimes led even those who pretend to have the best knowledge of our Constitution, to confound them, as if the One were but a different Name and Character of the Other. There was a time when some of our greatest Men were as zealous to run down the Parliamentary Rights of the Clergy, as others would now be thought to uphold them. And to these the Premunitory Clause in the Bishops Writs, tho' as plain a Summons of the Clergy to Parliament, as the Other part confessedly is of the Bishop, and as Authoritative too; was only a Summons of them to Convocation, and proved nothing of any Parliamentary Right in them. The Method is the same which some now make use of, to prove the quite contrary, only turn'd the other way,² as the nature of the Subject required it should be: Whilst to prove the Convocation to be a part of the Parliament; and as such to have a Claim to Parliamentary Rights and Priviledges; 'tis said, that the Provincial Writ, is only a second Summons sent forth to strengthen the Premunitory Call; but that they both relate to the same Assembly. In the mean time, in this, they Agree, that these two Convocations are, in effect, but One, and the same Assembly: And this as it was observ'd by our learned Bishop Stillingfleet: ³(than whom no one had better consider'd the Constitution of our Government, or better understood it) has been the true Grounds of that Confusion which has of late appear'd in some Mens minds, about the Rights of the Convocation.

¹ Dr. Hey-
lin's Tracts.
fol. p. 704.

² Rights, &c.
p. 261. 262.

³ Ecclesiasti-
cal Cases. p.
364 365.

To clear this matter, and shew how widely different, both in their Own Nature, and in the Eye of the Law; nay, and even in Fact too, these two Convocations are from One Another, I shall here enter on a particular Examination of this matter; and in that, lay a solid Foundation for the clearing of those Points which are to be the Subject of our present Debate.

Many

Many are the *Grounds* from whence these two *Assemblies* may be shewn to be altogether *different* from One another: I shall distinctly consider the chief of them, under these three Heads.

(1.) Of those *Differences* which arise from the *Publick Writs*, and *Instruments* which relate to Them.

(2.) From the *different Rights, Powers, and Priviledges*, of each of them. And

(3.) From some particular *Arguments* in point of *Law*, and *History*, which prove a manifest *difference* between them.

But before I proceed to these Remarks, it may not be improper to Observe, that in Asserting the *Difference* of these two *Assemblies* of the *Clergy*, I advance no *New Opinion*, but follow the Examples of some of our *highest Church-men*; and that in their Books which they expressly wrote in defence of the *Rights and Liberties of the Clergy*.¹ This was the Case of our Learned Advocate, Dr. Heylin: And the *Persons* who would have *Confounded* these two *Assemblies* together, are represented by him, as no *Friends* to our *Constitution*; but to have set up the contrary *Opinion*, on purpose to undermine the *Parliamentary Rights of the Clergy*. But he doubts not to call it a *gross Mistake*: And from the *different Writs*, by which these *Convocations* are assembled, thought he had effectually proved it to be so.

¹ Heylin's Trac. p. 704, 705. Compare ibid. 2, 3, 4. His Life of Archbishop Laud. p. 420. Exam. Hist. p. 126.

What regard, those, whom I have now to do with, will pay either to the Judgment, or the Authority of our late Eminent Bishop *Stillingfleet*, I cannot tell: But as I doubt not, but that all unprejudic'd *Persons* will allow a just deference to his *Opinion* in this Case; So he having freely given it, with respect to this very Debate, I ought not to pass it by, without taking a particular notice of it. The sum of what he says is this.² That a distinction is to be made between *Convocations* called by the King's Writ to the Bishops; and *Convocations* called by the King's Writ to the Archbishops. The not distinguishing of which two *Writs*, He tells us, had caus'd so much confusion in some *Mens Minds* about the *Rights* of the *Convocation*. For they imagine, that the *Convocation*, as it treats of *Ecclesiastical Matters*, sits by virtue of the First Writ; which is in the Bishop's Summons to Parliament: But that related to them, as one of the Three Estates of the Realm, whose Consent was then required to their Own Subsidies, which were distinctly granted, but confirm'd by the other Estates. But the other Writ was directed to the Archbishop, by which the Bishops, and inferiour Clergy, were strictly required to appear, and then to understand the King's further Pleasure, as appears by the most ancient *Writs* for a *Convocation*.

² Eccles. Causes. p. 363.

³ The difference of these *Writs* will best appear by the instance of the *Convocation* Anno Domini 1640. In the year 1639, about the first of February, the *Parliament-Writ* was issued out to the Bishops for calling their Clergy to Parliament, and this only *Ad Consentiendum* iis, quæ tunc ibidem de Communi Concilio Regni nostri contingerint Ordinari. The other Writ, for the *Convocation* to the Archbishops, was issued out the 20th of February, and had this Clause, *Ad Tractandum, Consentiendum & Concludendum* Super præmissis & aliis quæ sibi Clarius exponentur ex parte mea. The *Parliament* being dissolved, it's certain the *Convocation*, sitting by virtue of the Writ to the Bishops, must fall with it. But a great Question arose, Whether the *Convocation* sitting by the Writ to the Archbishops was dissolved, or not? And the greatest Judges and Lawyers of that time were of Opinion it was not.

³ Ibid. p. 367.

Such was the Judgment of that great Prelate in this particular, and that in one of his last Pieces; when he had the best considered these things, and could have neither any design to Byass, or Prejudices to blind him, in his Determination concerning them. And that he had good reason thus to distinguish between these two *Assemblies*, how muchsoever some have thought fit to scoff at it, I come now to shew;

⁴ Rights, &c. p. 261.

(1.) From the Nature of those *Writs* which relate to them.

Sect. 3.

That the *Parliamentary Convention* of the *Clergy*, was Assembled by a *Writ* wholly distinct from that by which the *Provincial* is called, I have already shewn, in the Account which I have before given of each of them. I shall at present make such Observations upon both; from whence I conceive it will evidently appear, That the *Convocations* so Assembled by them, as I have said, must be altogether different from one another, and have different *Rights* and *Priviledges* belonging to them.

1. And here in the first place, it must be observ'd, That the *Parliamentary Convention* now is, and always has been Assembled by the *King only*: It is a part of his *Royal Prerogative* to Call together the *Estates* of the *Realm*; and by the nature of our *Constitution*, no other Person, but the *Prince alone*, and that by his *Sovereign Authority*, can do it.

¹ Rights, &c.
p. 17.

But this is not the Case of our *Provincial Convocations* which have always been Summon'd by the *Power of the Metropolitan*: ¹ And tho' our Princes from the beginning have generally interposed in the *Calling* of them, yet has it been only so far as to require the *Archbishop* to *Summon* them; but still the *Authority* by which the *Clergy* have met, has been that of their *Primate*, and so, I conceive, it continues to this day.

Sect. 4.

² Rights, &c.
p. 245.

Now these two *Powers* are not only very different in themselves, but bespeak such a difference in the *Assemblies* so called by them, as, in my apprehension, can never be got over. The *Parliamentary Convention* is, confessedly, a part of the *Parliament of England*; ² A Member of the *Parliament*, says a late Author, in the most proper Sense of that Phrase. If the *Provincial Convocation* be the same, then has the *Archbishop* of each *Province* a joynt *Power* with the *King* to Assemble the *Parliament*: And the one must be look'd upon to have as much Right to Convene the *Ecclesiastical*, as the other to Call together the *Lay Estates* of it. But if this be such an *Authority* as our *Law* has not entrusted in the hands of any *Subject*; If it be a Branch, (indeed one of the chiefest Branches) of the *Royal Prerogative*, to Assemble the *Estates of Parliament* together: If our *Constitution* makes no distinction between the *Secular* part of that *High Court*, and the *Ecclesiastical*, as to the Business of *Summoning* of it, but commits the whole *Power* of both, to the *Supreme Civil Governour*; Then it must follow, that the *Bishops* and *Clergy* Assembled by the *King's Writ*, in *Parliament*, are not only a different *Assembly* from the same *Bishops* and *Clergy* (if yet they be the same) called by the *Archbishop's Mandate* to a *Provincial Convocation*; but of a very different *Nature* in the Eye of the *Law* too. The One, such an *Assembly* as the *King only* has *Authority* to Call; the Other, such as the *Archbishop* of each *Province*, if not by his own *Power alone*, yet by virtue of the *King's Writ*, has a right to Convene.

Sect. 5.

And accordingly it is to be observed after what a different manner the *Writs*, which relate to these two *Assemblies*, are Issued forth, and Executed. The *Writs* for a *Parliament*, proceed out of one Office; Those for a *Convocation* come from another. In the *Parliamentary Writs*, the *King* himself *Summons* every *Bishop* of *England*, to come to *Parliament*, and to premonish the *Clergy* of his *Diocese* to come with him: In the *Provincial*, he sends to the *Archbishop* to cause his *Bishops* and *Clergy* to be called together; and then, leaves it to him to issue out his *Mandates* for their *Assembling*. In the Execution of the *King's Writ*, the *Bishop* of each *Diocese* *Summons* his *Clergy*, in the *King's Name*, to *Parliament*: In the Execution of the *Archbishop's Mandate*, he *Summons* them in the *Name*, and by the *Authority* of the *Metropolitan* to the *Convocation*. And, lastly, having Executed both; They return their *Certificates* of the One to the *King*, to shew what they had done in *Obedience* to his *Writ*; but those of the Other to the *Archbishop*, to assure him of their having fulfill'd his *Mandate*.

Either therefore these two *Assemblies*, thus called after such a different Manner, and by two such different *Powers*, must be in their Nature different *Assemblies*; and the *Provincial Convocation* be acknowledged to be no part of the *Parliament of England*, as the *Parliamentary Convention* of the *Clergy* certainly was: Or it must remain, that the *Power* of *Assembling* one of the Chiefest *Estates* of the *Parliament*, is lodged in the hands of the *Archbishop* of each *Province*; and that all the *King* has to do in it, is, to command them, (and that too, with Submission) to Assist him with their *Authority* in the *Calling* of it. ³

But what if the *Archbishop* should at any time be perverse, and refuse to Call his *Clergy*, being required by the *King* so to do? That in that Case, the *Clergy* could not lawfully have met in *Convocation* without his *Mandate*, I have shewn ⁴ was the Opinion of an Eminent *Archbishop* of *Canterbury* heretofore. Nay, so Confident he was in it, that in open *Parliament* he profess'd he would never more Call a *Convocation* for the Supply of the *King's Needs*, unless a certain Clause in a *Bill*, sent up from the *Commons*, which he thought Injurious to the *Liberties* of his *Clergy*, were razed out of it. Now, not to enquire how far the *Archbishop's Authority*, in this Case, did extend then, or at present does reach, with respect to the

⁴ Chap. 1.
Sect. 17.

the *Summoning* of the *Convocation*: Can it with any reason be supposed, that it should have been in the *Power* of a *Subject*, to tie up the *Princes* hands, so that he should not have been able to have held his *Parliament* without his *Consent*? Yet thus it must have been, supposing the *Provincial Synod*, and the *Parliamentary Convocation*, of the *Clergy* to have been all one: For this *Power* *Archbishop Courtney* most certainly thought himself to have had over the *Clergy* of his *Province*, that being not *Summon'd* by his *Mandate*, they could not lawfully meet together without it; No, not at the *King's Command*.

But indeed in his time the Case was plain; and the *Parliamentary Assembly* was very easy to be distinguished from the *Provincial Convocation*. For then they were not only *Called*, but they *Came* too, upon the *King's Summons*, to the *Parliament*. They *Acted* together with the *Lords* and *Commons*, as a *State* of it: Whilst the *Provincial Synod* commonly both met at some other time, and was composed of other *Members*; and was, therefore, as easy to be distinguished from the *Parliamentary Conventions*, as any other *Assemblies* are to be known from one another. But,

2dly, These two *Convocations* were not only *Assembled* by different *Persons*, and different *Powers*; but were composed of different *Members* too: And this sure must be allow'd to be a *Demonstrative proof* of a *Real*, and not only a *Notional distinction* between them.

The *Provincial Synod*, called by each *Archbishop*, consists only of the *Bishops*, and *Prelates*, and *Clergy*, of each *Province*: None else are *Summon'd* by them; none else, if they were *Summon'd*, would obey, and come to it. But in the *Parliamentary Convention*, all the *Bishops* of the *Realm* are *Cited* to appear; the *Deans* of the *Cathedral Churches* of both *Provinces* are call'd alike: The *Archdeacons* and *Proctors* of the *Clergy*, of both, are *Summon'd*. And they all anciently came to *Parliament*, in *Obedience* to this *Summons*; and continued to make their *Returns*, in acknowledgment of their *Duty* to *Attend*, when they had left off to make their *Personal Appearance* at it. And, to this very day, the *Bishops* of both *Provinces* (who are call'd by the same *Parliament Writ* now, that they have ever been) do, in *Vertue* of it, still sit in *Parliament together*: Whereas in the *Convocation* of the *Province*, the *Archbishop* and *Bishops* of the other *Province* are neither *Cited* to appear; nor, (tho' attending together with the rest of their *Brethren* in *Parliament*,) have they any right to sit in it. And how those *Assemblies* can be either in *Law*, or *Fact*, the same *Assembly*; in one of which all the *Bishops* of *England*, according to their *Summons*, both *Meet* and *Act* together; and to which the *Clergy* have ever been, and are still *Nationally called*; in the other, neither do the *Bishops* of one whole *Province* sit, or *Act*, or have a right to do either; nor are the *Clergy* of the other *Province*, ever called to it; is, I confess, beyond my capacity to comprehend.

Nay, but even in the same *Province*, the *Members* of these two *Assemblies*, are not the same; and this will yet more clearly prove the difference between them.

Whilst the *Regular Clergy* continu'd to be call'd both to *Parliament*, and *Convocation*; Great was the number of the *Abbots*, and *Priors* in the *One*, in comparison of what was in the *Other*. Insomuch, that when once only the *Parliamentary Prelates* were called by the *King* and the *Archbishop*, to a *Synodical meeting*; they not only refused to *Act* for want of the rest, but remonstrated to the *Archbishop* concerning it, in these very *Terms*; That the *Religious*, so *Omitted*, made up the greatest part of the *Body* of the *Clergy* of his *Province*.¹

In the *Parliamentary Assembly*; the number of these *Prelates* is computed to have been usually about *Thirty*, out of the whole *Realm*: In the *Provincial Synod*, of the *Province* of *York* only, they were above *Fifty*²; and how much more numerous they must have been in that of *Canterbury*, the *Proportion* between the two *Provinces*, will enable us easily to conclude.

And as the *Number* of these *Regulars* was much greater, in the *One* of these *Assemblies*, than in the *Other*; So several others of the *Body* of the *Clergy* there were, who were ordinarily *Summon'd* to the *Provincial*, but were never at all called to the *Parliamentary Convocation*. Such were the *Collegiate*, *Conventual*, and *Capitular Churches*, and *Bodies*; which were not *Cathedral*; and which alone amounted to a considerable *Number*. And tho' since the dissolution of the *Religious Houses*, and *Collegiate Churches*, the difference in the *Province* of *Canterbury*, between these *Assemblies*, be not so discernible; yet is it still enough to Warrant me to dissent

¹ Quamquam
iisdem Religioſi
ſic Omiſſi maxi-
mam partem
Corporis Cleri
Vestrae provin-
cie faciant.
Proteſtat. contr.
form. ſummo-
nit. An. 1314.
E. Regiſtr. Ec-
cleſ. Cant. H.
fol. 200, 201.
Rights, &c.
p. 256.
² Vid. Regiſtr.
Dec. & Capit.
Ebor. Cuſtod.
ſpirit. Sede Va-
cant. fol. 361.
Ad An. 1424.

¹ Rights. &c.
P. 260 Dr. A.
has in some
measure cor-
rected this mi-
stake, as to the
Province of
Cant. Addit.
p. 57. but yet
still he is short;
And for the
Province of
York, in which
the widest dif-
ference lies, he
has said no-
thing.

² Convocat.
Book at York,
Ann. 1545.
Nor is the dif-
ference much
less at this day.

Señ. 8.

³ Selden. Titles
of Honour 2d.
Part. Chap. 5.
Señ. 23, 24.
Pryn. Regist.
Parl. Writs.
part. 4. pag.
594.

⁴ See the Acts
of Subsidies,
Q. Eliz. K. Jam.
I. K. Char. I.

⁵ Seld. loc. cit.
Pryn. Regist.
part. 1. p. 143.

Pryn. Regist.
part. 1. p. 146,
147. Seld. l. c.

from an Assertion, which has, I think, been too hastily advanced, 'as if they were at present composed intirely of the same Members; and to bespeak them, upon this account alone, if there were no other, to be wholly different *Convocations*.

I do not believe that the *Dean and Chapter*, and *Archdeacon* of the *Collegiate Church of Westminster*; the *Dean of Windsor*; and the *Dean and Chapter* of the *Collegiate Church of Woolverhampton*; have (since the present Establishment of those several Churches) been wont to be Summon'd by the King to *Parliament*. But to the *Provincial Synod* they have been, and I suppose, are still Cited by the *Archbishop*. And for the *Province of York*, not only the *Collegiate Churches* of *Southwell*, and *Rippon*, with the *Clergy* of the *Jurisdiction* of the former of these; but the *Keepers* of the *Peculiars* of *Howden*, and *Allerton*, (as well that part which belongs to the *Bishop of Durham*, as to the *Dean and Chapter*) with the *Clergy* of their several *Jurisdictions*, still continue to make a part of their *Lower-house*, of *Convocation*; but the *Bishop of the Isle of Man*, was also wont to be called and received among them, as a *Member* of their *Upper*.

And now I have mentioned the other *Province*, let me add the particular Custom of it, to admit not only the *Archdeacons*, but their *Officials* too; and the *Proctors* of every several *Archdeaconry* to their *Convocation*: I enquire not by what Authority they have done this; that it was not by the Custom of *Canterbury*, we are very sure, which herein they do not follow, whatever they may be bound to do in other Matters. But be that as it will; It is enough for me, that of all these, in the latter end of *King Henry the Eighth's* time, their *Provincial Synod* was wont to Consist: And that thereby (after that the *Regular Clergy* were no longer Summon'd) their *Convocation* amounted to above Fifty, when, at the same time, their Part of the *Parliamentary Assembly* was not full Thirty.

Nor do these two Conventions of the *Clergy* consist only of different Members, but the very same Persons Sit under a different Capacity in the one and in the other. In the *Provincial Synod* the *Bishops* Sit and Act only as *Prelates* of the Church. Under that Capacity they are Summon'd to it by their *Metropolitan*, and Subject to his *Orders* and *Directions* in it. But in the *Parliament* they Sit not only as *Bishops*, but as *Barons* too. ³ They act in common with the *Baronage* of the *Realm*; and claim their equal Priviledges with the other *Lords*. They are Summon'd by *special Writs* from the King, like the rest of the *Barons*; and that both to *Treat of the great Affairs of State* with them, and to give their *Advice* to him concerning them.

And accordingly the very Titles given them in their *Publick Acts*, bespeak the several Capacities under which they come to these several Assemblies. In the *Convocation* as they Act under a *Spiritual Character*; so *Prelati* is the Name ⁴ that they are constantly call'd by there. But to the *Parliament* they are called as *Lords Spiritual*: As such they Act in it, and by that Title therefore they are usually denominated in the *Laws* and *Statutes* which are made there.

As for the *Regulars*, who once sate in the *Upper-house* of *Parliament*, they also continued to be call'd to it, upon the account of their *Baronies*; ⁵ And like the *Bishops*, Acted under that Capacity. Those who had no such Tenure, pleaded their Case, and were discharged of their Attendance. But to the *Convocation* they came as Heads of their Religious Houses: If they had a *Covent* under their Government, and no *Superiour* over them; tho' for want of a *Barony*, they were discharged by the King from attending upon his *Parliament*; yet, they were not dismissed by the *Primate*, from coming to his *Convocation*.

Even the *Proctors* of the *Clergy*, as they were chosen by a different *Writ*, for the *Parliament* and *Convocation*; and were very often different Persons, and that within the same *Province* in which the *Parliament* sate; so were they severally Empowered, and under different limitations, to Act in the One, and the Other. For the *Parliament*, they had a *Proxy* to appear on the behalf of their *Chapter*, and *Clergy*, "In the *Parliament* of the most Serene Prince Edward the *Illustrious King* of England; for the *Convocation*, before the most Reverend Father in God the *Archbishop* of *Canterbury*. By the One, they were to "Treat with the *Prelates*, *Great Men*, and *Nobles* of the *Kingdom* of England; By the other, "with the *Archbishop*, and the rest of the *Prelates* and *Clergy* of the *Province* of *Canterbury*, "in the *Convocation* to be held by the said *Archbishop*. With the One, they were to *Treat* of the great and difficult Affairs of the *Kingdom*: With the Other, properly, of such Affairs only as concern'd the Church, and of the Affairs of the *Kingdom*,

dom, no farther than as the Safety and Welfare of the Church, was concern'd in that of the State. In short, in the one, they were Empowered only "To Treat and Consent; In the other, "To give their Advice and Assistance too, and farther "to do and receive what was to be done or received in the Meeting to which they were deputed. Let me add yet one thing more, that when the Prelates and Clergy sent their Proxies to these Assemblies, they commonly left them under a greater Liberty of Acting in the Provincial, than in the Parliamentary Convention. For the one of which, they gave them but one general Procuration; But for the other they often delivered them two or three of a different Extent; that so, by concealing those which endued them with the largest Powers, they might have a Pretence at hand for not Consenting to such things as the King might sometimes chance to require of them, for want of sufficient Power so to do; and yet rather than be sent home for a New Commission, or otherwise run themselves, or the Clergy, into any great streights, might have another Instrument at hand, to enable them to Comply with what should be demanded of them.

What other Influence the several Circumstances, before Observed, may have had upon the Acts of these two Convocations, I shall not now particularly consider. This great and evident one, I must not pass by; That the Provincial Synod, being composed only of the Clergy of One Province, neither its Grants, nor Constitutions, had any force to Conclude those of the Other. Whereas what was done in their Parliamentary Meetings, extended to the whole Realm; and being legally Established in that high Court, Obligated the Clergy of Both Provinces alike.

And now I shall leave it to any indifferent Person to say, whether it can with any Colour of Reason be affirm'd, that these two Assemblies of the Clergy, are, in effect, but one and the same Convocation; which are composed of such different Members; and in which the same Persons act under such different, and almost opposite, Capacities. Yet for affirming this, it has pleas'd a late Witty Author, to fall (after his usual way) very briskly upon me. His Words are remarkable, and I shall, for more than one Reason, transcribe them as they stand in his Book. ¹ The Letter Writer therefore (says he) is utterly mistaken, &c. And Dr. Wake, is yet farther from Truth, when in his Fantastick way of Speech, he tells us, that the Convocation called by the Provincial Writ, IS Consisted of another sort of Persons, than the Parliamentary Assemblies, summon'd by the Præmunientes Were: Since it is certain, that both these Assemblies WERE Originally CONSISTED of the very same Persons, and were really but One Assembly of Men, under a double Capacity: And as CERTAIN also, that they have BEEN again thus CONSISTED for the last CLX Years. I am really at a loss to determine which of the two is more absurdly False, the Doctrine he here lays down, or his manner of Expressing it.

Sect. 9.

¹ Rights, &c. p. 260, 261.

As for the Doctrine which I have laid down (to use his own Odd, I will not say, Fantastical Expression) I have already accounted for it: And do again affirm that these two Convocations neither now do, nor ever did, consist of the same Members; nor where the Persons were the same, did they ever Act in the same Capacity in both. How Fantastical my Expressions were, will be best seen by the Words themselves, in which I delivered my self; and which the Reader will excuse me; if I therefore take the liberty to transcribe ².

In Answer to an Argument drawn from the Præmunitory Clause in the Bishop's Writ, to prove a Parliamentary Right of Assembling, and Acting in the Provincial Convocation; I thus express my self. I do readily agree, that when the Præmonition to the Bishop to Summon his Clergy to Parliament, was first put into the Writ, the Clergy thereby summon'd, had as much right to meet by vertue of it, as the Bishop himself had. And it is accordingly, by our best Antiquaries, acknowledged, that, in Ancient Times, the Inferiour Clergy were a Member of the great Council of the Nation, as well as the Bishops and Abbots. But then this is a Convocation, that for many Years past, has had no Existence; and the Convocation, of which we are now Disputing, is quite another thing: Is summon'd by another kind of Writ; and Consisted of another sort of Persons; As by comparing the Ancient Writs of both may evidently be discerned. These are my Words; and in which I am yet to discover any thing that can justly be excepted against. If to render them Ridiculous, or as he phrases it, Fantastical; he has thought fit to insert, or to transfer an is, where he found none; He must be content that the fantasticalness, as well as Faults, should be laid at his Own Door: And give me leave to Conclude,

² Authority, &c. p. (284.)

in the reverse of his Censure; that my *Expressions* as little deserve the *One* part of it, as I shall convince him before I have done, that my *Doctrine* does the Other. And for this I shall submit it to every unprejudic'd Person to judge betwixt us.

Sect. 10.

3. As the *Persons* who are the *Members* of these *Two Conventions*, plainly shew Them to be *different Convocations*; so, in the next place, do the *Time* and *Place* of their *Assembling*: Nor can any thing, I think, be more conclusive, in a Matter of this Nature, than this *Argument*; that those *Meetings* which are called at *different Times*, and to *different Places* from *One another*, must needs be *different Assemblies*: Especially, when to these, shall be superadded those other *Considerations* which have been Already offer'd; that they are *Assembled* by *different Powers*, and *Consist* of *different Persons*.

Now for this I shall need only to Appeal to the *Writs*, and *Mandates*, by which these several *Convocations* have been summon'd; and from the Authority of which, as they derive all their *legal Power* of *Convening*; so from thence, we shall best be able to judge of the Nature of those *Assemblies* which are *convened* by them.

That in the *Parliament-Writ*, the *King* does ever more expressly determine both the *Time* and *Place* of its *sitting*, is certain; nor can it be deny'd by any. And this has so strict an effect in *Law*; that neither can the *Parliament* meet at any other *Time*, or *Place*, than the *Writ* has appointed; nor the *King* himself otherwise than by a *New Writ*, under the *Great Seal*, prorogue it to any other.

¹ Coke iv. Institut. p. 7. See Pryn. on that Inst. p. 43.

² Pryn. lb. p. 21.

¹ And even in that Case, a Competent number of *Persons* must meet at the *Time*, and *Place* first appointed, to hear the *Second Writ* read, and the *Prorogation* made according to the tenour of it. It has, I know, been told us, by a diligent Searcher into our Records², That this is not necessary; how rightly, I am not able to say. But still a *New Writ*, even by his *Own Confession*, there must be issued out to revoke the *First*; and without which the *King* himself cannot hold his *Parliament* but at the *Time*, and *Place* appointed by him for that purpose.

If therefore the *Parliamentary Convention* of the *Clergy*, be (as 'tis confessed that it is) a proper *Member* of *Parliament*: If by the *King's Writ*, it be so determined to meet at a certain *Time*, and *Place*, with the other *Estates* of *Parliament*; that it cannot lawfully *Assemble* at any Other: Then it must, I think, of necessity, follow, That this *Assembly* cannot, either by the *Terms* of our *Constitution*, or by the *Laws* of *Parliament*, be the same with such a *Convocation*, as is neither called at the *same Time*, nor to the *same Place* with the *Parliament*; nor did ever agree in both with it; and but seldom, if ever, in either.

Now, that such is the Case of our *Provincial Convocations*, that they are summon'd at *different times*, and held in *different places*, from the *Parliamentary Conventions*; will easily be made appear.

Sect. 11.

³ Rights, &c. p. 47. 48.

For, *First*, As to the former of these Circumstances; that of *Time*: It is allow'd, ³ that heretofore the *Provincial Synods* met not only at *different times* from *One Another*, but *Both* at *different times*, from the *Parliaments* of those Days, sometimes they preceded, but generally they follow'd them a *Week* or two: On purpose, (says my Author, as I apprehend) That the *Bishops* and *Abbots* might be at *Leisure* to attend both those *Meetings*. I cannot tell why this Gentleman, who is otherwise so Zealous for the *Rights* of the *Lower Clergy*, has here left them out of the *Parliamentary Convention*: Seeing, at the time of which he here speaks, they were not only summon'd to *Parliament*; but, as I conceive, did actually come to it, as well as the *Bishops* and *Abbots*. This therefore being added on their behalf; and the Period admitted, to which he refers his Remark; namely, to *Richard the Second's time*; I think the Conclusion that will issue from thence, is plain; that those must needs have been *different Assemblies*, which were not only held at such a distance of *Time* from *One another*; but had that distance assigned to them on purpose, that those who were obliged to attend in both (as, by this Gentleman's leave, not only the *Bishops* and *Abbots*, but the *Priors* and *Deans* of the *Cathedrals*, and *Archdeacons* were) might be in a Capacity of going to both. And this, we are told, was the Case of the *First Age* of our *Parliament*,⁴ to *Richard the Second's time*, about the space of 100 Years.

⁴ Rights, &c. p. 48.

In King Henry the Fourth's time, the distance between these *Assemblies*, he says, began to be ENLARGED: Tho' they still kept pretty near to one another. For in, and after this time, the Clergy held their *Assemblies*, during, and near the Sessions of Parliament, but not thoroughly concurrent with them. The Archbishop, it seems, affecting independency; and the King, who above all things, desir'd to stand well with the Clergy, favouring him, and them, in that respect; and giving way to their being called later, or dismissed sooner than the Laity. And this (we are told) was the state of the next Age of our Provincial Convocations.

And here we have again the matter of fact confess'd; That the Provincial Convocations were not thoroughly concurrent with those of the Parliament: But the Clergy were either called later to, or dismissed sooner from their Synods than the Laity from their Parliamentary Assemblies. And the Reason given for it, is no less Observable; that the Archbishops, who summon'd the Provincial Convocations, affected Independency; and the King, who above all things, desir'd to stand well with the Clergy, favour'd them in their Affectation. From whence I shall take the liberty again to Conclude; That if the Convocation sate at a different time from the Parliament; and if the Reason why it did so was, that it might not be thought to depend upon it: Then certainly, the Archbishops and Clergy must have lookt upon their Convocations to have been Meetings of a very different kind from that of the Parliament; and by consequence from those Assemblies of the Clergy, which were never doubted to be in the strictest sense, a part of it. Nay, it will follow yet farther; That they thought their Provincial Convocations, not only to have been different Convocations from the King's Parliamentary Assemblies; but held them at another time, on purpose that they might not so much as seem to have any dependance upon his Parliament: Of which, the other has ever been look'd upon to have been a Principal Estate and Member.

But to go on to the last Period: ¹ About the Entrance of the last Age; when the Prerogative began to recover the Ground it had lost to the Church, we find these Meetings of the Clergy and Laity (so he calls the Parliament, and Convocation) more closely United: The Dates of Henry the Eighth's Convocations being all One, or a few days before or after, (if not altogether the same with) those of his Parliament. And from Edward the 6th to this Reign, the Clergy have, I think, met always, and parted within a Day of the Parliament: The Day it self, on which the Parliament sate, and rose, being not judged so proper for this purpose, because the Bishops were then to ATTEND THE HOUSE OF LORDS: But since the late Revolution, the Business of these two Meetings not interfering, the same Day has served to open both of them; or rather, to open the One, and shut up the Other. ² There have been no Deviations from this Rule, that I know of, except in a Legantine Synod or two (which are no Presidents) and one in the Convocation of 1640.

This Author will Excuse me, if I take the liberty to tell him here, what I will fully prove hereafter, that he is altogether mistaken in his matter of Fact. This Rule, as he calls it, has not pass'd so currently without Exceptions, as he represents it to have done. But however, to take it in his Own Way; and suppose that the Provincial Convocations, have, for the last Age and half, sate within a Day after the Parliament. Even this is enough to prove it to be a Meeting wholly distinct from it; and by Consequence, from a Convocation that is, confessedly, a part of it. For 'tis not the distance of Time that, in this Case, we are to consider; but whether it be absolutely the same. And if by their several Writs of Summons, the one of these Convocations is appointed but a Day before the other, it is the same thing in the Eye of the Law, as if it had been a Month, or a Year.

For Proof of which, let us suppose the Parliament to be called to meet (as once it memorably was) upon the 5th of November: In that Case it must be granted, that the Parliamentary Convention, summon'd by the King's Writ to the Bishops, must have begun the same Day. But the Provincial Convocation which was appointed to be held the 6th. had as yet no Being; nor could its Members, tho' they had been all present, have legally Assembled themselves in such a Convocation. Upon the Fifth of November then, the Parliamentary Body of the Clergy was Conven'd; and, by being so, was, in the Eye of the Law, actually Assembled. The Bishops, the Principal Members of it, attended upon the King at Westminster: The Deans, Archdeacons, and Proctors of the Clergy, Chosen and

Sect. 12.

¹ Rights, &c.

P. 49.

² So again, lb.

P. 68. In which

yet, in his new

Edit. we find

the Phrase a

little varied,

tho' in the o-

ther Place, it

stands as it did

before. He saw

his Error, but

did not care to

acknowledge it.

Em-

Empowered by Vertue of the same *Writs*; should have been present too; but the *Provincial Convocations*, which were to sit the next Day at *Paul's* and *York*, were not yet in *Being*: Nor could the *Bishops* and *Dignitaries*, and *Proctors* of the *Clergy*, have lawfully met their *Archbishops* that Day at those *Places*; nor without a *Præmunire*, have sate in *Convocation* with them. Now, if this be good *Law*, as I am pretty confident it is; then, as little as I know of *Logick*, I will venture to conclude, That the *Convocation* which met at *Westminster*, upon the *Fifth* of *November*, was altogether a *different Assembly* from that which met at *London* and *York* upon the *Sixth*: And that we may, consistently enough, with our Church, give God Thanks for delivering the *One*, from the Designs of the *Papists* against it; tho' I cannot yet think it reasonable to bless him for delivering the *Other*, which should have assembled at so Great a distance upon 6th of *November*, from being blown up at *Westminster*, upon the *Fifth*.

Sec. 13.

To clear this Matter yet more; if in so plain a Case, it be possible to do it; let me add, That as the King summons these two *Convocations* by *different Writs*, so in those *Writs*, he appoints this difference of *Time* too: And the *Archbishops* in their *Mandates*, Obey him in the Execution of the *One*, as both *they*, and the rest of the *Bishops* do, in that of the *Other*. So that upon receipt of these *double Writs*, a *double Summons* is issued out by them; a *double Return* is made by the *Clergy* upon them; and either *different Proctors* are chosen for these two *Convocations*, (as in the *Province* out of which the *Parliament* meets) Or the *same Persons* are Commissioned in a *double capacity*, as is the common practice in that in which it is held.

This has been an occasional practice to the very time of our last *Civil Wars*:

¹ A. & Capit.
Eccles. Lin.
coln. xx. fol.
204.

Infomuch, that when that unfortunate *Parliament* ¹ was to meet in 1640; The *Archbishop* of *Canterbury*, being then *Guardian* of the *Diocese* of *Lincoln*, sent his *Mandate* down to the *Dean* and *Chapter*, to summon the one to appear in his own *Person*; the *Others* by their *Proctor*, as well in the *Parliament* to be begun at *Westminster* the 13th of *April* next, as in the *Convocation* of the *Clergy* of *England*, in the *Cathedral Church* of *St. Paul*, *London*, the 14th Day of the same Month. And the *Chapter* order'd a *Proxy* to be seal'd to *Dr. Robert Meers*, *Chancellor* of their *Church*, to appear as the *Proctor* of the *Chapter*, according to the *Tenour* of the said *Mandate*.

² Lib. Dec. &
Capit. Lichf.
ad Ann. 1623.

Thus the *Minute* is enter'd in the *Dean* and *Chapter's* Book there: And for the *Form* it self, in which this *Præmonition* for *Parliament* is made; I shall set it down as I find it, in another *Church*, at the latter end of the fore-going *Reign*: Where the *Bishop* having recited the King's *Parliament Writ*, with the *Præmonitory Clause*, for a *Parliament* to be held at *Westminster*, *February* the 12th, thus goes on to his *Dean* and *Chapter* thereupon: ² "By Vertue and Authority whereof, We, by the *Tenor* of these *Presents*, do Warn, and Peremptorily Cite you the *Dean* aforesaid; that at the *Day*, and *Place*, before mentioned, you be *Personally* present to treat about the *difficult and urgent Affairs*, which concern the *State* and *Profit*, the *publick Good* and *Defence* of the *Realm* of *England*, and the *Subjects* thereof, to be then and there more seriously laid before you, and to consent to such things, as upon common *Deliberation*, shall chance to be wholsomly *Established* to the *Honour* of *God*, and *profit* of the *Church*. And further to Do, and Receive what the nature of this *Affair* shall demand, or require. We do also commit it to you, and injoin you firmly, and command you, that you peremptorily Cite, or cause to be Cited, all and singular the *Canon*s and *Prebendaries* of our *Cathedral Church* aforesaid; that they appear personally before you or your *Commissaries*, at a *Day* and *Place* by you to be appointed; to Chuse and *Nominate* One fitting and sufficient *Person*; and to Give and Grant to the said *Person* sufficient *Power* to appear in the Name and *stead* of the said *Chapter* before Us, or our *Vicar General* in *Spiritual Matters*, or any other *Commissary* in that behalf, in the *Cathedral Church* of *Litchfield*, in the *Usual Place* there, upon *Thursday* the 5th of *February* next, after the *Date* of these *Presents*, to Chuse, *Ordain*, and send one fitting and sufficient *Proctor* for the *Chapter* aforesaid, after the *Form* above mentioned; and to Order his *Wages*, &c. And take care to Certifie us, &c. of what you shall have done in the *Premises*.

This

This *Mandate* the *Dean* and *Chapter* were wont to Obey, as the *Archdeacons* in like manner did. And the *Proctors* for the *Parliament* being chosen both by the *Chapter* and *Clergy*; the *Bishop* made his Return of what he had done, by his *Certificate* to the *King* in this manner. "To the most excellent *Prince*, &c. "We have with all reverence receiv'd your *Brief*, and *Mandate*, for coming to your *Parliament*, by Vertue and Authority whereof, we have caus'd to be premonish'd, according to the Tenour of it, the *Dean* and *Chapter* of our *Cathedral Church*, the *Archdeacons*, and all the *Clergy* of our *Diocese*; that they, and every of them, appear in *Parliament* at the said time and place; the *Deans*, and *Archdeacons* in their proper Persons; the said *Chapter* by one, and the *Clergy* of the *Diocese* by two fitting *Proctors*, having full and sufficient Power from the said *Chapter* and *Clergy*, to Consent to such things, as shall, by God's Grace, happen to be ordain'd by the *Common Council* of your *Kingdom*.

¹ See this Form. Registr. Sampson. fol. 10. Registr. Cicesvrens. An. 1539 Append.

I have the rather set down these forms at large, to shew, that, when the *Clergy* were Summon'd to the *Parliament*, the *Bishop* proceeded in the Execution of the *King's Writ*, in a form altogether different from that of the *Archbishop* for a *Provincial Convocation*. That the *Dean* and *Chapter* were Cited to appear at the day that the *Parliament* was opened, not upon the day that the *Convocation* began; At *Westminster*, not at *St. Paul's*; and that the *Proctors* of the *Clergy* were, accordingly, doubly Chosen, and Commissioned, for these two *Assemblies*. And from all which, it evidently appears, that they are two distinct *Congregations* called by several *Writs*, at several times, to several Places; and have their several Powers, and Privileges, accordingly.

But I must not conclude these Remarks without taking Notice of the reason that is given why the *Provincial Convocation*, has been wont to meet a day after the other: Because that on the day of the *Parliaments* sitting, the *Bishops* were To ATTEND THE HOUSE OF LORDS. ² Where this Gentleman Learn'd this Doctrine, ² Rights, &c. I cannot tell; but sure I am, the *Bishops* are not much beholden to him for it: pag. 48. For whose utter Exclusion from the *House of Lords*, he has hereby laid a fair foundation; whenever that Honourable House shall please to resolve, that they have no longer need of their ATTENDANCE. I verily thought that the *Bishops* had been Summon'd to SIT WITH the *Lords* in *Parliament*, not to ATTEND upon THEM: That both as *Barons*, and *Bishops*, they had a Right (a double Right) of Acting and Voting in that *High Court*. But, it seems, I have been mistaken; these *Clergy-Lords* are only *Spiritual Attendants* upon the *Upper*, as he would have the *Clergy-Commoners* to be upon the *Lower-house* of *Parliament*. A Proposition not much for the Honour either of the One, or the Other: Who both together have ever been accounted one of the *Three Estates* of the *Realm* in *Parliament*, and by the *King's Writs* (the standing, legal foundation of their *Parliamentary Rights* and *Privileges*) are at this day solemnly acknowledged, and declared so to be.

Seft. 14

However, let us admit of his Reason, tho' with a little Correction of his Crude Expression; that the *Bishops* being to Attend upon the *King* with the *Lords* and *Commons*, at the opening of the *Parliament*, that day was not so proper for the *Provincial Synod* to meet upon. Now the *Bishops* attend there by vertue of the same *Writ*, by which the *Inferiour Dignitaries* and *Clergy* are Summon'd thither. They attend in Obedience to the *King's Summons*, and as the remaining part of that *Estate*, which once more fully attended with them, and is still call'd by the *King* so do. They therefore so attending, are All of the *Parliamentary Convocation*, that now do actually attend there. And the reason given, upon this true foundation, why the *Provincial Synod*, cannot well begin the first day of the *Parliament* is this, because that the *Bishops* are then accusom'd (as the rest of the *Clergy* are call'd) to attend upon the *King* in their *Parliamentary Capacity*, in another place; which I think still helps to Corroborate that difference, which from this, and the other Reasons I have before mentioned, there plainly appears to be between them.

And thus much we may conclude from what has been granted to us, concerning the different Times of these two *Assemblies* meeting. I shall only observe, that as they are allowed to have their several days of opening, so it is farther granted, that they have their several times of rising too: And this no less than the other, proves an apparent difference both in Law and Fact between them. For the *Parliament* being dissolved, or prorogued by the *King's Command*, the *Convention* of the *Clergy* called by vertue of the *Parliamentary Writ*, must of necessity be dissolved,

Seft. 15.

Solved,

solved, or *prorogued* together with it. If therefore the *Provincial Convocation* be not affected thereby; if it still continues to *sit* (tho' never so short a time) after the *Parliament* is *risen*; and needs another *Writ* to determine its *Session*; Then it must be concluded, that it hereby also appears to be a *different Assembly* from the other; as different as an *Assembly actually and legally sitting*, is from an *Assembly* that is *actually and legally dissolved*; and so has no being in *Law*, nor can *legally meet*, or *do*, or *establish* any thing.

But these are not all the Reflections, which this Circumstance of time will afford us, to shew the difference of these two *Assemblies*. There are some other Particulars, which must not wholly be overlook'd; tho' I shall insist as briefly as possible upon them.

² Cum omni Celeritate Accommoda.

For, First, Whereas the King by his *Writs* constantly determined the time of the *Parliament's sitting*, and in that of the *Parliamentary Convention's meeting* with it, nothing was more usual heretofore, in the *Provincial Convocation* call'd by the King's direction, than to leave the *Archbishop* wholly at liberty in this particular; To assemble it when he thought fit: Only with a general Clause, that he should do it, with all convenient speed; ¹ but as for the precise time of its meeting, that was committed to himself to determine. When afterwards this liberty began to be retrenched, and a time was limited, within which the *Convocation* should be *Summon'd* by him; yet still the day was submitted to his own *Nomination*; and the *Archbishop* not only appointed that, but (as has been already observed) frequently exceeded the bounds of that time that had been prescribed to him. Nay, when the very day it self was fixed in the King's *Writ*, yet he did not think himself so far concluded by it, as not to have the power of changing it, for his own Convenience, which accordingly he oftentimes did do.

Now what can be more unreasonable than to think that this Liberty should either have been given by the King, or taken by the *Archbishop*, had the *Provincial Synod*, and the *Parliamentary Convocation* been but one, and the same meeting. ² Or what can be more clear, then that an *Assembly* whose time is fix'd; and that by the Royal Authority, (which alone indeed has power to determine it) must be a *different Assembly* from that whose time of meeting is left at large by the King, and is determined only by the Ecclesiastical Power.

² Registr. Arundel. A. C. par. 2. fol. 6, 25. b.

Secondly, As for the *Dissolution* of the *Provincial Convocation*, that also shews its necessary distinction from the *Parliamentary*. To say nothing of that Custom which has confessedly obtain'd for an Age and half past, of *proroguing* or *dissolving* the one some time, tho' but a short one, after the other; which I have before taken notice of. The account which is given us, of the *Convocation* and *Parliament* which were sitting at the time of King Henry the Fourth's Death, sufficiently speaks the difference between them. ³ The *Parliament*, and with that the *Parliamentary Convention* of the Clergy, was dissolved by the King's Death, March the 20th; and a new one *Summon'd*, two days after. But the *Provincial Convocation*, as it was not call'd by the King, (tho' in pursuance of his *Writ*) so neither was it dissolved by his Demise, but continued to sit on, notwithstanding the dissolution of the other; and therein manifestly shew'd it self to be a quite different *Assembly* from it.

³ See the Convocat. Book of York, Ad Ann.

I shall conclude this Argument with another, and much later instance, of the same kind, and which may be one proof, out of many, before hand, of the great Mistake of that Assertion, which has been lately with so much positiveness advanced; viz. that our *Convocations* have been always call'd and dissolved, within a day of the *Parliament*, for these last 150 years. In the 19th of King James the First, a *Writ* was sent to the *Archbishop* of York, Dated February the 9th, for the Dissolving of that *Convocation*: And by vertue thereof upon the 27th of the same Month it was dissolved. But the *Parliament* of that same year had been before dissolved by Commission, February the 8th, and with it the *Parliamentary Convention*, put to an end, almost Three Weeks before the *Provincial Convocation*.

This I take to be as plain a Demonstration of the actual Distinction of these two *Assemblies*, as can possibly be given; and I make no doubt but that all indifferent Persons will join in the same Opinion with me. But,

Sett. 17.

Secondly, From the former of those Circumstances which I here proposed (under this head) to consider; let us go on to the latter, that of Place; and see whether we may not from thence also derive another plain demonstration of the difference which I affirm to be between the *Provincial*, and *Parliamentary*, *Conventions* of the Clergy of England.

I have before observed that when the *King* calls his *Parliament* (of which the *Bishops* and *Clergy* are *one chief Estate*) he prefixes not only the *time*, but the *place* too, of their *Assembling*: And this being done under his *Great Seal*, and in the *Writs* of *Summons* which are issued out for the *Convening* of it, cannot be changed by any *lesser Authority* than that which first appointed it. In like manner, when a *Convocation* is to *meet*, the *King* either absolutely determines the *place*, or mentions some particular place for it's meeting, with a liberty to the *Archbishop* to chuse any other, that he shall think to be more convenient for it. The *Archbishop* having issued out his *Mandate*, upon this *Writ*, and therein appointed the *place* where the *Convocation* is to begin; that also is now settled, not only by *Ecclesiastical*, but by *Civil Authority* too; and at that *place*, and no other, the *Clergy* must appear.

If therefore these *two Conventions* of the *Clergy*, thus Summon'd by the *Parliamentary* and *Provincial Writs* are call'd not only at *several times*, but to *different places*; If the legal determined *place* for the meeting of the one be (for Example) *Westminster*; for the other *London* and *York*; Nay, if sometimes the distance be yet more considerable, as in the last *Parliament* of *King Charles the Second* it was, when the *Parliament* was Summon'd to *Oxford*; the *Provincial Convocation* of *Canterbury* to *London*; and that of the other *Province*, to *York*; and all these were by vertue of their *several Summons*, determined in *Law* to *Meet, Sit, and Act*, in those *several places*: I do not see how it is possible to confound all these *Assemblies* into *one*; and in despite not only of *Law*, but of *Common Sense* it self, make the *Parliamentary Convention* legally called to sit at *Oxford*, and no where else, to be in fact the same *Assembly* with the *two Provincial Convocations*, appointed to sit at *London* and *York*, and not *Commissioned* or *Authorized* in *Law*, to meet in any other *place*.

But here then a difficulty has been started, in which tho' the present Argument be not much concerned, yet it may not be improper, to take some notice of it, upon this Occasion. That the *Bishops* and *Clergy*, who are called by the *King's Writ* to *Parliament*, like the *Lords Temporal*, and *Commons*, are, by vertue thereof, required to attend upon the *King* at the *place* appointed by him for the holding of it; whenever he requires the *three Estates* to come together, and particularly at the beginning of every *Parliament*, is not to be questioned. But as the *other Estates*, at *other times*, separate from one another, and sit by themselves, and debate asunder upon such matters as come before them; so the *Clergy* were in like manner wont to do. For this they had their *several places* of *Assembling*; and what the *place* was, in which the *Parliament-Clergy* were antiently wont to meet, whilst they continued to act in their *Parliamentary Capacity*, is a point that has raised some dispute: Let us see how a late Author has resolved it.

Sect. 18.

Rights, &c.

p. 437.

Authority,

p. 221.

"In what *place* the *Clergy*, call'd to *Parliament*, met, Dr. Wake professes himself not to have found: But he thinks it not improbable, that it may have been at *St. Paul's*; (i. e. when the *Parliament* met at *Westminster*;) BECAUSE their other *Convocations* were usually held there. My Words are these, "In what *place* the *Clergy* used to meet, I have not found. But As their other *Convocations* were usually held at *St. Paul's*, so it is not improbable but that upon these Occasions, they may have sate there also. I assign not their sitting there in their other *Convocations* as any necessary, or sufficient reason, why they should meet there in these, but barely offer it, as no improbable Conjecture, in a matter where I had little to Guide me; that it was likely they might have sate, and deliberated there in one kind of their *Convocations*, (not BECAUSE, but) as well as we are sure, they did so, in the other.

But this, it seems, was no such probable conjecture as I supposed, but rather was very improbable: "That while they were STRICTLY SPEAKING, a MEMBER of PARLIAMENT, they should meet so far from the *place* where it open'd, and sate--- *Westminster-Abbey* was somewhat nearer, and more convenient. I readily grant that *Westminster-Abbey* was a great deal nearer to the *Court*, than *Paul's*: But was it not as much nearer when the *Convocation* sate in its *Provincial Capacity*, as it was when it sate in its *Parliamentary*? And yet for all that, the *Clergy* then chose *St. Paul's Cathedral*, rather than *Westminster-Abbey*; tho' the *Archbishop*, *Bishops*, and *Prelates*, attended in *Parliament* as duly at *Westminster* then, as both they, and the *Clergy* could have done before. And if the inconvenience of the distance of that *place* from *Westminster* weigh'd not with them in

Rights, ib.

the one, why should we suppose it to have been of any such mighty Consideration with them in the other.

Westminster-Abbey was an *Exempt Jurisdiction*: The *Clergy* did not care to be call'd thither, neither by the *Archbishop* nor *King*; as this *Author* knows very well: ¹ And 'tis not improbable but that the *Archbishop* may have as little liked to sit in such a place himself, as they to attend upon him. Now the *Clergy* in their *Parliamentary Meetings* consulted together *Provincially*: ² Their very *Deputations* ran in that form; That their "*Proctors should do, and consent to such things as should happen to be ordain'd by the Common Council and Assent of the venerable the Archbishop, and of the Prelates and Clergy of the Province.*" And I think it much more probable, That the *Archbishop* should advise with them in a place where he had an unquestionable *Jurisdiction*, rather than in One where he had none; but might perhaps have been troubled with *Protestations* on both sides; of the *Clergy*, for drawing them thither; and of the *Abbot and Convent*, for coming to sit there.

But still this is but conjecture on both sides, and proves nothing certainly on either: To come therefore to something that is more decisive; he adds; *We may reasonably believe, That the Clergy were accommodated with some Room in that Monastery: As indeed they anciently were.* ³ He means before the time of *King Edward the First*, (for so his *Instances* shew) that is to say, before the time of which we are now speaking. This indeed is very strange; that the *Clergy* should have held their *Parliamentary Conventions* at *Westminster*, a Hundred Years before they were called to *Parliament*. But however, let us consider his *Authorities*. As for the *Three First*, they all relate to other Matters: ⁴ One to an *Extraordinary Meeting* of the *Archbishop and Clergy*, to *Excommunicate* some *Disturbers* of the publick Peace: ⁵ The next to a *National*; the Third ⁶ to a *Legantine Council*; but not One of them relates to a *Great Council*, or *Parliament*.

The next Instance is thus far to the purpose, that it relates to a *Great Council*, and that Council assembled in *Refectorio Westmonasteriensi*: ⁷ From whence the *Lay-Nobility* retiring, left the *Prelates* to debate by themselves. The *Parliament* being broken up, after six days sitting, and nothing done of what the *King* desired; he prevailed with the *Prelates* to assemble once more, which accordingly they did in the *Chappel* of *St. John*, within the *Infirmery*; ^{*} but retir'd without any change in the *Resolutions* they had before taken. This is the truth of that Story: But how this proves the customary place of the *Clergy's separate Conventions* for *Parliamentary Affairs*, to have been within the *Abbey of Westminster*, I am yet to seek. For, in this *Parliament*, no other *Clergy* met, but the *Bishops and Prelates*, whose place was to sit with the *Lords* in *Parliament*, and not in a separate Body by Themselves; as it still continues to be at this day.

And yet as little as this makes to his purpose, his next Instance is still less: ⁸ The meeting on *St. Matthew*, being only a meeting of the *Clergy*, without the *Laity*; (who assembled by themselves the morrow after *St. Martin*, ⁹ Nov. 12. at above seven Weeks distance;) which, I am sure, this Gentleman himself, upon second thoughts, will not affirm to be sufficient to make a *Parliament*.

Hitherto then we have advanced but little in our Enquiries; Let us see whether his next Attempt be any better. ¹⁰ Upon the *Division of the two Houses*, says he, the *Commons* sate in the *Chapter-House* of the *Abbot of Westminster*. *Dr. W. Observes*, that this is mention'd there as the *Accustom'd* or (rather as the *Roll* it self speaks) the *Ancient Place* of their *Assembling*; which implies them to have sate there, probably from the time of their separation. Not many Years after this, They seem to have exchanged this place with the *Clergy*, and to have sate themselves in the *Refectory* of the same *Abbey*: For in the 9th of *Henry the 5th*, the *Chapter-House* appears to have been the place of Reception for the *Convocation-Clergy*, &c. I could have wish'd this Gentleman would have taken a little more pains to put the *Clergy* in Possession of the *Refectory* of the *Abbey of Westminster*, for the place of their *Parliament Debates*, before he had brought them to Exchange it with the *Commons* for the *Chapter-House*: But he has taken his Own Way, and I must follow him; And Enquire,

(1.) Whether the *Commons* did sit in the *Chapter-House* at *Westminster*, 'till the 50th of *Edward the 3d*. And,

(2.) Whe-

¹ Rights. p. 210.

² lb. Append. p. 484.

³ Rights. p. 437. 438.

⁴ Hoveden, fol. 418. b.

⁵ Cotton Rem. pag. 212.

⁶ Dicet. inter script. x. col. 589.

⁷ Not in Refectorio Monachorum as Dr. A. quotes it: nor M. Paris. p. 640 but p. 639.

⁸ lb. p. 640.

⁹ See the Citation of it. Regist. Hen. prior. fol. lxiii.

¹⁰ Dugd. Summonit. p. 7.

¹¹ Rights, &c. p. 438.

(2.) Whether *then*, or not long after, they Exchanged it with the *Clergy* for the *Refectory*.

(1.) As for the former of these, the place where the *Commons* sat before the 50th of *Edward* the 3d. The most Early mention I have observ'd of it, in my small Acquaintance with the *Parliament Rolls*, is in the 17th of that King: And then I find them not in the *Abbey of Westminster*, but much nearer the Lords, in the *Painted Chamber*.¹ Here, I suppose, they continu'd in the following *Parliaments*, 'till about Eight Years after, having Commission'd a certain number of their State, to transact the Affairs of that *Parliament*, with a suitable number of Lords; and these (probably) meeting in that Room, the rest were order'd to retire to the *Chapter-House* within the *Abbey*.² But this gave them no settlement there; for within three Years after we find them again in the *Painted Chamber*; and there they continu'd to sit, 'till the 40th of the same King.³

In the 42d of *Edward* the 3d, the Place was changed; and the *little Hall* (of the Palace, as I take it) was assigned to them.⁴ How long they sat there, I cannot say: But in the *Parliament*, five Years after, in the 47th of *Edward* the 3d. We meet them again in the *Painted Chamber*,⁵ where they had formerly been wont to sit. The next *Parliament* after this, was in the 50th of *Edward* the 3d; when (as before I observ'd) they were sent to the *Chapter-House* at *Westminster*, which this Gentleman tells us, had been the usual Place of their *Assemblies*, from the time that they became a separate House: How truly we have now seen. In effect, there is but One single Instance, that I know of, upon Record, that ever they sat there, before the 50th of *Edward* the 3d, and that was upon an extraordinary Occasion: So that if the *Chapter-House* were their *Ancient* place of sitting, it must at least be confess'd to have been an *Antiquated* one too; for 'tis plain, that for near forty Years preceeding, they had made but little Use of it. Let us see,

(2.) How it appears, that not long after this, they Exchanged this place with the *Clergy*, for the *Refectory* of the same *Abbey*. In the 51st of *Edward* the 3d, they continued to sit in their New Place, the *Chapter-House*.⁶ During the first seven Years of King *Richard* the 2d, We meet with no determinate Place, but are only told in the general, That they sat within the *Abbey of Westminster*.⁷ But in the *Parliament* held the 8th of that King,⁸ we are expressly told what that place within the *Abbey of Westminster* was, viz. The *Chapter-House*, to which his Grandfather King *Edward* the 3d. had sent them.⁹

Thus the matter stood 'till about ten Years after; the same King (for what Reason I know not) left them to their Choice,¹⁰ to sit in the *Chapter-House*, or in the *Refectory*, which they would: And by this liberty it was, not by any imaginary Exchange made with the *Clergy*, of which there is not the least intimation in the *Record*, that they removed into the *Refectory*, where we find them sitting the next *Parliament*,¹¹ the 21st of *Richard* the 2d.

In this place they continued during the Reign of King *Henry* the 4th,¹² and in the beginning of his Son, King *Henry* the 5th: In the fourth of whose Reign, as this Gentleman rightly observes, the Chancellor assigned them *une Maison appelee le Froitour*.¹³ After this, there is little to be found upon the *Rolls* as to this matter, more than in general terms; that they sat in their accustomed place, the House in which they had *anciently been wont to meet*; and for which Phrase, this Gentleman needed not to have gone so low, as the 6th of *Henry* the 6th.¹⁴ He might have found the same Language three Years before, under the same Reign: And in the preceding Reigns, we meet with it, in effect, as high as the 5th of *Henry* the 4th; and possibly it might be carried yet higher, did the Argument need any curious search after it.¹⁵

And thus have we at last agreed upon the place in which the *Commons* were wont to sit, when they came to *Parliament*. The only Question is, How this Author proves that the King, who left them first to their Choice, of the *Refectory*, or *Chapter-House*, as they liked best, turn'd the *Clergy* out of the *Refectory*, to bring the *Commons* into their place?

Why? for that he refers us to *Walsingham*, and 'tis the only Authority which he alledges, or, indeed, seems to have had, to prove that the *Clergy* did ever make use of the *Chapter-House* in *Westminster-Abbey*, for the place of their *Parliamentary Sessions*; and that above Twenty Years after the *Commons* had left it to them. Let us hear therefore what *Walsingham* says as to this point:¹⁶

¹ Reg. Mem. Hen. Bugherh. Episc. Linc. fol. 275. *Ut compareant coram nobis* (sc. Arch. Cant.) *seu nostris Commissariis in Ecclesia D. Pauli*, is an accurate Writer, as this Author allows; and in that, I do assure him, there will be no Controversie between us. He tells us, that about the time of the Parliament, Anno 1421, the Order of the Black Monks were by the King's Edict called in great numbers together: That there were present Sixty Abbots, and Conventual Priors; besides three hundred and more Monks, with their Doctors and Proctors: That the King had been inform'd that they had deviated very much from their Institution; and that a Reformation could not be made by any other but himself: That being met together in the Chapter-House at Westminster, the King, with only four Attendants, came thither to them.

festum Exalt. S. Crucis, ad Traſand. ſuper Arduis & Urgent. Anglicanæ Ecclesiæ at- que Regni Negotiis, in dicto Parlamento diffusius pertractandis. And is this at last the Authority on which we are to determine the Chapter-House of Westminster, to have been the Customary Place of Meeting for the Parliament Clergy? A Congregation of Monks, turn'd into one of the Three Estates of the Realm. Surely our great Author Nodded here with a witness. I will not pretend to affirm St. Paul's to have been the constant place of their sitting upon these Occasions: But this I will undertake to say, that there they sometimes did meet to treat together of their Parliamentary Affairs; and I see no reason yet to doubt, but that it was their usual Custom so to do.

Sect. 19. King Edward the Third having summon'd his Parliament to Westminster, the Monday after the Exaltation of the Holy Cross, Anno 1334; and as the manner then was, the better to secure the Clergy's Attendance upon it, added a Provincial Writ, to his premunitory Summons: The Archbishop of Canterbury, in the very Execution of it, required the Parliament-Clergy, *Ut compareant, &c.* ¹ To appear before him in St. Paul's Church, upon the said Monday, there to Treat of the difficult and urgent Affairs of the Kingdom, and Church of England, which in the said Parliament were more at large to be treated of.

Ibid. The Archbishop's reason for calling this Convocation so near to the other, is observable. *Nos igitur super contentis in Brevibus supra-scriptis cum quibusdam nostris Fratribus & aliis multis personis tractatu habito diligenti, Nolentes quantum in Nobis est, Nos & alios prelatos & Clerum nostræ Provincie occasione præmissorum duplicatis Expensis & laboribus satigari, & Opantes vestrum & eorum delictis criminibus quantum possumus obviare, Convocationem hujusmodi: (cum minori vestro quo possumus incommodo) & eorum, fore Censuimus faciendam.* It is not improbable, but that a Person who has so much desire to Confound the Parliamentary, and Provincial, Assemblies of the Clergy together, may be willing to think, that this was a Mandate, not for the Parliament, but for a Convocation. And the rather, because it is expressly call'd to treat with the Archbishop at Paul's. To prevent any such Mistake, he may please to know that the King had, at the same time, Order'd the Archbishop to call a Convocation of the Clergy of his Province, much after the same manner as it is still done at this day. And in Execution thereof, the Archbishop distinctly commands the Bishop of London, to Cite all the Bishops, Deans, Abbots, Priors, &c. ² (the Members of the Provincial Assembly) to appear before him in the same place, (but not upon the same day) the Monday after the Feast of St. Matthew, there to treat, in their accustomed manner together.

E. Reg. Wigorn. Monast. Vol. ii. fol. 3. Now, as this double Provincial Summons assures us, that there were two different Assemblies to be call'd, for which a double Writ was necessary from the King, and a double Mandate from the Archbishop; so the Clergy in their return, plainly shew that they understood it so to be. And therefore the Prior and Chapter of Canterbury, by their Proxies dated the 20th of September, 1334. Granted double Powers to their Proctors ³: 1st. For the Parliament, to appear before the Venerable Father John, Lord Archbishop of Canterbury, in the Church of St. Paul, London.—To treat of the difficult and urgent Affairs of the Church, and Realm of England in the Parliament at Westminster, Monday next, after the Feast of the Exaltation of the Holy Cross.—And 2dly, For the Convocation, to appear before the said Father in the Church of St. Paul, Monday next after the Feast of St. Matthew the Apostle, to treat, &c.

From which Instrument of Procuration, which this Author had in his Hand, would he have been pleased to have made a right Use of it, we may again infer these two things: 1st. That these two Convocations were really (in Fact) distinct Assemblies, from one another: And, 2dly, That the Parliament-Meetings of the Clergy, as well as the Provincial, were held before the Archbishop; not at Westminster Abbey, as this Author Dogmatically pronounces, but at St. Paul's Cathedral; as I supposed them to have been.

³ Regist. Eccl. Cant. K fol. 32. b. The Case, with respect to the Parliament, was the same the next year after: The Writs, the Mandates, the Proxies are all alike: ⁴ And which is more remarkable; I cannot yet find that any Convocation then sate with it. So that we may the rather conclude, that St. Paul's was the usual Place, in which the Parliamentary Clergy met, when they sate asunder from the other Estates; and that they did not do it, for the Convenience of the Other Convocation, which was held concurrently with it the Year before. Such

Such early Evidence have we to prove that St. Paul's Cathedral was the Place of the Clergy's meeting for their Parliament, as well as Provincial Assemblies. And if we may take the Word of an Eminent Professor of the Law, 'so it continued to be: Insomuch that speaking of the Commons of England represented in Parliament; he tells us, they consist of the House of Commons at Westminster, and the Clergy, who (says he) assemble themselves at Paul's. For, to suppose that by the Clergy there, he meant the Provincial Synod of Canterbury, would be to make him speak after a very absurd manner: As if those of York had no part in the Common Priviledges of Parliament; which, as meanly as our Author thinks of that Province, yet I believe he would not care himself to assert.

² But tho' the Place of their Meeting puzzles me, yet the time it seems does not: For as to that, he says, I inform them, that the Clergy, who met by vertue of the Convocation-Writs in Parliament-time, came together heretofore on some other day, than that on which the Parliament began. Well, and is not this true? That is not deny'd. But where then is the Fault? Why, I know not it seems that they have done so of late too. What, under the present Government? No, that he confesses they have not. But to the late Revolution they did so; tho' since it has been otherwise. Then, I hope, Dr. Wake may still have been in the right, when he said, That heretofore the Convocation began on some other day than that of the Parliament's meeting; tho', at present, the Method be changed, in that Particular, and they now begin both on a Day. But,

4thly. To proceed: The next thing to be observed in the Publick Instruments relating to these two Convocations of the Clergy, is, The Persons before whom they are called; and who are considered as the Chief Directors, and Governours, of these several Meetings.

Now this, the Writs themselves by which they are summon'd, and the Returns which are made upon them, will best inform us; And from these therefore we will begin our Consideration of this Point.

In the Parliament-Writ, by which the Bishops and Clergy are summon'd to that State-Assembly; the words are to this Effect: "That the King having, by the Advice and Consent of his Council, resolved to hold his Parliament at Westminster; Commands the Bishops (to whom they are directed) that laying aside all Excuses, they should take care to come in Person thither, there to Treat together with him, and with his Lords and Nobles, premonishing, &c.

In the Executions of these Writs, in the Returns upon them, in all the other Instruments which relate to them, still the Parliament is called the King's Parliament: And before him it is, that all the Members of it are said to appear there. But the Convocation is the Archbishop's Convocation; so the King himself owns it, in his Writs, to be: It is summon'd before him; and all the Instruments which relate to it, bespeak him as the Head, and Governour of it.

Nor is this an empty, or honorary Title, but such as has a real influence upon the Persons and Actions of these Assemblies; and thereby plainly shews the Difference between them.

To say nothing of what has been already observed, of the Authority of the Archbishop, in summoning his Provincial Convocation; and its difference in this respect Alone from the Parliamentary. The Members of both being summon'd; the Archbishop, as President of the one, has in himself the Power of Receiving the Excuses of such as cannot appear at it; and of remitting or punishing the Defaulters in such a case. To him the Proxies of the absent Members are directed; and by his Commissioners, the Executions of the Provincial Summons, and the Returns which are made upon them, are examined. In the Province of Canterbury, the Bishop of London, at the first opening of the Convocation, makes his general Certificate to the Archbishop; and then all the other Bishops give in theirs for their respective Dioceses.

But in the Parliamentary Assembly, all this was wont to be done to the King, and his Officers in Parliament. To him the Proxies were directed; to him Excuses were sent; he only had the Power to Punish or Remit the Defaulters: And tho' he may have left it sometimes to the Archbishop, to execute the Penalty upon the Ecclesiastical Members of his Parliament; yet still it was by the King's Authority, and in Obedience to his Command, that he did it.

In the Ecclesiastical Convocation, the Archbishop opens the Assembly: He declares to them the cause of their Meeting; he governs their Sessions; continues them

Sect. 20.

² Rights, &c. p. 493. Comp.

Sect. 21.

⁴ Vid. Stat. 5. Rich. 2d Stat.

them by his *Authority*, and *Summons* the whole *Clergy*, whenever he sees fit, to come before him. In the *Parliamentary*, the *King*, or his *Commissioners* do this: He opens the *Sessions*; he declares, or orders to be declared to them, the *Causes* of their *Meeting*; he governs in it; Calls all the *Estates* at his pleasure before him; he prorogues the *Parliament* (and with that every part of it) at his will.

The *Convocation* having, upon *Debate*, *Agreed* upon any *Thing*; the *Archbishop* heretofore solely confirmed their *Acts*; and being *ratified* by him, they became *Provincial Ordinances*; and oblig'd all whom they concern'd, within the *Province*, to *Obedience*. In the *Parliament*, the *King* does the same, that the *Archbishop* did in his *Convocation*: Nor were the *Acts* of the *Clergy* in *Parliament* ever of any *Authority*, until both the *Lords* had concurr'd, and the *King* added his *Confirmation* to them.

Lastly, The *Convocation* having done the *Business* for which it was called; the *Archbishop* by his own *Authority* Anciently dissolved it; and by that determined its *Session*: But the *Parliamentary Assembly* never was dissolved but by the *Royal Authority*; nor had the *Archbishop* ever any *Power* in that particular.

This has been the *Difference*, and in good measure still is, between the *Provincial* and *Parliamentary Convocation*; And the *Argument* which arises from it, is, I think, plain and conclusive: That those two *Convocations* must needs be altogether different *Assemblies*, the one of which is a part of the *King's Parliament*: The other is the *Archbishops Convocation*. The one of which is called before the *Civil Magistrate*, is order'd and govern'd by him; the other before the *Ecclesiastical*, and subject to his direction. In the one of which the *King* gives the last force to all the *Acts* of it, which have no *Authority* without his *Concurrence*; In the other, the *Archbishop* had the last concluding power, and without any other *Authority*, made them as *Valid*, as the *Acts* of such an *Assembly* could be. In short, the one of which, as it was called, so was it continued and dissolved too, by the *Civil Power*; the other was both *Summon'd*, *Continued*, and *Ended*, by the *Ecclesiastical*.

Sect. 22.

But that which will give farther light to this matter, will be to consider the different forms of *procuracion* that were wont to be granted for these several *Conventions*. And I shall the rather do it, because I look upon a late *Writer* to have been not a little mistaken in the account which he has given of them.

That when a *Parliament* was call'd, the *Bishops* and *Clergy*, who either could not attend, as they ought to have done, in *Person*, or were required to appear by their *Proxies*, did return their *Proxies* accordingly; may from the undoubted accounts we have yet remaining of these *Instruments*, and from the *Copies* which are still upon *Record* of the very *Proxies* themselves, be evidently made appear.

That if a *Convocation* were *Summon'd* at the same time with a *Parliament*, and so the *Clergy* obliged to assemble under a double *Capacity*, they deputed either double *Proxies*, or the same *Persons* by double *Instruments*; or, which is all one, gave them a distinct double *Power*, in the same *Instruments*, is from the same *Records* no less apparent.

Now as this alone may be sufficient to shew, that these two must have been accounted very different *Assemblies* (for else, what room could there have been for different *Proxies*; or what need would there have been of different *Powers* to the same *Persons*?) so if we look into the several forms of them, they will yet more confirm the manifest distinction, which I am now asserting betwixt them.

The *Proxies* for *Parliament*, were commonly directed to the *King*, by whom it was *Summon'd*, and before whom they were called to appear. Those for the *Convocation*, to the *Archbishop*, by whom they were in like manner *Summon'd*, and before whom they were required to present themselves.

The *Proxies* for the *Parliamentary Assembly*, were usually to appear in the *Parliament* to be held at such a time; there to *Do according to the Tenour of the King's Writ*; and to *Consent to such things as by the Common-Council of the Prelates, Great Men, and Lords, and of the Clergy of the Province, should be ordained*. The *Proxies* for the *Provincial*, were to appear in the *Congregation of the Clergy to be held at such a time*; there to *Treat, Provide, and Ordain, with the Prelates and Clergy of the Province, in their Provincial Council*; and to *Consent to what should be provided by them*; And farther to do and receive, as *Law* should require.

From all which put together, it must, as I conceive, follow, that those must needs be different *Assemblies*, to which the *Persons* *Summon'd* not only returned their distinct *Proxies*, but gave to those *Proxies* such different *Powers of acting*, as 'tis evident, from the *Circumstances* before noted, out of the *Instruments* themselves still remaining, they were wont to do.

It

It is true, one case there was, and the only one it is which has yet occur'd to me; in which the *Parliament Proxy* was directed anciently to the *Archbishop*, viz. at such times as the *King* required the *Metropolitan* in each *Province* to strengthen his *Parliamentary Writs*, to the *Bishops* and *Clergy*, with a *Provincial Writ* to the same effect. For then being Call'd to *Parliament*, by both *Powers*, the *Civil* and the *Ecclesiastical*; they did also return their *Proxies* to both, and Excuse themselves, in case of a *Non-attendance*, to their *Spiritual*, as well as to their *Lay-Superiours*. But still the *Proxy* it self related wholly to the *Parliament*, and not to the *Provincial Convocation*: And the *Person* who made it, return'd his *Letters of Excuse* to the *King*, for not attending upon him according to his *Pre-munitory Summons* by the *Bishop*, as well as to the *Metropolitan*, for not obeying his *Provincial Summons*, to the same place, and at the same Assembly.

But here then we must stop, and consider what has been lately Offer'd to us upon this subject. ² "When the *Procuratoria* were drawn in Relation to the *Premuniens* alone, they ran (as that did) *Ad faciendum & Consentiendum*; or *Ad Consentiendum* only. When they were drawn in Relation to the *Premuniens* ONLY; that is, to the *Convocation* call'd by the *Parliament-Writ*. Now if by this he would Insinuate (as 'tis plain that he would) that sometimes the same *Procuratoria* were drawn with relation to the other *Convocation* too; I must beg leave to say, That he is herein utterly mistaken himself, or would impose upon others: For except in the Case of a double procuration granted in the same Instrument, but with the same distinctness of the different Places, Assemblies and Powers, to which their *Proxies* were sent, and with which they were to Act, as if they had been in Two distinct Deeds; I may challenge this Author to produce but One single Instance of the same procuration granted to any Persons, in the same Terms, to sit in both these Congregations.

And this, indeed, he seems to have been sensible of, and therefore thus warily (but withal insignificantly) goes on: "When the *Provincial Summons* went out also (i. e. for an *Ecclesiastical Convocation*, for otherwise upon the *Parliament Provincial Writ* there was no difference) the *Clergy's* power ran, *Ad Tractandum cum Venerabili Patre, Prelatis & Clero, nec non ad Consentiendum*, which answered both the Citations. In which again I must beg leave to say, he is mistaken: For tho' their Powers were indeed large enough to have answered the end of both Citations, yet they were nevertheless restrained in the Exercise of them; for their Commission was to Treat, not in any place, or with any persons, but only in the *Provincial Synod*, at the place to which it was Called, and where it should be Continued, with the *Archbishop*, *Prelates*, and *Clergy* only, not with the *Lords* and *Great Men*. So that tho' the Powers here were in one respect larger than in their *Parliament Procurations*, because indeed the *Clergy* had a greater Authority of Acting in one of these Assemblies than in the other; yet the Exercise of them was limited to the *Provincial Convocation*; there only they were empowered to make use of them, and not in the other Convention.

Now this our Author could not but have known from the very Instruments to which he refers; And I think he should not have concealed it. But let us see how he goes on: "Sometime (says he) double Instruments of Proxy were framed both for the *Parliament* and *Convocation*; (Yes, always either double Instruments, or double Clauses in the same Instrument:)" "And different Proctors appointed for each of them. And this I conceive was as often as the *Parliament* was held out of the *Province*, and the *Clergy* were at the same time to meet Provincially at home, and do business; for they could not then Assemble with the *Parliament*, or near it, and sent their Proctors therefore to testify their Consent to what should be done in it. In this Case therefore, I hope he will allow the difference to have been clear enough between these two Conventions. When the same Persons were called to sit in their *Parliament-Capacity* in one *Province*; and in their *Provincial, or Convocational*, in the other: And to do this, were forced either to substitute double Proctors; (which was the Case of the Chapters and Clergy) or to sit themselves in one, and to Commission their Proctors to sit for them in the other; As those who were Summon'd to a Personal Appearance, were wont to do. Now this must have been the constant Case of one of the two *Provinces*, as often as the *Parliament* and *Convocation*, were both called at the same time. And when they were not; then I conceive the same Persons sitting first in the one, and afterward in the other, may have served as evidently to infer the same difference.

¹ Regist. p. Wigorn. Ad An. 1321. fol. 101. Procurator. &c. Reverendissimo, &c. Noverit vestra Paternitas quod nos variis & Urgentibus Negotiis impediti, quominus Parlamento Illustrissimo, &c. possumus personaliter interesse, dilectos nobis Tho. de Evesham, &c. Ib. Aliud Procuratorium. Regi directum. — Ad faciendum inibi omnia & singula, juxta formam, vim, & Effectum Premunitionis factæ nobis in hac parte, per Ven. patrem Dom. T. dei gratia Wigorn. Episcopum, &c. Ib. Procuratorium Capituli, ad idem Parliamentum. Excellentiissimo Regi, &c. — Noverit Excellentia vestra, &c. in Instanti Parlamento juxta formam, Vim, & Effectum Citationis factæ nobis in hac parte per Ven. Patrem D. Walterum Arch. Cant. &c. ² Rights Conv. p. 233.

" And the same thing, says he, I have observ'd to be done sometimes in that Province where the Parliament met; if the Archbishop of it did then solemnly hold his Provincial Council: (And I hope this Gentleman would not have had Proxies deputed to it, if he did not:) for in this Case also different Proxies were returned To THESE SEVERAL MEETINGS. So that now then at last, the Parliament-Meeting, and the Provincial, are two SEVERAL MEETINGS; which have had their several Proctors return'd to them; When they have both been held, whether in, or out of the same Province, at the same time. I am sensible that this last observation, is not much to be depended upon, because it is certain that the same Persons were wont by different procuratorial Letters, or Clauses, to be Commissioned for both these Assemblies, no less when they were held at the same time, then when they met at the greatest distance. They were as well able to attend upon both these Convocations at once, as the Archbishop and Bishops were: And for the Ease of the Clergy, who not only sent, but paid them too for their Attendance, the same Proctors did generally serve for both. But I can easily Excuse our Author such a Mistake, who has here so ingeniously Confessed that Truth, which he elsewhere takes somuch pains to disguise.

Sect. 25.

Rights, &c.

P. 238.

Dr. A. in his Addend. p. 81. has sufficiently proved his own mistake in this Conjecture, & yet (I know not why) lets it still stand with very little difference from what he had said before. The whole is p. 56. ["and of dropping by degrees (as they did afterwards, some sooner, some later) the Instruments of Proxy which they framed in Obedience to the Lay Summons.] But the truth is, nothing, that we can find, was innovated at that time in this matter. The dropping of the Execution of the Premunientes had begun before; as is plain from the defect of Entries in our Registers. It still went on, and at last came into an (almost) total disuse.

What therefore I had before written, may still stand as an Answer to this ill-grounded Conjecture, of which he neither before, nor now, has offer'd us the least proof.

How long this Custom of returning Proxies to Parliament continued, this Author professes himself not to be satisfied. He has shewn the Succession of them down to the latter end of K. Henry the Eighth's Reign; and found, that the Premunientes was executed in form, as low as the 33d and 36th years of King Henry the Eighth, and Returns, therefore he thinks, were for some part of his Reign, very probably made to it.

" Not many years after this, says he, the Custom of returning Proxies to Parliament in form, did, I believe, Cease: And if a Conjecture may be allow'd in a matter of this Nature, where with some Care, and Search, one might be certain, I should chuse to fix the time of this Total Disuse not far off the Sixth or Seventh of Henry the Eighth; when the Disputes between the Spirituality and Temporality, about the Exemption of Clerks, growing loud and warm, and the Clergy with a high hand asserting their Priviledges, might take up thoughts of setting themselves free also in another instance then that which they contented about, * and agree generally to frame no more Instruments of Proxy, in Obedience to the Lay-Summons. Will this Gentleman excuse me, If I presume once more to say that he is here also all over Mistakes. For that neither is his Conjecture true, nor his Reason of any weight. As for the return of Proxies to Parliament; certain it is, that the Premunitory Clause has continued to be executed down to the very last Age: And I shall hereafter produce either the Instruments themselves, or Authentick Memorials of them, in proof of my Assertion. And for his reason, it is indeed a very strange one: That in a time when (as himself tells us) the Government grew stronger, and the Prerogative began to recover the ground it had lost to the Church; The Church should begin to get ground upon the Prerogative, and set themselves free from a Submission, which neither in the Reign of K. Henry the Fourth, who desired above all things to hold well with them; nor of his Son K. Henry the Fifth, the Priests own King; nor in the weak and troublesome time of K. Henry the Sixth, they ever pretended to do. That K. Henry the Eighth should let the Church grow too hard for him; and that at the very point of time, in which the whole Convocation truckled to him, and had like to have been all brought under a premunire, for but meddling, by the by, with his Prerogative.

But I shall not insist upon the improbability of his Conjecture: It is enough that we are sure it is false; and can guess at the reason too, that made him so desirous to fall in with such an Opinion, without making those Enquiries here, which he has elsewhere been commendably diligent in doing. His business was to transfer (if he could) the Rights, &c. of the Parliament-Convocation to the Provincial. For this, he was to make the one succeed into the place, and powers, of the other. And the main ground of Proof, was to be drawn from some publick Evidences, that seem to speak of the Convocation as a part of the Parliament. Now to have own'd, that as the Bishops are distinctly Summon'd both to Parliament and

Convocation, and are thereby *Members* of both; so the *Inferiour Prelates* and *Clergy*, being not only *Summon'd* to the same *Assembly*, but *deputing* too their *Proctors* to appear in it, and *Empowering* them for it, did thereby still keep up a *Parliamentary Right*, tho' in fact, they were not Ordinarily called to *Act* in that *Capacity*, would have been at once to have Overthrown all his Remarks. For this would have shewn that the *Clergy* of the *Lower-house* of *Convocation* may justly be accounted *Members* of *Parliament*, and be spoken of as such, tho' by a long *disuse*, they were not ordinarily admitted to do any business in it. And so all that he has produced (and which shall hereafter be fully considered) may well enough be applied to them, as they are Called by, and *Empowered* upon the *Parliament Writ*; and yet the *Provincial Convocation* be far from having ever the more Relation to that *State-Council*; or the *Clergy* from being intituled to any *Parliamentary Powers* or *Priviledges*, (that one excepted which the *Act*. 8. *Henry the Sixth* has given them) as they are *Members* of it.

And this is indeed the plain Truth of the Case: And I think the *Clergy* are but little beholden to this *Author* for thus easily giving up that *real Interest* which they still have in the *Parliament*, only to serve a *New Hypothesis* of his own, by which I am confident they will gain nothing; I wish that, in the end, they do not lose by it.

I shall conclude this Argument, taken from the several kinds of *Procuratorial Letters*, to shew the difference of these two *Convocations*, with this one farther Observation; that in returning of *Proxies* to the *Parliament Assemblies*, not only the *Bishops*, but the other *Clergy*, sometimes gave their Power to meer *Laics*, to meet and to act for them; as by the Instruments themselves yet remaining it does plainly appear. ¹ They look'd upon the *Parliament* to be (as indeed it is) a *State-Meeting*; and that a *Lay-Proctor* therefore would not be at all unsuitable to appear on their behalf in it. But I have not found that ever any such thing was done in the *Provincial Synod*, (unless perhaps in the Case of the *Judges*, or *Advocates* of their own *Ecclesiastical Courts*) who were usually Clerks. The late *Rules* of *Convocation*, are directly against it; ² and our *Common Lawyers* affirm the contrary, that a *Lay-Man* cannot be a *Member* of the *Provincial Convocation*: And therefore, till I am better inform'd, I must beg leave to offer this too as another proof of that real difference there was heretofore accounted, and ought still to be look'd upon to be, between these two Assemblies.

But I enlarge my self too far in the proof of so plain a Point: I shall therefore but just mention two other Marks of *Distinction*, which arise from the *Writs* themselves by which they are *Summon'd*, viz. Of the Persons whom they are *Summon'd* to *Treat* with in these two *Assemblies*; And of the *Affairs* which they are called to *Treat about*; and the *Manner* of *Treating* concerning them.

5thly, Then: In the *Parliament Writ* by which the *State Assembly* of the *Clergy* is *Summon'd*; the *Clause* to the *Bishop* runs thus, "That the *King* having resolved to hold his *Parliament*, and to *Treat* with the said *Bishop*, and the rest of the *Prelates*, *Lords*, and *Great Men* of his *Kingdom*; requires him to come in Person to such a place, and at such a time, (as the *Writ* determines) and to premonish his *Dean* and *Chapter*, his *Archdeacons*, and *Clergy*, to be there at the same place and time, (to *do and) to Consent to such things, as by their Common Council shall there be Established. Accordingly the *Chapters* and *Clergy* having chosen their *Proctors* for this *Convention*, Empower them to Act in these, or the like, Terms: "That they do Ordain and Constitute them by the *Procuratorial Letters* which they grant to them, their *Proctors* to appear, and be present in their Names, before the most Excellent Prince the *King* of ENGLAND, in his *Parliament*, to be held at such a time and place; there to *Treat* with the *Prelates*, *Lords*, and *Great Men* of the *Kingdom* of England; and to Consent to all and singular such things as shall by their *Common Council* be there *Treated* of, and *Ordain'd*.

The Persons therefore with whom the *Parliament Clergy* were to *Treat*, and to whose *Ordinances* they were call'd to Consent, were the *Prelates*, the *Lords*, and *Great Men* of the *Realm*. They were *summon'd* to appear with these before the *King*; and with these they Commissioned their *Proctors* to Act.

But in the *Provincial Convocation*, both the *Writs* and *Proxies*; and with them the *Practice* too, runs quite otherwise. The *King* by his *Writ* to the *Arch-*

¹ Regist. 3.
Dec. & Capit.
Dunelm. fol.
20. a

² In the Prov.
of Cant. Anno
1588 Order-
ed, That no
one shall Con-
stitute a De-
puty, unless
the Person so

Constituted be
either de Gre-
mio dicte Con-
vocationis, vel
Advocatus Cur-
rie Cant. Qui-
quidem Advoca-
ti ex privile-
gio Domus
Convocationis,
possunt inter-
essere in eadem.
M5. D.
Wharton. C.

p. 102. Yet
before, Anno
1554. A par-
ticular Allow-
ance was made
to Constitute
any one as a
Proxy, who
was an Oxford,
or Cambridge
Man. Ib. 75.

Se&. 26.

* So it was,
tho' not with-
out some O-
missions, till
the latter end
of Edward the
Third's Reign.

bishop, requires him to Call together the Bishops of his Province, the Deans of the Cathedral Churches, with the Archdeacons, Chapters, and Colleges, and Clergy of every Diocese within his Province, to appear before himself, at the time and place which shall be appointed for that purpose. These Persons, and these only, the Archbishop Summons: And the Proxies for these Meetings run to the same Effect; That they Empower their Proctors to appear before the most Reverend the Archbishop of the Province, or his Commissioner, in his Provincial Council, at such a time and place to be Assembled; there to Treat with him the said most Reverend Father, of the Business for which the Convocation is held; and to give their Counsel and Assistance upon the same.

In this Convocation therefore the Persons with whom the Clergy are to Meet and Treat, are the Archbishop and his Provincial Clergy. Here the Lords and Great Men, and Commons have no place; they are neither Summon'd to Meet, nor Commissioned to Treat with them.

Sec. 27.

Nay, but this is not all, the very Ecclesiastical part of these two Assemblies is here also different, and proves the Assemblies themselves thereby to be so too.

In the Parliament, they are called to Meet and Consent with the Prelates: And who those Prelates are, the Writs issued out for that Assembly plainly shew; They are the Bishops of both Provinces; and with them anciently the Parliamentary-Abbots, and Priors, which continued to be call'd to that Great Council.

But by the Convocation Writ, they are to Treat only with the Archbishop of the Province, and his Suffragan Bishops: The others have no place in these Assemblies, nor are to partake in their Consultation. And for the other Prelates (besides that those of the other Province were in like manner excluded;) they were to Treat not only with all those within the same Province, which were called to the Parliament Assembly; but with all the other Abbots and Priors who had Convents under them, and no Superiours above them; which again makes a mighty difference in the Nature and Constitution of these two Bodies, and argues a manifest distinction between them.

For since no Proctor can lawfully Act on the behalf of another, any farther than he is by his Procuratorial Letters Empowered so to do; and since those Procuratorial Letters determine not only what power of Acting they shall have, but in what place, and with what persons they shall Exercise that power: It must follow, that the Proctors of the Clergy deputed to Act with the Archbishop and Clergy in the Provincial Synod, cannot, by vertue of such a procuration, act with any other persons, or in any other place; (as for Example with the Lords and Great Men in Parliament:) Nor can the Bishops, and those of the Clergy who are personally Summon'd to Meet, and Act with the Archbishop, and his Provincial Clergy, in Convocation, any more by virtue of that Summons, Act for themselves with the Lords, and Clergy of the other Province in Parliament. And sure then those must needs be different Assemblies in fact, as well as otherwise; in which those who are Empowered by the King, and intrusted by the Clergy to Act in the One, and who may therefore lawfully do so; have no power to Act in the Other; nor can (as Members of the one) either meet with it, or do any thing that will hold good in Law in it. But,

Sec. 28.

6thly, And to have done with these first kind of Arguments; As there appears to be a manifest difference, between the Parliamentary and Provincial Convocation, upon the several Grounds already mentioned, so may it no less be shewn, lastly, from the different Ends for which these two Assemblies are Convened, and the business that properly belongs to each. For tho' in these the Writs being generally worded do not make so plain a distinction, as in the foregoing Particulars; yet the nature of the Assemblies themselves, the manner of their Acting, and the Work that has been done in them, sufficiently explains what the proper Business of each of these Convocations is.

That the Provincial Convocation is properly an Ecclesiastical Assembly, the nature of its Summons, the Persons of which it consists, and the manner of their Acting in it, sufficiently shews. That therefore its business must have been to Consult of the State of the Church; and of the Affairs of the Realm no otherwise then as the Welfare of the Church, and the Liberty, and Priviledges thereof are concern'd in them; must I conceive be allow'd too.

But in their Parliament Capacity, the Clergy heretofore, while they continued to come to Parliament, as the Bishops still do, acted as one of the States of the Realm:

Realm: They Treated of the same *Affairs* that the other *Estates* did; and had no Limitation put upon their proceedings in it. Nay, and even in the same *Affairs*, they acted after a different manner in the one and the other. In the *Parliament* they Treated of *Ecclesiastical* as well as of *Civil Matters*, in a *Parliamentary Capacity*, in order to a determination of them by *Civil Laws* and *Constitutions*; whereas in the other, they Treated wholly in their *Ecclesiastical Character*, and enforced, what they Concluded upon, by their own *Provincial*, i. e. by a *Canonical* and *Church Authority*.

To make this more clear, let us Instance in that which in Truth was their main Business as a Convocation; and may be the most liable to raise any difficulty in this Particular; the Business of *granting Subsidies*. Sect. 29.

That this, tho' in Order to a *mixt End*, the defence of the *Realm*, as well as of the *Church of England*, was yet a matter of proper *Ecclesiastical Consideration*, is plain, from the practice of our *Ecclesiastical Courts* at this day, which still Claim the Knowledge of such matters as pertain to the *Revenues* and *Goods* of the *Church* to belong to them. And of these only the *Clergy* granted *Subsidies* in *Convocation*; not of any *Lay-Estates*, that any of their *Order* might otherwise be possess'd of. Nay, the very *Lands* themselves belonging to the *Church*, which were of a later donation, and accrued to them after the 20th of *Edward the First*, were tax'd not in *Convocation*, but in *Parliament*: As from the *Rolls* of the *Parliament*, and the *Books* of their *Subsidies*, it does evidently appear. And that they granted them in an *Ecclesiastical manner* is also Evident; for they granted them under such Conditions as themselves thought good: And the *King*, if he would have the Aid, must have taken it under the Limitations with which they granted it. They made their own Orders for the *Collecting* and *Payment* of them: These they enforced by *Ecclesiastical Penalties*; and they were not only the *Clergy* who granted them, and out of whose *Church-Revenues*, or *Stipends*, they were to be raised; but the *Bishops* of each *Diocese* appointed *Church-men* to *Collect* them too; and so all was done within themselves, by their own *Ecclesiastical Authority*.

It was a famous Case argued in the *Exchequer-Chamber*, *Michaelmas*, the 21st of *Edward the 4th* with relation to the *Abbot of Waltham*. The *King* by his Letters Patents, had exempted the *Abbot* from being a Collector of the *Subsidies* of the *Clergy*: The *Convocation*, (of which the *Abbot* was a Member, and to whose *Acts* he had concurr'd) ordain'd, that the *Bishop* should return his *Collector*, and that being return'd he should serve, notwithstanding any such Letters Patents to the contrary. The *Bishop* return'd this *Abbot* for one; and the Question was, whether the *King's* Letters should hold good to discharge the *Abbot*, notwithstanding the Constitution of the *Convocation* to the contrary; And judgment was given for the *Abbot* against the *Bishop*. Mich. 21.
E. 4. fol. 44.
&c.

In the arguing of this Case, several Points were alledged, and allowed of by the Judges, which will deserve to be taken notice of in this place. "That the *Clergy* could bind themselves by an Act of their *Convocation*, as well as the *Temporality* themselves by an Act of *Parliament*: So *Pigot*. "That the *Convocation* has not power to oblige in *temporal* things, but only in *spiritual*; As to ordain *Fasting-days*, or *Holy-days*; and they are meerly *Spiritual Judges*: So *Vavifour*. "That the *King* could not compell the *Clergy* to grant him a *Tenth*, but that it proceeded wholly from their own good Will: And (which comes nearest of all to our present purpose;) "That tho' the *Convocation* be *spiritual*, and all the *Acts* of it *spiritual*; yet as soon as their Act is certified into the *Exchequer*, the *Tenth* granted is from thenceforth meerly *Temporal*. The same had been alledged and agreed to, on the like occasion, in the 20th of *Henry the 6th*, fol. 12, 13. and thereby plainly shews what the Sense of our Judges, and *Sages* of the Law was, as to this Matter.

The result of all is this; That in granting of *Subsidies*, the *Clergy* acted in their *Spiritual Capacity*; and all their Proceedings in it, while it passed in *Convocation*, and 'till their Act was certified from thence by the *Archbishop* into the *Exchequer*, were *Ecclesiastical*.

Since the 32d of *Henry the Eighth*; tho' the *Clergy* still continu'd to Grant their own *Subsidies*, in their *Provincial Convocation*; yet another Method has been taken for the Ratifying of them, and to secure, more effectually, the payment of them. For the *Instrument* of Grant being drawn up in the *Convocation*, and Sect. 30.

Seal'd by the *Archbishop* of the Province, and presented to the *King*, with all the Limitations and Circumstances under which they thought fit to grant it; was, at the request of the said *Clergy*, transmitted by the *King* to his *Parliament*; and so ratified as an *Act* of *Parliament*, by the *Lords Spiritual* and *Temporal*, and *Commons* there.

Now here we may clearly see how the *Bishops* (and with them the rest of the *Clergy*) have acted in their two distinct Capacities, in *Convocation*, and in *Parliament*. In *Convocation* they passed their *Act* of *Subsidy*, as Members of their own *Provincial Assembly*, and Confirm'd it as far forth as they had there Authority to do. They certifi'd the *King* by their *President* (the *Archbishop* of their Province) of what they had done: How the *Prelates* and *Clergy* of the Province of *Canterbury* (for Example) in their Holy *Provincial Synod*, or *Convocation*, Had granted such a *Subsidy*, under such Conditions; "And that for the sure and true Payment of it, according to the tenour, purport, and effect and true meaning of their *Grant*, they did most humbly desire his *Highness*, that their said *Gift*, *Grant* and *Subsidies*, and every Matter, Sum of Money, Petition, Clause, Provisions, and Sentence therein contained, concerning the said *Subsidy*, might be ratified, established, and confirmed by the Authority of his *Highness's Court* of *Parliament*.

Accordingly the *Parliament* Confirm'd, and Establish'd their *Grant*: What was only an *Act* of *Convocation*, and so an *Ecclesiastical Constitution* before, they made a *Statute*, and so a *Civil Law*, Now. And, which is observable, the *Bishops* (under the Character of *Lords Spiritual*) in *Parliament*, Confirm'd their own *Grant*, which they had before made (as *Prelates*) in *Convocation*. Nay, farther; the *Bishops* of each Province, who in *Convocation* had no Authority beyond the Bounds of their own Province, nor could do any thing to oblige the *Clergy* of the other, yet, in *Parliament*, Confirm'd the *Subsidies* of both; and by the same *Act*, tyed the whole *Clergy* of the *Realm* to make good, what the *Bishops* and *Clergy* of their several Provinces, had granted only for themselves before.

"Wherefore for the true and sure payment of the said *Subsidy*, granted by the said *Prelates* and *Clergy* of the said Province of *Canterbury*, according to the tenour, Effect, and true meaning of the said Instrument, (of *Grant*.)

"Be it enacted by the *King's* most Excellent *Majesty*, with the Assent of the *Lords Spiritual* and *Temporal*, and the *Commons* in this present *Parliament* assembled; and by the Authority of the same, that the said *Gifts*, *Grants*, and every Matter, Sum of Money, Petition, Provision, Clause, and Sentence in the same Instrument contain'd, shall stand and be ratified, established, and confirm'd, by the Authority of this present *Parliament*.

From which constant solemn method of passing the *Grants* of the *Clergy* in *Convocation*, for more than 150 Years last past; these two things do, I humbly conceive, plainly follow: First, That the *Bishops* and *Clergy* in *Convocation*, act in a different Capacity, with relation to the same Affairs; as well as Treat of different Matters, in their *Provincial Synod*, from what the same *Bishops* (the only present acting Members of the *Parliament-Clergy*) do in *Parliament*. And therefore Secondly, That the two *Assemblies* of the *Prelates* and *Clergy* in *Parliament* and *Convocation*, are wholly different *Assemblies*, and of a quite different Nature and Constitution, the one from the other; and have their different Rights and Powers belonging to them accordingly.

Sect. 31.

I have now pass'd through the first kind of Arguments, by which I propos'd to shew the *Convocations* of the *Clergy*, assembled by the *Parliament* and *Provincial Writs*, to be altogether different from one another. My next sort of Proofs will carry me yet farther; and shew that they are not only different *Assemblies*; but that,

2dly. They have their different Rights, Powers, and Privileges; as such.

As for the First of these; the Rights of these two *Convocations*: I must in the first place observe, That as the *Prelates*, and *Clergy*, have, for above these 400 Years been summon'd by the *King's Writs* to *Parliament*, so have they thereby been declared to be a proper Part and Member of that great Council: And therefore, that the great Right of this *Civil Convention* is to be summon'd with the Other *Estates* to *Parliament*; and with them to make up the *Body* of it.

Accordingly

Accordingly we see that as often as any *Parliament* has been *summon'd*, they have been duly call'd to it: At first indeed, with some few Interruptions, before the Constitution settled entirely into its present Establishment; but for above 300 Years past, without any *Instance* (except in the time of our unfortunate *Civil Wars*, which signifies nothing) that I know of to the contrary.

By virtue of this *Right*, the *Clergy* for a long time came to the *Parliament*, and acted together with the other *Estates* in it: And tho' through their own Unwillingness to be drawn to those *Civil Assemblies*; by *sitting* and *acting* by *themselves* when they did come, and seldom appearing or doing any thing in their *own Persons*, with the other *Estates*, in *Parliament*; and by the tacit *Consent* of our *Kings*, to excuse their attendance; the *Lower Clergy*, by degrees, forbore to appear there, and by so doing were, in time, look'd upon to have so far lost their *Right* to it, that when they would have resumed it, they could not obtain the Liberty so to do; yet still they were *summon'd* by the *King's Writ*s to it. In consequence of these *Writ*s, they were entituled to be still a *legal part* of it. The *Chapters*, and *Clergy*, chose their *Proctors*, and Empowered them to *Act* in their stead in it: And thus far, both they have kept up their *Parliamentary Right*, and the *Government* has continued to allow of it, to this very Age.

But what the other *Clergy* by their own *Negligence* lost, the *Bishops* and *Prelates*, continued still to maintain. The *Abbots* and *Priors* both *sate* and *acted* in *Parliament*, to the very last. The *Bishops* do the same at this Day: And as they have a *double Title* to their *Place* there, so accordingly they sit in *both* their *Capacities*, under the Character of *Lords Spiritual*; and by so doing make up the only now *acting part* of the *Estate of the Clergy* in *Parliament*.

This therefore I take to be the undoubted *Right* of the *Parliamentary Convocation* at this day: To be *summon'd* with every *Parliament*, as *One* of the *Three Estates* of that *Great Council*; and, in some measure, to *Act* too in it, if not in that *entire Body* they were at the beginning wont to do; yet, at least, by the *principal Part* of it, the *Archbishops* and *Bishops* there. But now the *Provincial Synod* has no such *Right*; nor is thus much even pretended to on its behalf. They who, following their mistaken *Notions*, (as shall hereafter be shewn) set the most up for the *Parliamentary Rights* of it, yet profess themselves not to account it a *proper part*, or *Estate*, of that *great Council*; and thereby manifestly establish this *wide difference* between the *One*, and the *Other* of these *Assemblies*; that whereas the *One* (by the *Nature* of our *Constitution*) by the *King's Writ*, and by the constant *practice* of the *Parliament*, is properly a *Member* and *Estate* of it; the *Other* is *Not*, but only entituled to *some kind* of *Parliamentary Rights*, of which it is yet disputed, whether any such *Rights* do truly belong to it, or *No*.

And as the difference on this side is apparent, so will it be no less evident if we take it on the Other. The great *Right* of the *Provincial Convocation*; especially after it began to *Act* as a *Provincial Council* too;¹ was to Charge the *Spiritual Revenues* of the *Church*, for the defence of the state of it; and by fit *Constitutions*, in such Cases wherein the *Church* and *Realm* were mutually concern'd, to provide for the *just Rights* and *Interests* of it. And therefore when the *Commons* in the third of King Henry the 6th. complain'd to the King concerning *Pluralities*, and *Non-residence*; and desir'd that All *Parsons*, and *Others*, having *Cures*, and not resident thereupon, might forfeit the *Value* of their *Benefices*, the *One half* to the *King*, and the other half to the *Patron*: The Answer was, That the *King* (by the Advice of his Council) had deliver'd the *Bill* to my Lord of Canterbury, charging him to purview of remedy for his Province, and semblably would write to the *Church of York* for that Province.

What Authority the Civil Magistrate (to whom the Care of the *Church*, as well as of the *State*, within his *Dominions*, is Committed by God) has in this respect, I shall not here dispute. It is confess'd, that as the *Law* now stands, no *Canons* made in our *Convocations*, can be either *promulged*, or *Executed*, without the *King's consent* first had, for the *Publishing* and *Executing* of them. And, I think it is as plain, that neither can any such *Canons* be made there, without his *License* first had, to empower the *Clergy* so to do. And how far, he may alone, or together with his *Parliament*, proceed in *Church-Matters*, without any other *Ecclesiastical Concurrence*, than that of his *Bishops* there, is a point too nice

Sect. 32.

¹ Rot. Parl. iii.
Hen. vi. num.
38.

nice for me to presume to meddle withal. Thus much I may affirm, and that is all I shall need to say to the present Argument; that it was always accounted the proper *Right* of the *Clergy*, in their own *Provincial Synods*, and not in their *Parliamentary Convocations*, to make *Ecclesiastical Canons*, and *Constitutions*; and that upon Enquiry it will appear, that while they *sate*, and *acted* in both *Capacities*, in those only they did make them.

¹ Chron. Tho. Wykes, p. 114.

I do not deny, but that being met together in *Parliament*, the *Bishops* and *Clergy* may have taken that Opportunity to transact some of their *Church-Affairs* at that time. So Archbishop *Peckham* did in the *Parliament* of 1286.¹ When calling a competent number of *Suffragans* to his Assistance, who were then assembled upon the Account of the *Parliament*, he condemn'd eight erroneous Opinions of *Richard de Knapwell*, a *Dominican*; as our Antient Histories inform us. The same was the Case in the *Parliament* of *Gloucester*, Anno 1378. The Archbishop of *Canterbury* and his *Suffragans*, there assembled upon the occasion of it; made a *Provincial Constitution* about the *Salaries* of *Priests*: But then this they did as an *Ecclesiastical Synod*, not a *Parliamentary Body*; by their own and their *Metropolitan's Authority*, not by *Virtue* of the *King's Call*. But that the *Bishops* and *Clergy* in *Parliament*, acting as a *State* of the *Realm*, and in their *Parliamentary Capacity* there, did ever frame *Articles*, or make *Canons*, or *Condemn Heresies*, as they were wont in their *Provincial Assemblies* to do; this I deny, and must beg leave, 'till I am better inform'd, to affirm that they did not.

If therefore these two *Assemblies* had their different *Rights* belonging to each of Them; so that what was the proper Business and Claim of the One, was not at all pretended to, nor did belong to the Other: If the *Right* of the One, was to meet and act Nationally as an *Estate* of the *Realm* in *Parliament*; of the other Provincially, as the *Ecclesiastical Assembly*, or *Convocation* of the *Province*: If in consequence thereof, the Business of the One was to *Treat* of the great Affairs of the *Church* and *Kingdom* with the *Lords* and *Commons*; and by *Civil Laws* to provide for the *Welfare* and *Government* of both; of the Other, to consult among themselves for the *Needs* of the *Church*, as it is a *Member* of the *State*, to contribute towards its *Defence*, and to make *Ecclesiastical Orders* and *Constitutions* for the *Peace*, and *Safety*, and *Government* thereof; Then it must follow that these *Assemblies* thus claiming their several *Rights*, and severally acting in pursuance of them, must needs have been altogether different *Assemblies*, and that the One cannot with any Reason, be said to be either in *Law* or *Fact*, the same with the Other.

See. 33.

So different were the *Rights* of these two *Assemblies* heretofore, while they both continued to meet, and act: Nor Secondly, Were their *Powers* any less distinct.

The *Convocation* assembled by the *Parliament Writ*, was a proper part of the *Parliament* of *England*; and its *Powers* were therefore *Parliamentary*. But the *Provincial Convocation* was (within its own Bounds) a complete *Ecclesiastical Assembly*, and acted by its own *Ecclesiastical Power* and *Authority*. And how great a difference this made between them, a few Instances will suffice to shew.

For 1st, The *Parliamentary Convention* (as the *Parliament* it self) had a *Right* to *Debate*; and, with the concurrence of the Other *Estates*, to Offer to the *King*, any thing which it thought fit to establish for the *Good* of the *Church*. It lay under no restraints, nor ran any hazard of meddling with Matters that did not belong to it. But in the *Provincial Convocation*, the *Clergy* were tied up to *Ecclesiastical Causes*, and *Things*: they were not permitted to meddle with any other; or if they had, even in the highest Exaltation of their *Church Authority*, they would have been forced to recede from, and to annul their Own *Acts*.

² Regist. 70. Kemp. Arch. Cant. in Act. Convoc. Feb. 7. 1452. fol. 219, & c.

Let me in Proof hereof, offer only one Instance, from the *Acts* of the *Convocation* of 1452,² when the *Clergy* seem to have left off coming to the *Parliament*; and to have Assembled only, as now they do, in their *Provincial Capacity*. In the Fourth Session of this *Convocation*, the *Prolocutor* of the *Lower House* being asked by the Archbishop, whether he had any thing to propose in behalf of the *Clergy*, which needed *Reformation* in the *Church* of *England*; instanced in many things in a learned Oration which he made thereupon. And being Commanded by the Archbishop to put them in Writing, and so tender them to the *Fathers*; in the Eleventh Session of that *Assembly*, they came to this Resolution concerning them; That for as much as those things which needed *Reformation* in the *Church*

of

of England, concern'd the King's Majesty, and the Laws of the Realm, and so were not at all subject to the Definition and Sentence of the said Council; the most Reverend the Archbishop, and the right Reverend the Bishops and Prelates there present, should be intreated in behalf of the Clergy, effectually to press the King, with the Lords and Commons, for a Reformation of them, in the Parliament, which was in a few days after to begin at Reading: And Four of their House were pitched upon by them to solicit, and inform the Archbishop, Bishops, and Prelates concerning the Affairs so to be Reform'd in Parliament.

This is, I suppose, a clear Proof of the Difference between these two Conventions, the Provincial, and Parliamentary: And shews that the One had power to Treat of, and Reform such things, as the Other was restrain'd from meddling withal.

2dly. The Parliamentary Convention, as it consisted of the Clergy of the whole Realm, either in Person, or by Representation present at it; so its Acts obliged both Provinces indifferently. But the Provincial Synod obliged only its own Members; and neither acted for, nor had any power to conclude any, beyond the Bounds of its own Province.

3dly. The Parliamentary Convention, as it was summon'd to act with the Other Estates, so tho' it might Debate by it self, yet could it not establish any thing without them. The Lords, at least, were necessarily to consent to their Acts; and even then they signified nothing, unless the King, by his Authority, Gave Life and Force to them. Hence, in the Rolls of Parliament, we meet with the Petitions of the Clergy; which were, indeed, their Resolutions upon such Matters as they desir'd to have passed into Acts. But the Provincial Convocation, acted wholly within it self: It Debated, Concluded and Established all by its own Authority; and 'till the 25th of Henry the 8th, needed no concurrence, of either King, Lords, or Commons, to give force to its Constitutions.

4thly and Lastly, The Acts of the Parliamentary Convention being pass'd in a Parliamentary manner, became Laws of the Land: They had a Civil force; they oblig'd the Laity as well as the Clergy; and Entituled them to such a Right, as nothing but an Act of Parliament could Repeal. Whereas the Acts of the Provincial Convocation, were at last but Canons, and Constitutions Ecclesiastical: They concluded the Clergy only; they had no other Power but what the Church could give them; and how much less that was than the Authority of an Act of Parliament; this one thing may convince us, that if at any time they were contrary to the Rights of the Crown, or to the Laws and Customs of the Realm; they were thereby look'd upon to be of no force, but were utterly rejected by the Civil Magistrate, as void of all Obligation¹.

¹ Mich. 20.
H. vi. Ils ont
(la Convocation)
pouvoir de
faire Constitutions
provinciales
parque ceux
de saint Ege
sont lies; une
ils ne poient
faire asc' chose
qui lier' la
temporale.

These are some of those Differences which plainly distinguish these two Assemblies from each Other; with respect to the Power of Acting, which they either of them had in times past: To which if we add,

Thirdly, The several Privileges too, which belong'd to both; we shall, I think, need nothing more to prove a manifest distinction between them. Now the Privileges of the Clergy in these Assemblies may be consider'd under a double respect; as they relate either to their Persons, or to their Actions: We will take a brief Notice of each of them.

Señ. 34.

That the Members of the Parliamentary Convention always enjoy'd the same Parliamentary Privileges for themselves, and their Dependants, that the other Members of Parliament did; may, from several undeniable Instances, plainly be made appear.

If we look back as far as the time of King Edward the 1st, by whom our present Constitution seems to have been brought to a Settlement; we shall find a notable Proof of this in the Case of Oliver Sutton, Bishop of Lincoln; ² who gave Letters of Protection dated 6 Cal. February 1291, to Robert Castle, whose Barge he had hired to bring his Provisions to him from Henley, during the Parliament, and to the end of the Provincial Council of Bishops, which was to be held not long after. The same was recognized by his Son, King Edward the 2d, in the Case of the Prior of Malton, who being arrested at York, in his Return from Parliament, had this Writ awarded to the High Sheriff of Yorkshire, against the Persons concern'd in it: ³ That he should cause them to give Security to Answer to the King, for what they had done; upon this remarkable ground; That those who come to the Parliament, where the Publick Affairs of the King and Kingdom are to be treated of,

² Regist. Memorand. Oli^{ver} Sutton. fol. 52.

³ See the Writ it self, Prynn on the 4th In^{stiture}. p. 20.

as well Prelates, Counts, Barons, as other Clergy and Laity; and appearing there at the King's Command; in coming to the same Parliaments, in tarrying there, and returning from thence, ought to be protected and defended by him, from all manner of Injuries, Oppressions, and Grievances whatsoever.

Thus ancient were the Privileges of the Ecclesiastical, no less than of the Lay Members of that High Court. But now the Members of the Provincial Synod, had no such Privilege for above 200 Years after this; and then it was granted to them not as an Original Right belonging to their Assemblies, but by the special Grace of the King in Parliament; and after such a manner as sufficiently shews how different in this respect, these two Conventions of the Clergy were. The

*Item in præ-
senti Parlia-
mento diversæ
Petitiones exhi-
bitæ fuerunt
Domino nostro
Regi, tam per
Prælatos &
Clerum, quam
per Communi-
tatem Regni
sui Angliæ,
quarum teno-
res, una cum
Responsionibus
earundem, se-
quuntur in hæc
Verba. Rot.
Parl. 8. Henr.
vi. Jura Cleri.
fol. 213.*

Record of that Parliament runs thus: 'In this present Parliament, divers Petitions were exhibited to our Lord the King, as well by the Prelates and Clergy, as by the Commons of this Kingdom of England: The tenour of which, together with the Answers of the same, follow in these Words. Forasmuch as the Prelates and Clergy, of the Realm of England, call'd to the Convocation, and their Servants and Familiars that come with them to such Convocation; oftentimes and commonly, be Arrested and Molested, and Inquieted: Our said Sovereign Lord the King, willing graciously in this behalf to provide for the Security and Quietness of the said Prelates and Clergy, at the Supplication of the same Prelates and Clergy; and of the Assent of the Great Men and Commons aforesaid; hath Ordained and Statuted, that all the Clergy from henceforth to be called to the Convocation by the King's Writ; and their Servants and Familiars, shall for ever hereafter, fully Use and Enjoy such Liberty or Defence, in Coming, Tarrying or Going, as the Great Men and Commonalty of the Realm of England, called, or to be called to the King's Parliament, do enjoy, and were wont to enjoy, or, in time to come ought to enjoy.

This is that Act upon which the Parliamentary Privileges of the Convocation are built: And from the Process and Tenour of which, these Three Things, do, I think, necessarily follow. 1st. That this Statute being made at the Petition of the Prelates and Clergy in Parliament, 2^{dly}. the Parliamentary Convocation yet continu'd to be held; and at their request it was, that this Privilege was granted to them for their Provincial Assemblies. 3^{dly}. That these Privileges they had no occasion to desire for themselves, as they were Members of Parliament; for, in that respect, they had always enjoy'd them, upon the same Right and Title that the other Members of Parliament had. And therefore, 3^{dly}. That the Convocation, for which they petition'd, must, in those days, have been look'd upon as a different Assembly in Law from the Parliamentary Convention: The one being accounted, as it plainly was, a part of the Parliament; and allowed its Parliamentary Privileges accordingly: Whereas the Other was not thought to have any Relation to it; nor did therefore enjoy the like Privileges with it, 'till by the special Grace of the King, and in consideration of the large Supplies the Convocation (but just before sitting) had given to him, he was pleased to bestow this Favour upon them.

Sec. 5.

As for the other kind of Privileges, which relate to their Acting in these several Convocations; these also were very different, and will therefore infer a difference between those Assemblies, in which the Clergy had such different Rights of Action.

When the King summon'd the Prelates, and Clergy to Parliament; the end for which he call'd the former thither, was to treat with himself, and with the rest of the Prelates, Lords, and Great Men about the difficult Affairs relating to himself and his Realm, which were to be transacted there, and to give their Advice concerning them. This therefore was, and still is, the Great Parliamentary Privilege, of the Lords Spiritual, to be call'd to the Great Council of the Realm, and to Treat and give Advice, concerning the weighty Affairs of the Kingdom in it. As for the Other Clergy, summon'd by the same Writ, they were also called to meet at the same place; but their Province was not to Treat and Counsel, but to Do, and Consent; or, as it still stands in the Parliament Writ, to Consent to such Things, as by the Counsel and Treating of the Others, should there happen to be Ordain'd. Now this, as it Entituled them to an Assent to such Matters as were to be Treated of, and Concluded in the Parliament; so accordingly we find, That while they continued to sit with it, their Consent was taken, together with that of the Lay-Commons; and that not only with relation to Spiritual Matters, but sometimes to those which may seem to have been the least fit for them; nay, which

*2 Petitiones
exhibita per
Prælatos &
Clerum in
Parlamento:
And that as
the others were
per Commu-
nitatem.*

which by the *Canon-Law*, they were not permitted to meddle in; and had therefore by our *Ancient Constitutions*, a remedy provided for them, to Excuse them from.

This was the Case, with regard to the *Prelates*, in *Causes of Blood*: In which, tho' by the *Constitutions of Clarendon*, they were Excused from being present; yet by the *Protestations* which they entred on these Occasions, they both Asserted and Preserved their *Parliamentary right of Judicature*, with the *Lay-Peers* in all such Matters; and were sometimes constrained to appoint their *Proctors* to Act for them; because that for want of this (as the *Commons* there affirmed) *some Judgments had been revers'd*; which plainly argues how just a Title they were then accounted to have had, to Act in all kind of *Parliament Affairs*.

¹ Rot. Parl. 11. R. 2. n. 9. Perencheson que certains matieres furent mævez en cest present Parlement que toucherent overtement

vesque de Cantebirs, & les autres Prelates de sa Province, firent une protestation en la fourme & peroles gensuient. In dei Nomine Amen. Cum de jure & consuetudine Regni Angliæ ad Archiepiscopum Cant. qui pro tempore fuerit, nec non Cæteros suos Suffraganeos Confratres, & Coepiscopos, Abbates & Priores, aliosque Prælatos quoscunque Baroniam de Dom. nostro Rege tenentes pertineat in Parliamentis Regiis quibuscunque, ut Pares Regni prædicti, personaliter interesse, ibidemque de Regni Negotiis, ac aliis ibi tractari consuetis, cum Ceteris dicti Regni paribus, & aliis ibidem jus interessendi habentibus Consulere, & Tractare, Ordinare, Statuere, & Definire, ac Cetera facere que Parliamenti tempore ibidem invenerint facienda, &c. See again 21 Rich 2. Num. 9.

Cryme, Lerce-

And the same was the Case of the *Lower Clergy*, in such other Matters as fell within their *Sphere of Action*: They Assented, together with the *Lay-Commons*, to what was done in the *Legislative way*, which was the proper *Parliamentary Privilege*, that by the *King's Writ*, and the *Constitution of our Parliament*, belong'd to them. So in the same Parliament the 21st of *Richard the 2d*, we find it expressly noted: That the King at the Assent of all the *Lords Spiritual*, and the *Proctors of the Clergy*, repealed the Statute of Commission granted in his Tenth Year, to the Duke of Gloucester, and Earl of Arundel: And by the like Assent of the *Lords Spiritual and Temporal*, and *Procurators of the Clergy*; they also, together with the *Lords*, having first been severally Examined, as to their Opinion in that Matter, the Acts of Parliament of the Eleventh Year of the same King were annulled. And tho' in other Places we do not often find them expressly mentioned, because, if I mistake not, they did not Vote as a distinct State, but had their Consents deliver'd by my Lords the Bishops in the Upper House, and so were included in their Votes; yet that they are to be look'd upon, as comprehended under the general Name either of *Prelates* or *Commons*, the very Preface to this Parliament shews; in which there is no distinct mention made of the *Proctors of the Clergy*, tho' they are so often and expressly taken notice of in the Statutes which follow: But the Acts of it are said to have been pass'd by our Sovereign Lord the King, Of the Assent and Accord of the *Prelates, &c. and Commons* of his Realm there Assembled. The same is the usual Introduction in other Parliaments; and therefore as we are sure that in this, the Assent of the *Proctors of the Clergy* was expressly required and taken; so we ought to conclude, That it was some way or other given in all the rest. For this was the purpose for which they were call'd to Parliament; and we need not doubt, but that whilst they continued to come to it, this was the main business that they did there.

Sect. 36.

But indeed we need not recur to any Conjectures in proof of this, for which we have so Authentick an Evidence in the very Records of Parliament. ² For in the 51st of *Edward the Third*, we are told that "the Commons finding themselves aggrieved, as well with certain Constitutions made by the Clergy in their Synods, as with some Laws or Ordinances which were lately pass'd more to the Advantage of the Clergy, than of the Common People; requested, That no Act or Ordinance should, from thenceforth, be made or granted on the Petition of the said Clergy, without the Consent of the Commons; And that the said Commons should not be bound in time to come by any Constitutions, made by the Clergy of this Realm for their own Advantage, to which the Commons of the Realm had not given Consent. For which request, they give this Reason, which clearly shews what their Privilege then was, "Car Eux ne veulent estre Obligez a null de voz Estatuz ne Ordinances faites sans Leur Assent; That they would not be obliged to any of the King's Statutes or Ordinances made without their Assent. So necessary did they think their Consent to be to the

¹ Rot. Parl. 51. Edw. iii. N. 46.

passing of such *Acts* at least, in which their Rights were concern'd, that they would not so much as own the *Authority* of any that had it not ; nor yield any Obedience to what was Established without it.

Sec. 37.

How long the *Proctors of the Clergy* here in *England* continued to assert, and enjoy this *Privilege*, I cannot certainly tell. This we know that in *Ireland*, they held it to the very latter end of King *Henry the Eighth's* time, and were then divested of it, not by their own *Cession*, (as was probably the Case of our *Proctors*, who look'd upon their *Parliamentary Attendance* as a Burden, and an Imposition ; and were never contented till they got rid of it) but by *Act of Parliament* ; how justly I am not concern'd to Enquire. But because I think their Case may serve not only to clear, and confirm, what I have now been observing, but also to inform us of the State of our own *Convocation* with relation to its *Parliamentary Privileges*, in that *Reign* ; I will stop so long as to give a short account of it.

King *Henry the Eighth* being resolved to cast off the *Popes Authority* in that *Kingdom*, as he had done here in *England*, met with an Opposition which our Circumstances did not enable our *Clergy* to give him. For their *Proctors* having continued not only to be *Summon'd*, but to *Come to Parliament*, and claiming a *Right of Assenting* to such *Bills* as were to *pass* in it, stily Opposed whatsoever was to be done in derogation to the *Pope's Jurisdiction* ; and insisted upon it, that for lack of their *Concurrence*, no *Act* could legally be made against it.

To cut this Knot, which was not easy to be untied ; it was resolved at once, by *Act of Parliament*, to deprive them of this *Privilege* ; and, if we may depend upon the Account which the *Act* it self gives us of it, to reduce them to the State of the *Convocation* at that time in *England*.

28 Hen. 8.
c. 12.

The Words of the *Act* are these : " Forasmuch as at every *Parliament* begun
" and holden within this Land, Two *Proctors* of every *Diocese* within the
" same Land have been used and accustomed to be *Summon'd*, and Warn'd, to
" be at the same *Parliament*, which were never, by the Order of the *Law*,
" *Usage*, *Custom*, or otherwise, any Member or Parcel of the whole *Body* of
" the *Parliament*, nor have had of right any voice or suffrage in the same, but
" only to be there as *Counsellors* and *Assistants* to the same, and upon such
" things of Learning as shall happen in Controversy to declare their *Opinions*,
" Much like as the *Convocation* within the Realm of *England* is, commonly begun and
" holden by the King's Highness special License, as His Majesties Judges of his said
" Realm of *England*, and divers other Substantial and Learn'd Men having ground-
" dedly inquired and examined the Root and Establishment of the same, do clear-
" ly determine ; And yet by reason of this Sufferance, and by the continuance
" of time, and for that most commonly the said *Proctors* have been made
" privy to such matters as within this Land at any time have been to be E-
" nacted and Published, and their Advice desired and taken to the same, they
" now of their Ambitious Minds and Presumptions, inordinately desiring to
" have Authority, and to intermeddle with every Cause or Matter, without any
" just ground or cause reasonable to the same, do Temerariouly presume, and
" Usurpingly take upon themselves to be parcels of the *Body*, in manner
" claiming, that without their Assents nothing can be Enacted at any *Parliament* with-
" in this Land &c. WHEREFORE be it Enacted, Ordained, and Established by Au-
" thority of this present *Parliament*, that the said *Proctors*, nor any of them, so
" Summon'd, or Warn'd to any *Parliament* begun or holden, or to be begun
" or holden within this Land, is, nor shall be any member, nor parcel of the
" *Body* of the same *Parliament*, nor shall give, nor have, any Voice, Opinion,
" Assent, or Agreement to any *Act*, Provision, or Ordinance, to be Regarded nor
" Enacted within this Land &c. And by the same Authority, The said *Proctors*, nor
" any of them, shall be accepted, reputed, deemed, or taken, from the First
" day of this present *Parliament*, as parcel, or any member of the said *Parlia-*
" ment, or any other *Parliament* hereafter to be holden within this Land, but
" only as *Counsellors* and *Assistants* to the same : Any Laws, Usage, Custom,
" Prescription, or any other Cause or Matter, Thing or Things, whatsoever it, or
" they, be, in any wise to the contrary notwithstanding.

This is the Sum of that *Act* ; and in which we ought not to wonder, if being resolved to divest the *Clergy* of their *Parliament-Rights*, they were willing

willing to give the fairest Colour they could, to justify their Proceedings in it. To this it is that we must ascribe what is said in the *Prefatory part*, of the *Clergies* never having had any just *Right* to a *Voice*, and *Assent* in *Parliament*: And which they so little cared to depend upon, that in the close of it, they seem themselves almost to own the contrary; and therefore take Care, that their *Act* should not be vacated upon any such account. But however, these two things are plain enough, from it, with relation to the *Irish Clergy*: 1. That till this time they did *Act* as real *Members of Parliament*: They were made privy to such things as pass'd there, had their *Advice* desired, and taken thereupon: And did in fact, at least, give their *Voice*, and *Suffrage*, to them. 2. That by this *Act* they were deprived of this *Privilege*; yet so, as still to continue to be *Chosen*, as they were before; and to be deem'd, and taken, as *Counsellors*, and *Assistants*, to the *Parliament*, to *Declare* their *Opinions* upon such things of *Learning* as they should be *Consulted* about, by the other *Estates* there.

Now if herein, as is probable, and as this *Act* seems to say, they were really brought down to the state of the *Proctors* of the *Clergy*, at that time in *England*: Then, it will from hence also farther follow, with relation to our own *Parliamentary Convention*, that tho' it had then discontinued to Sit, and *Act*, in *Parliament*, as formerly it had been wont to do; yet was it still look'd upon as a *Parliamentary Assembly*; and occasionally *Advis'd*, and *Consulted* with, as such. And then, for ought I know, the *Doctores & Milites* in *Parlamento*, may have been *Commissioners*, the one from the *Clergy*, and the other from the *Lay-Commons* to *Subscribe* with the *Lords Spiritual* and *Temporal*, in their *Names*: And the other *Instruments* which have been produced to prove a *Parliamentary Right* in the *Provincial Convocation*, may truly belong to, and prove a *Continuance* of such *Occasional Consultation*, and *Action*, of the *Clergy*, in their other *Capacity*, there.

However, thus much, I think, is plain; That while the *Clergy* continued to come to *Parliament*, their *Parliamentary Privilege* was, to give their *Assent* by themselves, or by their *Bishops*, (if not to *All* such *Bills* as pass'd there, yet at least, to *All* wherein they themselves, or the *State* of the *Church* were concern'd) and to which they are still *Summon'd* by the *King's Writ*, tho' by a long discontinuance they may possibly be thought to have lost their *Right*, to an *Actual Exercise* of it.

But now, such a *Parliamentary Privilege* as this, the other *Convocations* of the *Clergy* never had, never pretended to. In them they acted upon another bottom; They did all by their own *Ecclesiastical Authority*: The *Lay-Estates* of *Parliament* meddled not with their *Acts*; nor did the *Clergy* in those *Meetings*, ever claim any *Right*, to restrain theirs. And if this be not a clear mark of *Distinction* between the two *several Assemblies* of the *Clergy*, in *Parliament*, and *Convocation*, I do not see what can be said, to prove a *Distinction* more plainly, between any two *Assemblies*, where the same *Persons*, only under different *Capacities*, do in good measure *Meet* and *Act*.

And here, I might conclude my *Second sort of Arguments* in proof of this *distinction*; But having thus far touch'd upon what, I take, to have been the great *Parliamentary Privilege* of the *Clergy* heretofore, while they came and acted with the other *Estates* in that *Council*, and of our *Bishops* still; It may not be unseasonable, before I proceed to any new matter, to consider what those other *Rights* are, which have lately been offer'd, as the main *Privileges* of the *Clergy* there.

Sect. 38.

Now among these, we are told in the very first place, That their great *Parliamentary Right* was to *Tax themselves*:² And to which I cannot altogether agree. For tho' it was certainly the *undoubted Right* of the *Clergy*, to *Tax* themselves, yet that this was their *Parliamentary Right*, I cannot allow; because neither did they alway enjoy it as an *Estate* of *Parliament*; nor were they confin'd to the *Exercise* of it in *Parliament*; and for what other reason it should be called their *Parliamentary Right*, I am not able to conceive.

Rights, &c. p. 344.

That before the time of King *John*, our *Kings* had but little *Assistance* (and that in an extraordinary way) from the *Clergy* of their *Realm*; the silence of our antient *Histories* in that Particular, may give us just grounds to conclude. In his 8th year, the *King* having called together the *Bishops*, *Abbots*, *Priors*, *Earls*,³

vid. Annal. Waverleiens. Ad. Ann. 1207. p. 169.

Barons, and Lords of his Realm, in the Octaves of the Circumcision, held his Parliament at London, and there desired the Bishops and Abbots, that they would suffer the Beneficed Clergy to grant him a certain part of their Revenues. The Prelates refusing this motion, the Business was put off to the Council of Oxford, in the Octaves of the Purification; where an infinite Multitude of the Ecclesiastical Prelates, and Great Men of the Realm, being gathered together, the King again required of the Bishops, and Abbots, what he had before Exacted of them. Who having Consulted thereupon, "the Archbishops of both Provinces, with their Prelates unanimously Answered, that the Church of England could not yield to that which had never been heard of in any time foregoing.

¹ Chron. Walt. Coventre M³. Ad An. 1225. Comp. M Par. pag. 323.

But what King John could not, without some kind of Violence, get of them, his Successor, King Henry the Third, obtained, in his eighth Year; when Confirming the Great Charter and Charter of Forrests in his Parliament at London, ¹ at the Feast of the Purification; both the Clergy and People, consented to a Fifteenth, and the Archbishop and Bishops Excommunicated All, who should either hinder, or defraud in the Payment of it.

² Vid. Literas Archiepiscopi Append. Ad. Ann. 1272.

The Clergy having thus begun to grant Subsidies out of their Church-Revenues, continued more or less to do it, all the time of this King; and that indifferently, either in the Great Councils of the Realm, or in their Own Provincial, or Diocesan, Assemblies. King Edward the First being return'd from the Holy-Land, and having obtain'd a Grant of a Two Years Tenth, from the Pope upon the Clergy; the Archbishop of Canterbury, ² upon the Receipt of his Holiness's Letters, called together his Suffragan Bishops, and with them agreed to the Payment of it: And directed his Mandates to the several Bishops of his Province, for the Levying of it; and to oblige their Clergy, by all means possible, to comply with it.

³ Chron. Tho. Wykes Ad An. 1275. p. 103.

⁴ Annal. Waverleiens. Ad Ann. 1276. p. 231. Et M. Westminster. ad Eund. An.

⁵ See Append. ad Ann. 1279.

⁶ Vid. Registr. Jo. Peckham. fol. 165. a.

About Three years after, in his Parliament at Westminster, the King demanded a Voluntary Aid of the Clergy. The Bishops made Answer, That having neither Called together, nor Consulted with, their Clergy about any such matter, they neither could, or ought to impose any Contributions upon them; ³ but agreed that every Bishop should Call his Clergy together within a fortnight after Easter, and propose this Matter to them, and return Answer to the King, what they would do in it. What the Clergy resolved upon, I do not find: But in his next Parliament ⁴ held about the same time, the King had a Fifteenth both from the Clergy, and Laity.

⁷ See Petr. de Peckham. MS. ad An. Comp. Walt. Hemingford. MS. ad Ann. 1280.

Chron. Tho.

Wykes ad An.

⁸ Registr. Peckham, fol. 82.

⁹ Ib. fol. 83.

Reg. Peckham.

Kilwarby being removed, and Peckham made Archbishop of Canterbury, One of the first things done by him, to ingratiate himself with the King, was to encourage a New Contribution from the Clergy to him. And this too was made by the King's and the Archbishop's Letters directed to every Bishop, ⁵ who was to manage his Diocese to the best Advantage he could, and to give notice to the Archbishop at the next Meeting of his Provincial Council at London, ⁶ in the Octaves of Hillary, what their respective Clergy would grant.

The year following, the King having obtain'd a Fifteenth of the Laity, instantly demanded the like of the Clergy. This he demanded of them in his Parliament at London, about the Feast of All-Saints. ⁷ In Answer hereunto, the Archbishop of York first agreed with his Clergy to grant what was desired. The Archbishop of Canterbury stood out a while; but at the next Parliament after Easter, was forced to yield: And then granted a Tenth of Two, or Three, Years, as our Historians variously report it.

Upon the Octaves of Hillary 1282, the very next Year, the Archbishop, at

the instance of the King, call'd his Clergy together at Northampton: ⁸ In that

Synod the King demanded a Three Years Tenth of them. Which the Clergy

not assenting to; Another Convocation was ordered to be held at the New

Temple, London, three Weeks after Easter; ⁹ to Treat further of the same

matter. Whether that Assembly which began there, was afterwards removed

to Lambeth, or a New one call'd thither, I do not certainly know: But by

a Mandate directed to the Bishop of London, to Summon another Synod at the

New Temple Three Weeks after Michaelmas; it appears, that they had there agreed

to a Triennial Disine; and were to meet in the Convocation then appointed,

to deliberate upon a farther Supply to be Granted to the King. ¹⁰ In this Con-

vocation the Clergy again Granted a Thirtieth, or as Walsingham says, a Twen-

tieth part of their Goods.

Upon

Reg. Peckham, fol. 88.

Comp. Angl. S. Vol. I. p. 507.

Upon the 8th of August 1286, the King by his Letters to the Archbishop of York laid claim to a Promise made him by the Clergy of that Province, for a Supply of his Needs; and complain'd that they had not performed it. The Archbishop thereupon issued out his Mandatory Letters to the Bishops of Carlisle and Durham, and to the Archdeacon of Richmond, requiring them to consult with the Clergy of their respective Jurisdictions, and to pay in their Benevolence, according to the Promise which the King, in his Writ, had tax'd them with. The Clergy, tho' they disown'd any such Promise, yet Comply'd with his desire; and Granted him a Thirtieth part of their Revenues, for the three years next ensuing.

Thus the Case stood, when King Edward the First brought the Lower-Clergy, by his Premunitory Clause, to Parliament: After which, tho' they did sometimes grant their Subsidies there; yet soon after they fell upon the Practice of Taxing themselves in their Provincial Convocations; which was the Method that finally prevailed; and, by degrees, brought their Parliamentary Conventions into Disuse.

In the Convocation held at the New Temple, London, Anno 1297, on the day of St. Edmund, the King, a Tenth was Granted, for Defence of the Kingdom against the Scots: And the same year, in the Convocation at York, upon the Eve of St. Andrew, the King demanded of the Clergy a Fifth in their Synod there, which they had before refused to Grant, but then, as our Historians say, Consented to it.

This King being dead, and his Son, King Edward the Second having neither the Spirit, nor Reputation of his Father, and being otherwise under ill Circumstances with his People; The Clergy, tho' they still continued, against their Will, to come to the Parliament, yet began to fall off from the Custom of Granting their Subsidies in it.

One of the first steps which they made towards this, was in the Parliament held at Lincoln, in the Ninth of that Prince: Where an Aid being demanded of them, they agreed to it, as far forth as in the Absence of the Archbishop and some others of their Body they had power to do: But added this Clause to it, that a Convocation should be held, in which they might all meet together; and there, in a full Body, take their measures concerning it.

In his Fifteenth Year, the Clergy having utterly refused to grant any Subsidy at all to him in Parliament, he thereupon called them together in Convocation, to Consider of an Aid to be granted to him there. But he fail'd of his Expectations there also, because that the Pope had at the same time granted him Two Tenths upon them, which they supposed ought to have sufficed for his Wants; they were sure it was as much as they were able to bear.

Having advanced thus far in the time of the Father, they carried this matter yet farther in the beginning of his Son, King Edward the Third's Reign, Anno 1330. For now they refused so much as to Treat of any Subsidies at all in Parliament; pretending that in the Absence of the Archbishop, they could not make any Answer to the King upon that matter; but that in a Convocation to be held for that purpose, they should Act to his Content. And a Convocation was call'd accordingly, for that very purpose.

The same was the Case about Four Years after, when the Clergy, tho' Summon'd by the King to Parliament, yet did nothing there; But, in their Convocation held a few days after, Granted a Tenth and (which is again to be observ'd) were expressly Summon'd to Convocation for that purpose. From this time forward, this matter has continued almost intirely in the same state. The Clergy in their Provincial Convocations have made what Grants they have thought fit to our Kings; with a very few Exceptions, if any, to the contrary. Which being so, I cannot imagine why it should be thought any continued Parliamentary Right; much less their great Parliamentary Right, to Tax themselves. It was, indeed, their Right not to be Tax'd but by their own Consent, and that, I think, by the Great Charter more then once Confirm'd to them. As such they continued to exercise it without interruption, till our last Civil Wars: And that, from the time of King Edward the Third, almost without any Instance to the contrary, (that is for 350 years last past) in their Provincial Convocations. Upon the return of King Charles the Second, they resumed this Right; and by vertue thereof granted that Prince Four Subsidies in the

Year

¹ Regist. Jo.
Roman. Arch.
Ebor. fol. 99.

² Vid. 2 B.
dys Hist p. 59.
Sec.

³ Registr. Hen.
Newark fol. 23.

⁴ Knighton
Col. 2525.

Hemingford
MS. ad An.

⁵ See the Kings
Writ. apud

⁶ Prym. Registr.
part p. 154.

⁷ Will de De-
ne. Hist. Ro-

fens. An. 1322.
Angl. Sacr.

Vol. 1. p. 362,
363.

⁸ Claus. 4. E. 3.
m. 3. d. Apud

Prynne Registr.
part. p. 234.

Comp. Angl. S.
Vol. 1. p. 370.

⁹ Registr. Rad.
de Salop. Episc.

B. & W. Con-
tin. Polychron.

MS. ad Ann.
1334. Regete-

nente Parlia-
mentum Lond.

Archiepis-
copus con-

vocavit Cle-
rum ibidem

ad S. Paulum
die Luna post

festum Exal-
tationis S. Cru-

cis. Et quia
nova venerunt

ad Parliamen-
tum quod Sco-

ti--insurrexe-
runt;— Rex

promisit se i-
turum versus

Scotiam pro
Scotorum mali-

tia refrænan-
da; populus

concessit sibi
XXm. denari-

um de Tem-
poralibus, &

de Civitatibus
& Burgensibus

Xm Et Clerus
Concessit U-

nam Xm.

Conf. Walf
p. 134.

Year 1663. How they came to be deprived of it afterwards, I am neither sufficiently informed, nor would it be proper for me to say any thing of it, if I were. It is enough, perhaps too much, that our *Subsidies* have now so long been used to be granted in another method, that I doubt the *Church* will hardly ever recover her right, of disposing of her own Money again: And, for ought I can perceive, our late pretended Assertor of her Rights, (her Parliamentary Rights especially) does not shew himself at all concern'd to plead for it.¹

But not to complain, of what we know not how to remedy; let us see what has been offer'd to prove, this Right to have been the *Great Parliamentary Right of the Clergy*.² Their Great Parliamentary Right, was to Tax themselves; which they did always by separate Grants, not confirm'd by the Laity; (No, nor yet Granted by the Clergy for above 300 years last past) in Parliament. When therefore in the Fourth of King Richard the Second,³ the Commons proffered a certain Sum, So the Clergy (he means upon Condition that the Clergy) who (they said) had the Third Part of the Realm, would give as much, (or rather would bear their Part, and pay one Third of it:) It was Answered by the Clergy, that their Grants never had been, nor ought to be made in Parliament; (and therefore we may be sure they thought it not to be any of their Parliamentary Rights to Tax themselves.) Upon which the Commons Proposal was withdrawn, and they Granted without that Condition. The same Motion was made again and quash'd, after a very remarkable manner, in the Eighth Year of this King.

Had this Gentleman thought fit to have given Us the Answer of the Clergy, in-tire as it stands upon the Roll, we should the better have understood their sense, in those days, as to this Matter. Their Reply was fully thus; That their Grants had never been made in Parliament, nor ought to be: That the Laity neither ought, nor could constrain the Clergy in that particular; nor could they the Laity. But that however they thought that if either ought to be free, it should be the Clergy rather than the Laity; and therefore pray'd the King to keep the Liberty of the Church entire. Their meaning was plainly this, That they were not to be assessed by a Lay-Authority, (such as the Authority of the Commons in Parliament) which, tho' by a side Wind, yet had they yielded to the Proposal of paying their part of what the Commons had granted, 'tis evident they would have been. Now this was certainly very true, and it fully confirms what I have before said, That the Clergy in those days, were Masters of their own Purses; and not wont to be Assessed by any but themselves, and that in Convocation, not in Parliament. But that this was their Parliamentary Right is not yet proved; nor can it, I believe, be Established by any thing but that Principle, (which I have sufficiently shewn, to be an utter mistake) that the Provincial Convocation is a part of the Parliament, and therefore that whatsoever is the Right of the One, may for that Reason be accounted the Right of the Other.

Another of their great Parliamentary Privileges WAS to begin Bills by Petition from themselves, in the same manner that the Commons did. I should rather have said, to Present their Bills already begun, (for sure when Bills are drawn up, and prepared to be tendred to the King for his Assent, so they must have been) to be passed by the King, with the Consent of his Great Council in Parliament. But why IS not this, or OUGHT IT NOT TO BE the Clergies Right or Privilege now, as much as ever it was heretofore? Do not my Lords the Bishops sit as much in Parliament, and by the same Right, and Title now that they did then? Or are they not as well able to prefer any Bills or Petitions, on the behalf of the Clergy now, as they were in the times of which this Author speaks?

As much as some Persons may desire to depress the Honour and Rights of that Order, to satisfy their Resentments against those who are the principal Members, and Ornaments of it; and to run into the Notions of such as were never thought to wish well to our Church; Yet I do not think they will venture plainly to deny, but that the Lords Spiritual Sit and Act as part (at least) of the third Estate in Parliament. I am not afraid to repeat that Expression, after all that has been said either to censure or expose it.⁴ Some of our best Authors⁵ have used it before me, and yet never thought they should have been so far mistaken, or mis-represented; as if they intended thereby to sink the Clergy into the last and lowest Rank of that Great Council. Now if they continue to sit as a Third Estate in Parliament, and to act (in their Legislative Capacity) there, in the very same

¹ See p. 344.
I meddle not,
(says he) in
what follows
with what is
or OUGHT
to be the Cler-
gy's Right, or
Privilege now.
&c.

Seft. 39.
² Rights, &c.
p. 344.

³ Rot. Parl.
4. R. 2. n. 13.
Si la Clergie
vouloit sup-
porter le tierce
denier de la
Charge.

Rights, &c.
p. 344.

⁴ Rights,
p. 276.
⁵ Grand.

Quest. p. 121.
150. Heylin's
Tracts p. 708.
789. Where
the Title of his
1st. Seft. Chap.
vi. is This. The
Bishops and
Clergy of
England, not
the Kings,
make 1 HE
THIRD E-
STATE.

same respect at this day, that they did when they composed, tho' not the whole, yet the chief part of the *Body of the Parliament Clergy*: I cannot Imagine why this Gentleman should deprive either their Lordships of the *Right* of presenting any *Bill* to the *Houses* (as our manner now is) for the Advantage of the *Clergy*; or the *Clergy* of the *Benefit* of having any *Bills*, which they think will be for the *Interest* of their *Order*, brought in by them to *Parliament*. For tho' the *Estate* of the *Clergy in Parliament* be, by Custom, much *Abridged* as to its *Extent*; yet I do not know that the *Rights* or *Privileges* of it are at all lessened thereby: Nor that any thing prohibits the *Bishops*, who alone of all that *Estate* continue, at present, to sit there, from doing any thing in their *Parliamentary Capacity*, on the behalf of the *Clergy* in this *Particular*, at the Request of their *Clergy* now, that they might have done with the *Advice*, or at the desire, of their *Parliamentary Assembly* heretofore.

It is confess'd by this Author, ¹ and indeed it was too plain to be deny'd, ¹ *Rights, &c.* tho' he has pass'd it a little more covertly over than he should have done, (I am ^{P. 346.} afraid on purpose, that it might not be regarded;) that the *Lower Clergy*, even while they continued to come to *Parliament*, yet presented their Requests oftentimes to the *Prelates of the Upper-house*, in order to their being proposed (he should have added to the *King*) in *Parliament*. But why then among all his Forms of Supplication, had we not one *Instance* of this, to clear up this Matter: Such, as for Example, *A nostre Seigneur le Roi supplient ses humbles Chapleyns Simon per divine soeffrance Ercevesque de Canterbirs & ses freres Evesques de sa Province, pur eux & tote la Clergie: 25th. of Edward the third.* ² And again, the ² *Jura Cleri.* ^{fol. 34.} *13th of Richard the Second, L'Ercevesque de Canterbirs, & L'ercevesque Deverwyck firent une protestation en plein Parlement en la forme quensuit. In dei nomine, Amen. Nos Willielmus permissione Divina Cant. Arch. & nos Thomas eadem permissione Ebor. Arch. Protestamur publice & expresse pro nobis, et Suffraganeis nostris, ac toto Clero nostrarum Cant. & Ebor. Provinciarum* ³ *&c.* A few such Instances as these would have shewn, that even while the *Clergy* continued to go to the *Parliament*; yet the *Bishops* oftentimes *Petitioned*, *Protested*, and *Acted* for them in that *Council*; and in that would have proved, that so they may continue to do now. And why one who would be thought to plead on the behalf of the *Parliamentary Rights* of the *Clergy*, should place this among their *Antiquated Privileges*, and therein do both the *Bishops*, and their *Clergy*, so much Injury; I shall leave it to himself, upon second Thoughts to Consider. ³ *Ibid. fol 97*

But, indeed, it does not appear to me, from the *Rolls of Parliament*, which I have purposely perused with some Care upon this Occasion; that when the *Name* of the *Clergy* was made use of in these *Petitions*, they were yet preferr'd any otherwise than by the *Bishops*, on their behalf. The *Lower Clergy* came up but in small numbers to *Parliament*: They were neither called over, nor computed among the actual sitting Members of it. They met often at *Paul's*, or some other Convenient Place by themselves; and consulted with the *Prelates* of what was to be done in *Parliament*: And so they left it to them to take care of their *Interests*, to prefer their *Petitions*, and act, as they saw occasion, in their *Name*. And thus their *Lordships* may still bring in any *Bills* to the *House*, on the behalf of the *Church* or *Clergy*; and that with as much freedom, and to as effectual a Purpose, as they could ever have done heretofore.

The next Point offer'd as the *Parliamentary Right* of the *Clergy* is to have no *Bills in derogation*, of any of their *Privileges and Immunities* pass, without their Consent: ⁴ Had he said, no *Bills*, in which they of the *Clergy* were concern'd, ⁴ *Rights, &c.* ^{P. 346.} I should not have disputed that Point with him: But for their *Spiritual Privileges and Immunities*, those they claim'd by another tenure; nor would they ever Consent that the *Parliament* should meddle at all with them. ⁵ *Rot. Parl.* ^{n. 70.}

And this his own Instances will serve to prove against him. In the 11th of *Henry the 4th*, a very good Petition was, I think, offer'd to the *King* by his *Commons*, which this Author should have mentioned, as well as the Answer to it; That half the Profits of the *Benefices* of such *Clergy-men* as resided not upon them, but absented themselves from their Cure by any Colour or feigned Cause, &c. might be applied to the *King's Use*. ⁵ The *King's Answer* was, That this was a matter that belong'd to the *Church*; and that as for Residence, a Remedy was provided for it in the Last Convocation. He look'd upon that matter not to fall under the Cognizance

nizance of the *Parliament*, but (according to the Notions of those Days) to be a Case in which the *Clergy* and *Convocation* only could properly meddle.

The same was the purport of *Richard the Second's Answer* upon the next *Petition*, the Subject whereof, because it relates chiefly to the *Bishops* and their *Officers*, this Gentleman has no concern to hide; ¹ it related (says he) to the *Extortions* of *Ordinaries* for the *Probates* of *Wills*: *The King will charge the Clergy to amend the same*, whose proper Business it was to take care of such Matters. But I must not pass by this Instance, without observing how much this Gentleman has either Mistaken or Misrepresented this whole Case, and for which he has neither the *Roll* nor its *Abridgement*, to warrant him. The *Abridgement* is thus: *That a Remedy may be had against the Extortions of the Ordinaries, by undue Extortions*, p. 288. And the *Roll*, it self has no manner of regard to the *probate* of *Wills*, but to *Suits*: Nor is the *King's Answer* exact; as this Author would have found had he been pleased to consult the *Roll*: *Le Roy Plera as Prelates pur faire owele droit as toutz leur subgits en le plus esee manere qils purront* ².

² Dr. A. has examined the *Roll* in his *Addit.* and ordered the mistaken Subject of this *Petition* to be blotted out. He ought at the same time to have blotted out, or Corrected the Answer too.

The same is the Case of all his other Instances: When the *Commons* would have had any *Bills* pass'd in such Matters as concern'd the *State* of the *Church*, and the allow'd *Privileges*, and *Immunities* of the *Clergy*, and were look'd upon to be of a proper *Spiritual Nature*; the *King* refus'd to determine such Matters by *Authority* of *Parliament*, and referr'd it to the *Clergy*, to whom he thought it belong'd, to provide such Remedy among themselves as was meet in them. But that this was any Particular *Branch* of their *Rights*, as Members of *Parliament*, ³ does not appear; nor indeed was it so, any otherwise than as the *Clergy* in those days would not allow of any *Acts* to bind them, in any thing wherein they were concern'd, to which they did not give their *Consent*; of which I have taken sufficient notice before.

It is true, the *Clergy* have lost a great deal of their *Parliamentary Privilege*, if ever it was such, in these Matters. And with relation hereunto, I can easily close with this Author ³, "That our Constitution is much alter'd in this respect; ⁴ tho' I cannot altogether go on with him, that, to say the Truth, it was fit it should be alter'd; so much, I mean, as it is. A little more *Authority* than it now has, would, I am sure, be better for the *Church*, and, I think, for the *State* too. However it is to be hoped, that in *Matters* of *Religion*, wherein the *Clergy*, by their *Order* and *Function*, tho' not by any *Parliamentary Right*, ought to be advised with; as in the *Articles* of *Religion*, the *Discipline* of the *Church*, and the *Publick Liturgies* of it; They shall either be left entirely to do what properly belongs to them; or, at least, that no *Laws* shall pass in *Parliament*, without their *Advice* first taken concerning them. This regard, we must thankfully own, has hitherto been paid to our *Bishops* and *Clergy* (in their *Spiritual*, not *Parliamentary Capacity*;) And we ought to promise our selves from the *Wisdom* and *Piety* of our *Princes* [and *Parliaments*, that this *Liberty* our *Church* shall still continue to Enjoy.

But the *Clergy* in *Parliament*, did sometimes *Protest* against such Matters as passed there against their *Consent*, ⁵ as in the 13th of *Richard the 2d*, against the *Statutes* of *Provisors*. I grant that they did, and so they may still do, in the very same manner as they did in the Case which this Author Alledges; but is not willing his *Reader* should know; I mean by their *Archbishops* and *Bishops* in *Parliament*. I have already given the *Form* of this *Protestation* from the *Parliament-Rolls* but just before: Yet to shew how much to blame this Gentleman was, for not speaking of it more fully out, I will repeat it as it stands in the *Abridgement* of the *Record*; *The Archbishop of Canterbury and York, for them and the whole Clergy of their Provinces, make their solemn Protestation in open Parliament; That they in no wise Meant, or would assent to any Statute or Law made in the restraint of the Pope's Authority, but utterly withstood the same, &c.* And I hope this is no Part of those *Rights* of the *Clergy*, which this Author gives up, as neither belonging to them now, nor that indeed ought to belong to them.

As for his *Petition*, which he fixes as low as the Year 1529, or 30. be it which it will, 'tis no more than what I conceive is the *Clergy's Right* at this day. They may complain to the *Bishops* of any hardships which they think have been put upon them, or by which they find themselves aggrieved, and desire their Favour and Interest, to interpose for the redresse of them. And it will be very hard, if this must be look'd upon as an *Old Parliament Right* too, that they neither have now, nor ought to enjoy.

But

⁵ Sect. 42. *Rights, &c.* p. 348.

⁴ lb. p. 351.

³ *Rights, &c.* p. 348.

But of all the *Parliamentary Rights* of the Clergy, his next to me is the most unaccountable; which was so far from being a *Right* of the Clergy there, that it was never claim'd as any *Right* of the *Parliament* at all. "Beyond all this," says he, *their Consent in Parliament has also by way of Condescension been sometimes asked, and admitted, even in Matters wherein they were not particularly interested:* And his two first Instances are, in the *Ratification* of a *League* by *Parliament*. But, was this any particular Condescension, with respect to the Clergy; or, was it the same to the *Parliament* in general? If the former, that indeed is to the purpose, when it can be proved. But if the latter, so that the King for certain *Reasons of State*, thought fit to communicate to his *Parliament* (not of Necessity, but of Grace) what *Treaty* of Peace he had Agreed upon, and to desire their Confirmation of it; it amounts to no more than this, which I conceive is their *Parliamentary Right* still; not to be denied the Privilege of *Hearing*, and *Agreeing* to, such things as are Transacted in *Open Parliament*, tho' not of an *Ecclesiastical Nature*; and which we need not go back to *Henry the Sixth's* time for Instances to prove.

Sect. 43.

Rights, &c.
p. 349.

What he means by his next Instance, from the *Sixth* of *Henry the Sixth*, I cannot tell; unless it be to shew, that the *Bishops* and *Clergy* sometimes Agreed to *Bills* not absolutely, but with such *Restrictions*, as they thought the Nature of the Matter to require. A *Privilege*, that their *Lordships*, I dare say, do by no means think an *Antiquated Right*, whatever this Author does. But in his last, I am sure, he utterly betrays the ancient *Rights* of the Clergy; and in them lays a fair ground, to shake those of the *Bishops* too. ² In the 21st of *Richard the Second*, he tells us that the *Assent* of the *Proctors* of the Clergy was alledged to countenance the *Acts* of that *Meeting*, and to give a *Collateral Assent* and *Authority* to them, as a (certain) *Writer*, (not much amiss, I think, says he) distinguishes. Now a *Collateral Assent*, may, for ought I know, be proper enough to give a *Collateral Authority*: But neither the *One*, nor the *Other*, will in any wise come up to the *Right* of an *Estate* in *Parliament*. And such the Clergy have ever been accounted; and, by our *Laws*, are still acknowledged to be. Nay, this very Author, in the next breath, himself allows of it, where he Observes (and that rightly) that in the Case of the *Succession*, in the *Eighth* of *Henry the Fourth*, the Clergy were allow'd a share in the *Legislative Power*, the *Succession* being said to be settled not only with their *Consent*, but by their *Authority*: Now if they had a share in the *Legislative Power*, then I hope they gave somewhat more than a *Collateral Authority* to what they pass'd, as part of the *Legislature*; and Assented to it not *Collaterally*, but in their *Parliamentary Right*; and as both by the *King's Writ*, and by the *Constitution* of our *Parliament*, they were Called, and Empowered to do. But we are told that great Authors, in long Works, may sometimes nod: And this Gentleman has more than once given us this Ground to Conclude that he is indeed an *Author* of the first Rank.

² The Roll of that Parliament speaks otherwise: It joins the Prelates and Clergy together; and I hope the Prelates, at least, had a right to something more than to give a Collateral Assent and Authority, to what was done in Parliament. Les Comunes monstrent au Roy comment devant ces heures plusieurs jugementz et ordonances faitz en temps

des Progenitors nostre Sr le Roy en le Perlement ount este repelles et adnullez par ceo que L'ESTAT DE CLERGIE ne feust present en Perlement a la faisaunce des ditz jugementz et ordonances: Et par ceo priere au Roy que pur seurte de sa persone, & salvacion de son Roialme, les PRELATES et le CLERGIE feroient un Procuratour avec poir sufficeant pur consentir en leur Noun as toutz choses et Ordenances a justifiers en cest Perlement, &c. They constituted Sir Tho. Percie in these words: Nos Thomas Cantuar, et Rob. Ebor. Archiepiscopi ac Prelati & CLERUS utriusque Provinciae &c. Ven. Viro D. Tho. de Percy milii nostram plenariam Committimus Potestatem, &c.— By Vertue of this Commission: Nostre dit Sr le Roy et toutz les Srs. Temporelles et Monsieur Thomas de Percy eiant poir sufficeante de les Prelates et Clergie de Roialme D'Engleterre, come piert de Record en le dit Perlement adjudgerent et declarerent ceste Article conuz per le dit Ercevesque par Traison, &c. Ib. And from whence, and other Records, our Church of England Authors have proved a much higher Interest of the Clergy in *Parliament*, than to give only a *Collateral Assent* and *Authority* to what was done there. See Dr. Heylin's *Tracts*, p. 702, 704.

I have now done with my second kind of Arguments, from whence I proposed to shew, the manifest difference which there is between the *Parliamentary*, and *Provincial Convocations* of the Clergy of England. I proceed to the third and last sort; namely,

(3.) Such as may be drawn from some particular Observations in Point of *Law* and *History*, to confirm the same distinction.

Now the first which I shall Offer, shall be taken from the *Language* of our *Laws*, and the manifest difference which they make between the *One*, and the *Other*.

Sect. 44.

I have already taken notice of the Statute of the *eighth* of Henry the Sixth Chap. 1. as far as concerns the Priviledges thereby granted to the Members of our *Convocations*. I shall now only insist upon the *Expressions* of it; and shew how evidently they distinguish the *Clergy* in their *Parliamentary Capacity*, from the same *Clergy* in their *Provincial*. For which end I must observe, that the substance of that *Act* being put into a *Petition* by the *Prelates* and *Clergy*, at that time *Assembled* in *Parliament*; the thing which they desired was, that *themselves, and their Servants, might enjoy the same Priviledges, in coming to, tarrying at, and returning from their Convocation, that the Lords and Commons did enjoy, who were called to Parliament.*

Now that by the *Convocation* there spoken of, as distinguished from, if not opposed to, the *Parliament*, we are to understand our *Provincial Convocation*, is not doubted of, or deny'd by any. That this *Convocation* is there mentioned as an *Assembly*, wholly different from that of the *Parliament*, is plain; because the *Priviledges* of the *One* are set forth as the *Measure* of what was desired for, and granted to the *Other*. But the *Bishops*, and *Prelates*, who were at the same time called to *Parliament*, were actually *Members* of that *Body*. They *sate* and *acted* as proper *Members* of it; and in that *Capacity* both in their own and the *Clergies* Name, prefer'd this *Bill*, which upon their *Petition* pass'd into a *Statute*, on behalf of their *Provincial Meetings*. And therefore as plainly as the *Parliament* it self, in that *Act* is distinguished from the *Convocation*, so plainly must the *Parliamentary Assembly* of the *Clergy*, by the *Words* of that *Statute*, be distinguished from their *Provincial Convocation*, for which they *Petitioned*; and by their *Petition* obtain'd the same *Priviledges* for that, which the *Parliament* (and themselves as *Members* of it) before *Enjoy'd*.

It were an easy matter to pursue the same *Difference of Expression* in those many *Acts* of King Henry the *eighth*, in which the *Parliament* and *Convocation* are at all mentioned; And in all of which, were men willing to be convinced, they are clearly spoken of, as *Assemblies* altogether different from one another; and the *Bishops* are represented as *Acting* in a *different Capacity* in the *One*, and in the *Other*. But I shall rather chuse to mention that famous *Act*, made in the *First* and *Second* of Philip and Mary, Chap. 8. in which the *Distinction* is so evident, that I do not see what can reasonably be Excepted aganst it. For, *First*, It recites, that a *Supplication* had been presented to *Their Majesties* by the *Lords Spiritual* and *Temporal*, and *Commons* in *Parliament Assembled*. Then it takes Notice, how that conformably to their *Petition*, *The Bishops and Clergy of the Province of Canterbury*, had also Presented to *Their Majesties* a *Supplication* to the same effect: And the *Preface* of their *Supplication*, inserted into the *Act* it self, makes as plain a *Distinction*, as can well be made between any two *Assemblies*: *Nos Episcopi, &c.* "We the *Bishops*, and *Clergy of the Province of Canterbury* being *Assembled* in this *Synod*, after our *Usual Manner*, while the *Parliament* of the *Kingdom* is celebrated, &c.

Here therefore let it be considered, whether the *Parliament* and *Convocation*, be not evidently spoken of as *Two different Assemblies*, which severally *Petition* for the same thing; and the *One* of which takes notice of its being *Assembled*, according to Custom, at the time that the *Other* was *Sitting*? Now, in these two *Assemblies* the *Bishops* both *Sate* and *Acted*: They *Petitioned* as *Members* of *Parliament*, with the *Parliament*, and as *Members* of the *Convocation* of the *Province of Canterbury*, with the *Provincial Convocation*. But the *Bishops* in *Parliament* sit as a *part* (and tho' not the only part that is still *Summon'd*, yet the only one that still continues to *Meet* and *Act* there) of the *Estate* of the *Clergy*; and, in that, of the *Parliamentary Convention* of the *Clergy*, in the *Great Council*: And therefore as plainly as in this, and all other *Acts*, wherein these two *Assemblies* are spoken of, the *Bishops* are represented as *Members* of two different *Bodies*, and acting in two different *Capacities*, in *Parliament* and *Convocation*; so plainly are those two *Conventions* of the *Clergy*, thereby set forth as different from each other; and to have their different *Considerations*, in *Law*, as such.

Sec. 45.

From the *Language* of our *Laws*, let us proceed: *Secondly*, To Consider the *Language* of our *publick Instruments*, in which any mention is made of these two *Assem-*

Assemblies; and see whether they do not equally keep up the same Distinction between them. King Edward the 2d having summon'd his Parliament at Lincoln, upon the XV of Hilary, Anno 1315, and by the Premunitory Clause in the Bishop's Writs, called the Clergy to it¹: To strengthen this Summons, the Archbishop (according to the method of those times) by his Provincial Writ, Cited both the Bishops and Clergy of his Province; (who had before been summon'd by the King's other Writs) before him, for the same purpose in the Cathedral Church of Lincoln, according to the King's Appointment. In this Parliament the King demanded a Subsidy of the Clergy, to carry on his War with Scotland. The Clergy who were there present, assented to his Request, ² as far as in the Absence of their Archbishop, and of some others of their Body, they could do it; but with this Proviso, that, as well they Themselves, who had so consented, as the rest of the Clergy of the Province who were not at the Parliament, should, by the Authority of the Archbishop, be called together to treat before him, in a proper Place, and to consent to a certain Subsidy to be granted to the King.

The Clergy, in Parliament, having given this Answer, the King, whilst they were yet sitting there, issued out his Writs to the Archbishop of Canterbury, and to the Keeper of the Spiritualities of the Archbishoprick of York, to assemble their respective Clergy for this end in their Provincial Convocations; ³ the One upon the Wednesday next after the Quindene of Easter; the other, a Month after it: And the Archbishop of Canterbury, and the Keeper of the Spiritualities of the Archbishoprick of York accordingly summon'd their Convocations upon the Days which the King had appointed.

This was the matter of Fact, as appears from the King's Writs, and the Archbishops Mandates, &c. Let us now see in what Terms these several Convocations are spoken of; and whether it does not evidently appear, that they were not only two distinct Assemblies, but of a different Nature and Constitution too. The Words of the Kings Writ to the Archbishop, for calling a Convocation at London, are these. "Certain of the Prelates and others of the Clergy of the Province, being called together, whom we had caused to be summon'd to be present in our Parliament at Lincoln, and there required on our behalf, to grant us a Subsidy—Consented, but with this Proviso, that both they, and Others of the Clergy of the Province who were not present in the said Parliament, should be, in a sitting Place, Assembled before you."

It is plain, that the Clergy who made this Answer to the King at Lincoln, were the Parliament-Clergy, by the King's Writs, and the Archbishop's Mandates, there Assembled in their Parliamentary, or State-Capacity: No other were called by either of their Writs thither; nor did any others appear there.

But to go on with the King's Writ: Wherefore we require and entreat you, to command all the Prelates, as well Religious, as Others, and the rest of the Clergy of your Province, to appear before you at London, &c. (in the other Writ at York) at such a time.

These two therefore were properly Provincial Convocations, not Parliamentary, National Assemblies: They met within their respective Provinces, before their several Metropolitans; or such, as had the Metropolitcal power committed to them. They Assembled neither at the Place nor time of the Parliament; and I think, upon all these Accounts, I may venture to say, that nothing can be desired, whether we consider the Words, or Nature of these two Conventions, to prove them to have been altogether different Assemblies.

ad Trahand. & Consentienā. Vestra Auctoritate interveniente de certo subsidio nobis, ut pramittitur, faciendo, in Loco debito Convocentur. Rot. Claus. 9. Ed. ii. m. 17. dorso.

³ Claus. 9. E. 2. ib.

It were endless to insist on all the other Instances of the like kind, that might be produced to prove these two Convocations of the Clergy to have been absolutely different from each other, whilst they continued to meet at several times, and in several Places; as it is confessed, that for a long time, they were generally wont to do; and I shall have Occasion hereafter, more particularly, to take notice of it. I will, at present, content my self to add but one Instance more of this kind, in Confirmation of what has now been observed.

¹ Vid. Regist. Henr. Prior. fol. clxiii. Regist. Dec. & Capit. Ebor. sede Vacante. fol. 131.

² Quidam itaque Prelati & alii de Clero provincie vestre Cant. quos ad interessendum Parlamento nostro apud Lincoln. fecimus summoneri, ibidem ex parte nostra super subsidio Nobis pro guerra nostra Scotie faciendorequisiti, ad urgentem necessitatem, &c.—

sue considerationis intuitum dirigentes ad subsidium nobis ex causa predicta faciendum, quatenus vobis Absentibus, cui subsunt, & in quorundam aliorum tam Prelatorum, quam Religiosorum, & Ceterorum de Clero dicte Provincie absentia potuerunt, Unanimiter consenserunt: Ita tamen quod tam Ipsi, quam alii de Clero vestre Provincie, qui in dicto Parlamento presentes non fuerunt, Coram vobis

Seft. 46.

In the 15th of Richard the 2d, Anno 1391: The King held his Parliament at Westminster the 3d of November, and, by his Writs, summon'd the Clergy, as well as Prelates, to come to it. This Parliament sate 'till the 2d of the next Month, and so long therefore the Clergy must have continued to have attended upon the King, in their Parliament Capacity there.

¹ Regist.
Wakefield E.
pisc. Wigorn.
fol. 85.

About a Month after he had summon'd this Parliament, he issued out other Writs for the calling of the two Convocations. In that for the Province of Canterbury, the time appointed by the Writ was the day after St. Martin, November the 12th. But the Archbishop of Canterbury enlarged the time, and order'd it to meet the Morrow after the Conception of the Blessed Virgin, December the 9th. ¹ The Words of his Mandate are remarkable; and I shall therefore take notice of some part of it. He complains of the Obligation which lay upon him by virtue of his Pastoral Office oftentimes, tho' unwillingly, to treat with the Prelates, and Clergy of his Province: That at present, the instant great Necessity of the Commonwealth, and the apparent advantage of the Church, which he hoped for by it; join'd to the King's desire, oblig'd him, of necessity, to call together the Prelates and Clergy of his Province, according to the effect of the King's Writ.

This is the sum of that Introduction which the Archbishop made to his Mandate for this Convocation; and it clearly shews what kind of Assembly of the Clergy it was, that he thereby intended to call together: That it was an Ecclesiastical Convocation of the Prelates and Clergy of his Province; which not only in Obedience to the King's Writ, but in discharge of his Pastoral Office, he call'd before him. And how different that must have been from the State-Assembly of the Clergy of the Realm, which met the Month before, by Vertue of the King's Royal Writ, in Parliament; and was broken up a Week before this Convocation sate, I may leave it to any impartial Person to Judge.

Sect. 46.
² In Regist.
Arundel, Arch.
Cant. Vol ii.
fol. 28. &c.

But (3dly.) And to proceed to some farther Considerations. In the Convocation of Archbishop Stafford, ² October 19. 1444: The Archbishop deliberating with his Brethren about such Matters as needed Reformation in the Church of England; two sort of things were thereupon consider'd by the Clergy, some such as fell under the power of the Convocation to Reform; others such as belong'd only to the Parliament to amend. To the former of these, the Bishop of Bath and Wells, in behalf of the Archbishop, whole Commissioner he was, subscribed his Resolutions, with the Consent of the Synod. And for the others which were to be corrected in Parliament, they appointed certain Deputies to solicit their amendment there; and so the Convocation was dissolved, upon the 26th of the same Month.

The Parliament in which these Persons were to solicit this Reformation on the behalf of the Clergy was not summon'd, 'till almost Three Months after the Convocation rose, and met not 'till the end of February following. Before this we find no Parliament sitting for One, if not two Years: Sir William Dugdale tells us, that there are no Summons upon Record the two years before; nor have I any where met with any, tho' I have made a diligent search after them. Yet this Convocation was called by Order of the King's Writ: Money was demanded by the King in it, and granted by the Convocation: And therefore this must be in all respects allow'd to have been, such a Convocation as we are now treating of. It would be unseasonable so soon, to enquire what Parliament it was therefore that this Convocation attended upon; or indeed by what Convocation, the Parliament of that Year was attended upon at all? For this Convocation rose three Months before that Parliament was called; and during the whole Year after there was no Convocation held, as by a remarkable Proof, shall in due place be made appear. All I shall at present observe from the Transactions of this Convocation is, That it manifestly speaks of it self as of a different Assembly from the Parliament; that, as such, it referr'd those Affairs which it had not Power to conclude upon it self, to be determined there, and that not after a Parliamentary manner, by the Clergy preferring their own Bill or Petition concerning them, which (tis granted the Parliament-Clergy were wont to do:) No, but it deputed certain of its Members to solicit the Reformation which they desired in behalf of the Convocation: And by so doing, I conceive, plainly shew'd, that that Convocation look'd upon it self as no part at all, much less as one of the Chiefest Estates of the Parliament.

And

And the same was the Case of the *Convocation* of 1452, of which I have made some short mention before. The *Clergy* having some things under Debate, which needed *Reformation*, but could not be determined in their *Ecclesiastical Synod*¹; desir'd the *Archbishop* and other *Prelates*, who were to be present at the *Parliament* at *Reading* a few days after, to use their *Interest* with the King; and the *Lords* and *Commons* there to be assembled, for the effectual *Reformation* of them; and deputed Four of the *Lower House* of *Convocation*, to *Sollicit* and *Instruct* the *Archbishop*, *Bishops* and *Prelates*, concerning such *Matters* as were in *Parliament* to be amended. Which being done, the *Archbishop* the same day dissolved the *Convocation*. ¹ Registr. Kempe Arch. Cant. fol. 219.

Three Days after this, the *Parliament* began at *Reading*, and with that the *Parliamentary Convocation* was called to meet. The *Bishops* and *Prelates* met accordingly, but the other *Clergy* had (it seems) left off their *Attendance*, and so none of them appear'd there but their four *Delegates*, and those not as *Members* of *Parliament*, but as the *Deputies* of the *Convocation*, appointed to solicit the *Bishops*, and *Prelates*, and by them the *Parliament*, on their behalf. Which being so, I shall leave it to any unprejudic'd Person to consider, whether the *Convocation* assembled at *Paul's*; dissolved three Days before the *Parliament* began at *Reading*; in which the *Bishops* and *Prelates* acted as *Members* of the *Synod* of the *Province* of *Canterbury*, by the *Mandate* of their *Archbishop*, and from thence removed to the *Parliament* at *Reading*, there to attend upon the King as One of the *Chiefest Estates* of the *Great Council* of the *Realm*, by virtue of another, and a *Civil Writ*; can in any manner of reason be accounted either in *Law*, or *Fact*, the same *Assembly* with that of the *Parliament*; in which, the *Lower Clergy* had now left off to attend at all, and the *Prelates* did both *Attend* and *Act*, at such a different time; in such a different Place; upon such different *Affairs*; and after such a different manner.

But 4thly, There was a time in the Reign of King *Edward* the 3d, when the *Provincial Convocations* of the *Church* and *Parliament* of the *Realm*, seem'd to have stood in the nearest relation to One another, and from which therefore their dependance upon one another, has, of late, been endeavour'd to be proved; how justly we shall presently see. For even those very *Writs* upon which this *Argument* is founded, will appear, when duly consider'd and fairly represented, to Establish a manifest difference between the *Ecclesiastical* and *Civil Assemblies* of the *Clergy*: And I shall accordingly offer one of these very *Parliaments* and *Convocations*, as my next *Argument* to prove the *Distinction*, I am now asserting between them. Sect. 48.

Upon the 18th of *August*, the 11th of *Edward* the 3d, the King, by his *Parliament Writs* summon'd² all the *Bishops*, *Prelates*, and *Parliamentary Clergy*, to appear before him in *Parliament*; the *Friday* before *Michaelmas*, at *Westminster*. The cause of their *Assembling*, is thus declared in the *Body* of the *Writs* themselves: That being shortly about to pass the *Seas* (in order to his *French Expedition*) ² See Dugd. Summonit. Parl. ad An. pag. 199.

“and desiring above all things, that his *Peace* should in his *Absence* be inviolably observed, and his *Kingdom* be defended against the *Incurfions* of his *Enemies*; he did for these and other weighty *Reasons*, think fit to have a *Meeting* and *Treaty* with his *Bishops*, *Prelates*, and *Lords*, in *Parliament*.

To this *Parliament*, by the *Premunitory Clause* in the *Bishops Writs*, all the *Deans*, *Archdeacons* and *Proctors* of all the *Chapters* and *Clergy* of the *Realm*, from both *Provinces* were summon'd; and we must suppose, that, according to the Custom of those Times, either by *Themselves*, or their *Proxies*, They did generally come to it.

Upon the same Day that the King issued out those *Writs* for a *Parliament*; he sent out two other *Writs*, to the *Archbishop* of each *Province*, to Call their *Clergy* together in *Convocation*: In which having taken Notice of his Calling his *Parliament*, for the End and *Reasons* before mentioned; he thus accounts for the Cause of his desiring them to summon their *Convocations* also, about the same time with it: ³ “That for as much as the *Affairs* before mention'd, did specially touch not only the safety and quiet of the *Realm*, but of the *Church* too, and of all and singular the *Members* of it; he therefore requir'd them to summon the *Prelates*, and *Clergy* of their *Provinces*, to treat and consult about the *Premises*, with them, and with such other *Persons* as he should send to them; and

³ See in *Prjus* Registr. Vol. 1. p. 40.

“to

“ to agree to such things as should be ordain’d by them, for their Publick Defence and Advantage.

To these *Convocations*, the *Clergy* of the Province of *Canterbury* were commanded to come, the Morrow after *Michaelmas*, the Day which the King had appointed. In the Province of *York*, the King assign’d the *Thursday* after the *Octaves* of *Michaelmas* (the 11th of *October*) but the Archbishop of *York* enlarged the time till after *St. Martin’s*, about the middle of *November* ¹.

¹ Vid. Regist. Jo. de Kyrkeby Episc. Carl. fol. 365.

² Regist. Hemhale Episc. Wigorn. fol. 39. Et in Appendix ad Ann. 1337.

The King was now in great want of *Money* to carry on his War with *France*; and as this was one of the main things for which he call’d both the *Parliament*, and *Convocations*; to the better to secure a favourable return from both, he issued out his *Letters* ² a few days after these several *Writs*, to the *Bishops*, and some Others of the Principal Persons in every *County*, and *Diocese*, to meet with the *Nobility*, *Clergy*, and *Citizens*, of the same; whom he had ordered to come together to the *Place* where they were to *Treat*; and there to set before them the *Circumstances* which he lay under: What Endeavours he had used to prevent a War with *France*? How he had been refused, and what Dangers they were thereby like to be exposed to? And from all these Considerations, to Excite them to a liberal Supply of his Necessities. At the time appointed, the *Wednesday* before *Michaelmas* the *Parliament* met, and with that the *Parliamentary Convention* began, consisting of the *Bishops*, *Prelates*, and *Clergy* of the whole *Realm*, who had been *Nationally* summon’d to it.

As yet neither of the *Provincial Convocations* were Assembled: That of *Canterbury*, which was the soonest to meet, being not to be opened till the Morrow after *Michaelmas*. In Seven, or, at most, in Nine Days time, this *Parliament* rose: And it was above a Month afterwards before the *Convocation* of *York* met. Let us now put the whole together, and see what the result, as to our present purpose, must be. The King Calls his *Parliament*; and by his *Parliamentary Writs*, the *Clergy* of the whole *Kealm*, to Assemble in *Parliament* at *Westminster*, the *Friday* before *Michaelmas*. By other *Writs*, issued out at the same time, he requires the *Archbishops* to Summon their several *Provincial Synods* to meet, neither at the *Day*, nor *Place*, to which the *Parliament* had been summon’d. By the One he Assembles the *Parliamentary Clergy* of both *Provinces* to *Westminster*; by the other the *Provincial Clergy* (a quite different body) of each Province, severally to *London*, and *York*. And the *Parliament* being ended, the *Parliamentary Convention* must, by consequence, have been determined a Month before one of the *Provincial Synods* was held. So that these two *Convocations* then, were called by distinct *Writs*, the One taking notice of the Assembling of the Other, and requiring the One to be held as well as the Other. They were held at such times that the One was Dissolved before the other began: They were held at such *Places*, that the One actually met and sate at 150 Miles distance from the Other: They consisted of such different Persons, that the One was a *National*, the Other but a *Provincial Assembly* of the *Clergy*: And yet in the One, more than double the Number cited to appear, than what was called to the Other. The same *Bishops*, and *Prelates*, *Deans*, *Archdeacons*, and (it may be *Proctors* too) both sate and acted distinctly in them both. And if after all this, these two be not different *Assemblies*, I must own my self at a Loss to know, by what more fundamental *Marks* of distinction, any one could desire, that any too *Conventions* should be shewn to differ from each other.

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³ Rights, &c. p. 245.

But 5thly, And to have done: It is confess’d by one who seems to have the most mistaken, the *Nature* of our *Provincial Convocations*; ³ that the *Prelates* and *Clergy* summon’d by the *King’s Writs* to *Parliament*, were thereby, strictly speaking, a *Member* of that *High Court*: Nor will he, I suppose, deny, but that being call’d by the same *Writs* now that they ever were, and sitting and acting as they do in that *Great Council*; the *Bishops* (who still continue to come to *Parliament*) are still as much, and properly, a *Member* of it, as ever they were; and make as much a part of one of the *Estates* of it Now, as they were wont heretofore to do.

⁴ Rights, p. 64. 273. 354. &c.

It is also acknowledged, That the *Provincial Clergy* meeting in *Convocation* by vertue of the *King’s Writ*; and the *Archbishop’s Mandate* thereupon, are not, strictly speaking, a *Member* of the *Parliament*, ⁴ nor do Constitute any of the *Estates* of it. Now from these two *Principles* put together, this Conclusion must, I think, inevitably follow; that then the One of these *Convocations* must needs be

be in its *Nature, Rights, and Powers* different from the other : Indeed as different as an *Assembly* which is, and has always been received by our *Law*, for a proper part and member of the *Parliament*, must thereby be accounted to be from another, which never was so accounted ; but is, at last, Confess'd not to be so.

And thus have I done with those Arguments, by which I propos'd to shew, the *Provincial Convocations* of the *Clergy* of *Canterbury*, and *York*, to be wholly different *Assemblies* in their *Nature* and *Constitution*, from the *Parliamentary Convention* of the *Estate* of the *Clergy* in that great *Council* ; and to have different *Rights, Powers, and Privileges*, from one another. And, indeed, so evident is the difference between them, that the only Excuse I know how to make for attempting any *Proof* at all of it, is, that which we usually give for shewing that the *Elements of Bread and Wine*, in the *Blessed Eucharist*, do continue the same, in their *Nature* and *Substance*, after *Consecration*, that they were before, viz. That there is a certain sort of Men in the World who deny it ; Nay, who not only deny it, but make it *Heresie* in us to affirm the contrary. Who burn our *Books*, and where they have it in their Power, the *Authors* too for *Opposing* them. And yet amidst this unhappy Spirit of *Fury*, and *Delusion*, set up for *Infallibility* ; and are as sure, as a mighty Conceit, and a resolute Obstinacy can make them, that they are in the right ; at least would have the World believe that they are so.

I am sorry to say that the *Parallel* holds but too exactly here : That the *Cause* and the *Abettors* of it are but too much alike. But I have been so long used to the *One*, as not to be at all Surprised at the *Other*. Their *Anathema's* to me are both alike. And the worst I wish either, is a better Mind, and a more Christian Temper : For the rest, let them think, or speak, as they please of me.

Let us hear how a late *Author* delivers himself upon this Occasion : *The Air of Assurance*, says he, ¹ which *Dr. Wake* takes up every where on this Article, would be very amazing to a Man that did not Consider how doubts dwell usually in know-
ing Breasts ; and that those who have the least Skill in things are most apt to be positive. It is as plain, says he, ² as any thing can well be, That the Convocation of the
Clergy considered as Called by the *Parliamentary-Writs*, and Sitting by Vertue of
them ; and the Convocation consider'd as Summon'd by the *Convocation-Writ*, and
the Order of the *Archbishop* consequent thereupon, are in their *Nature* and *Constitution* two different *Assemblies*, and which by no means ought to be Confounded together. Well, this *Dr. Wake* did say ; and this he still affirms ; and submits it to any indifferent Person to judge, whether he has not now sufficiently proved it. But let us hear what this Gentleman Excepts against it.

By no means indeed, if *Dr. Wake's Cause* (he might have said, the *King's Prerogative*, and the *Clergies true Parliamentary Rights and Privileges*) must right or wrong be upheld : For the confounding of these two *Assemblies*, and making them but One, Confounds, all his little Aims and Reasonings. However, I have shewn that they must necessarily be, and have always been thus confounded together, whenever the *Premunientes* and a *Royal Writ* for the Convocation went out jointly : And it will puzzle *Dr. Wake*, I believe out of his plentiful store of Useless Collections, to furnish us with a single Proof to the Contrary, when the Convocation Clergy call'd by the *Archbishop* at the *King's Writ*, and those Summon'd by the *Premunientes*, have Met, Sate, and Acted in the same Province, distinctly ; All which they must have done, to be, what he tells us, two different *Assemblies*. 'Tis true, two sorts of *Writs* going out to Call the Clergy in time of *Parliament*, there is room for a nice Head, to distinguish (as *Dr. Wake* does) between the *Nature* and *Constitution* of that Assembly which relates to the One, and the *Nature* and *Constitution* of that Assembly which relates to the Other. But these two *Assemblies* being IN FACT but One Assembly, it does us no harm as to the Argument we are upon, to Consider that One Assembly under as many Views, and Respects as *Dr. Wake* pleases.

These are his Words ; and they contain the Main, if not the Only Ground, of his Exception against what I have now been proving. And I do not see how I can better Close this Chapter than with a brief Examination of it. Now two Exceptions there are which I shall take the Liberty to offer in Answer to this reasoning.

- (1.) That the Case, as it is here put, is neither Full nor Conclusive.
- (2.) That even that being allow'd, his Arguing is not good upon it.

See. st.

* Rights, &c.
p. 48, 49.

Rights, &c.
p. 234.

Seft. 52.

1. I say the *Case*, as it is here put, is neither *Full* nor *Conclusive*: For it extends only to *One kind* of *Parliamentary* and *Provincial Meetings*; and therefore *Concludes* nothing with Relation to any *Other*. "When the *Parliament* and *Provincial Convocation* meet at the *same time*, they have, in *fact*, he says, made *but One Assembly*: And therefore they are not, as I pretend, *two different Convocations*. But how have they done when they have *not met at the same time*; as he himself elsewhere tells us, 'they very seldom did, for near 200 Years together: But on the contrary, the *Parliament* met at *One time*, the *Provincial Convocation* of *Canterbury* at *another*; and that of *York* at a *Third*. Then I hope the *Parliamentary* and *Provincial Assemblies* were, *IN FACT*, *two different Assemblies*. Why therefore may I not from thence infer ('tis the exact Parallel of his own *Argument*, only much stronger) that they are *two different Convocations*.

Nay, but this is not the only *Defect* in this *Case*: There is yet another, and a much worse, which will go nigh to Overthrow his whole *Argument*. "When the *Parliament* and *Convocation* met together, the *Clergy* of that *Province* in which the *Parliament* met, did not *Act*, he says, *distinctly both in the Parliament and Synod*; but met only in *One Provincial Assembly*, and so *Acted* for both together. But what did those of the *other Province* do? Why, "They sent *Deputies* to the *Parliament*, to *Act* for them there; and they sate themselves at *home in their Provincial Synod*; and by so doing, in my apprehension, they plainly shew'd, that the *Parliamentary*, and *Provincial Convocations*, were *two different Convocations*; not only in their *Nature* and *Constitution*, but in *FACT* too.

Now if the *Parliamentary Convention* must always have been thus intirely different from one of our *Provincial Convocations*, viz. that out of whose *Province* the *Parliament* has met; I will leave it to this Gentleman, to perswade any reasonable Man, if he can, that it is not equally different, not only in my notion, but in *reallity* too, from the *other* also. But,

2. To quit this Exception against his way of Reasoning in this *Case*, and consider how he proceeds upon his own *Supposition*. The Sum of his Discourse, if I take it aright, is this: That those *two Assemblies* cannot be *different Assemblies*, which have, in *FACT*, *Met, Sate, and Acted* together. Now, to make this generally conclusive, we must supply the rest of it thus: But the *Parliamentary* and *Provincial Convocations*, of the *Clergy* of *England*, have always *Met, Sate, and Acted* together; and so, *IN FACT*, been but *one Assembly*: And therefore, they cannot be *different Assemblies*. This is his *Argument*, and in Answer to it, I reply, That his *Proposition* is *Erroneous*; his *Assumption* false; and therefore, his *Conclusion* can be of no force.

[1.] That his *Proposition* is *Erroneous*, every days Experience proves to us. In which we see the *same men*, and *same Assemblies*, *Meet* and *Act* in *Different Capacities*; and to be, tho' in *Fact*, the *same Persons*, and *same Company*; yet, in the Eye of the *Law*, utterly different both *Persons* and *Assemblies*, in one respect, from what they are in the other; and to have *different Obligations, different Powers, different Priviledges, and Advantages*, as such. For proof of which let us take an *Example*, or *two*, and that not in any feign'd *Cases*, but such as I have my self been Witness to, and, in part, concern'd in.

A *Dean* and *Chapter*, are made *Trustees*, in their *Personal Capacities*, for a *Gift* to the *Benefit* of some other *Persons*, or *Society*. Having *Business* to transact for their *Church* they meet *Capitularly* together, for the doing of it: And at the same time, having *Occasion* also to *Act* in the *Trust*, in which they are concerned, they give *Orders, Seal Leases*, and do several other things in pursuance thereof. The *Persons*, the *Place*, the *Time* of *Meeting* are, in *Fact*, the same. But yet for all that, they *Act* in very *different Capacities*; and have *Power* in *Law*, to do that in *One*, which they have no *Power* to do in the *Other*. Again:

The *same Persons* are Members of a *Select Vestry* in *London*, *Justices* of the *Peace* for the County of *Middlesex*, and *Commissioners* for a *Parliament Tax* to the *King*. Being met in their *Vestry Room*; they do *Business* in all these *Three Respects*. Will any Man living say, that tho' in *Fact*, they are here again the *same Assembly*; Yet they are not really, and truly different in *Law*, and have their different *Rights, Offices, and Powers* as such. Yet once more:

To say nothing of an *Author*, whom I must not be too bold with: I look upon my self to be, in *fact*, but *one Person*. Is therefore the *Rector* of *St. James*,
and

and a Canon of *Christ's Church*, but one Person in Law too? And will this Gentleman from hence, in good earnest, affirm, that the *Rector* of *St. James*, and a Canon of *Christ's Church*, have no different *Rights, Powers, and Priviledges*, but what are meerly *Imaginary*; and exist only in my nice head?

In like manner, were it true, (as yet it is not;) that the *Parliament Convocation* and the *Provincial Synod* of *Canterbury*, when the *Parliament* met at *Westminster*, had been always, in fact, but one *Assembly*: That they had consisted of the same *Persons*; and that those *Persons* had sate in the same place, and acted together in both *Capacities*; had granted *Subsidies*, presented their *Grievances*, made *Orders and Ordinances Provincial*, in One; and drawn up *Petitionary Bills* for the *King* and *Parliament* to pass into *Statutes* in the Other; even this alone would have shewn them to have been really and truly two different *Convocations*, in point of *Law*: And all that could have been inferr'd from it would be but this; that being met together, they took occasion to act in both their *Capacities*; but would by no means prove the *Parliament Convention*, to be the same *Convocation*, in *Law*, with the *Provincial*; Or the *Clergy* to have the same *Rights, Powers, and Priviledges* in the One *Capacity*, which they were once intituled to in the Other.

To clear this matter, if it be possible, to this *Author's* own Satisfaction, I will to the *Instances* before mention'd, add yet one more, in a Case relating to *Convocations*; and, to make it the more Edifying, it shall be out of a *MS. Register* too.

King *Charles the First*, by his *Writ* to the *Archbishop*, Summon'd the *Convocation* to meet at *St. Peter's York*, *November* the 4th, 1640. Before the day came, the *Archbishop* died; and so the *Assembling* of the *Convocation* fell with him.

The *Dean* and *Chapter* having taken upon them the Charge of the *Affairs* of the *Archbishoprick*, as *Guardians* of the *Spiritualties*, the *King* upon the 11th of *December*, issued out his *Writ* to them, under that Character, to hold the *Convocation* of that *Province*, with all convenient speed.

Being Assembled thereupon in *Chapter*, and the *King's Writ* being read to them; the *President* of the *Chapter*, by, and with, the *Consent* of his *Brethren*, and fellow *Canons*, decreed that they would proceed with the *Convocation*, according to the *King's Command*, and appointed the 4th of *January* next following, for the Opening of it. This being resolved; he next of all, with the *Consent* of his *Brethren*, as before, Order'd a *Citation* of the *Dean* and *Chapter* of *York*, to appear in the *Chapter house* on *Tuesday* the 22^d of *December*, to chuse a *Proctor* for the said *Chapter*, to appear before the *Guardians* of the *Spiritualties* in the *Convocation*, which was, in the beginning of *January*, to be held by them.

They met, and chose their *Proctor* accordingly; and made return of him to themselves, as *Keepers* of the *Spiritualties*; and he appeared before them in the *Synod*, on behalf of the *Chapter*, as such.

Here now we see the same *Capitular Body*, Acting in their own *Chapter house*, under two very different *Capacities*. As *Guardians* of the *Spiritualties*, they receive the *King's Writ*, decree a *Convocation* to be held, appoint the time, Cite themselves to appear, by their *Proctor*, before themselves in it. And as the *Chapter* of the *Church*, they fix a day for chusing their *Proctor*, they Meet, and Elect him, they make return of him, and finally appear in *Convocation* by him. Let this Gentleman tell, us whether the *Dean* and *Chapter* here, did not Act under two very different *Capacities* in *Law*; and had not very different *Powers*, as *Guardians* of the *Spiritualties*, and as the *Capitular Assembly* of their own *Cathedral Church*: And whether he would not be ridiculous who should affirm the *Rights, Powers, and Priviledges*, of the *Guardians* of the *Spiritualties* of the *Archbishop* of the *Province*, and of the *Dean* and *Chapter* of *York*, to be all one; and that in discoursing of the *Rights* of both, it would be only a vain *Speculation* and *Nicety*, to distinguish between what belonged to those Gentlemen in the One, and what in the other *Respect*; so long as it was agreed, that the same *Capitular Body*, during the *Vacancy* of the *See*, had a *Right* to them all.

[2.] But to leave his *Proposition*, and come to his matter of *Fact*: That which he affirms is, That when the *Parliament* and *Convocation* met at the same time; the *Provincial Convocation* of that *Province*, in which the *Parliament* sate, was

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always IN FACT the *same Assembly* with the *Parliamentary*. And he defies Dr. Wake, out of his *Plentiful Store of USELESS COLLECTIONS*, to bring but a *single proof*, to the contrary.

Will this Gentleman give me leave to say, (in the first Place) that I think he here puts more than he ought to do upon me: For that the *Proof*, in this Case, lies upon him. I have proved, and that I am perswaded, beyond his power to contradict, that these *two Convocations* have all along been called by *different Writs*; to meet at *several Places*, and to *Act* with *different Persons*; and therefore, that, without running Counter to the *Writs*, by which alone they have been Empowered to *meet at all*, They must have met, and acted, in *several distinct Assemblies*. Now from hence, I conceive, I have a just *Right* to conclude, that they did *meet and act* in such a *manner*, as they were required by their *Writs*; and indeed, as alone they could *legally meet, and act*, in. If this *Author* will have us believe that they met after *another manner*, let him make his *Proofs* of it: I have shewn that, of *Right*, they ought to have met *distinctly*; let him shew, if he can, that, *in fact*, they did not do so.

However, to quit this Exception too; and submit to any Terms, that he pleases; (for indeed his Argument is not so formidable, that I need be afraid to deal with him in his own way:) And therefore, *Secondly*, Will he allow that the *Convocation* which *sate and acted at Westminster*, must have been, *in fact*, distinct, from that which *sate and acted in London*? If so, then he must grant these *two Convocations* to have been distinct, *in fact*, from one another: For the *Parliamentary Convention* he affirms to have *sate at Westminster*, and pities my Ignorance for but *supposing the contrary*: And I will undertake, at any time, out of my *Collections* (useless as he thinks them) to prove, that the *Provincial Convocations*, during the whole time that the *Clergy* were wont to come to *Parliament*, did not sit there; and therefore that they must, *in fact*, have been two *different Assemblies*.

'Tis true, I have shewn his Opinion as to the *Place* where the *Parliament Clergy* met, and debated together, to be not only void of all Ground, but utterly false too. I have proved that when the *Parliament* sate at *Westminster*; they met, for this end, at *Paul's*, as well, as for their *Provincial Consultations*. But yet thus far my Argument will still hold good, not only against this *Author*, but in proof of the *Point* under Debate; That upon the *Opening of the Parliament*, at the *Passing of Bills*, and, in general, in all their *Parliamentary Conclusions*, properly so called, when the *King* and the *Three Estates*, met and acted together according to their *Writs of Summons*, and in form of a *Parliament*, the *Parliament Clergy* were obliged to come to the *place of the Parliament*; Whereas the *Provincial Convocation* was neither *Summon'd* to, nor had any *Authority* to meet at it; nor, *in fact*, ever did *Assemble there*: And therefore, that they must have always been, *in fact*, as well as *Law*, two *distinct Convocations*.

This then, so long as they continued to come to *Parliament*, we may presume, they did, upon these Occasions, every *Parliament*, do. And therefore this, I hope, will Answer even his own demand, unreasonable as it is; and satisfy him, that in every *Parliament* throughout all the several *Reigns*, from K. Edward the First, to K. Henry the Sixth; the *Parliament Clergy*, and the *Provincial Convocation*, met, and acted, *distinctly* from one another, even when both sate at the same time; which was the thing he desired might be shewn.

If in Answer to this he shall say, That the *Provincial Clergy* upon these Occasions, Came and Assembled with the other *Estates* in *Parliament*; He will Excuse me, if I desire some farther proof, than his bare Assertion of it. For besides that this one half of the *Provincial Clergy* had no *Authority* to do; I mean the *Regulars* of each *Province*; who were neither *Summon'd* by the *King's Writ* to *Parliament*, nor premonished by the *Bishops*, nor otherwise, at all Empowered to meet, or act, with the *Bishops, Prelates, and Clergy* there; there is this reason to move me to conclude, with some degree of Assurance, that they did not do it; That we find them very Jealous of their *Privileges*, in this particular, and uneasy to come, even at the *King's Summons*, to it: They used all the Interest they could to get themselves discharged from all *Parliamentary Attendance*; and procured *Patents of Release*, from the *King*, to that Purpose. Now to imagine that, after all this, they would thrust themselves into an *Assembly* when they were not call'd to it, to be *Exempted* from which, they used all this Care and Industry; is, I think, very unreasonable; and we ought to have some

some plain Proof of it, to make us believe it. If in this I am too scrupulous, I hope 'tis a good Sign that I grow wiser; for *Doubts*, he says, *dwell usually in knowing Breasts*; and, for the sake of his own Remark, I desire him not to be positive in this Case, without some good Authority to bear him out. But

Thirdly, And to pursue the Consideration now alledg'd: I cannot imagine why this Author affirms the *Provincial Clergy*, and the *Parliamentary*, to have been but One Assembly in Fact; or how he hopes ever to persuade any Body to believe him; when 'tis so evident both from the Times of their several Meetings, and from the *Persons* who were summon'd, and came to both, that they could not possibly have been so. As for the Time of their Meeting, he has himself allow'd that the *Parliament* and *Convocation*; and (by Consequence) the *Parliamentary* and *Provincial Assemblies*, even when they met the nearest together, yet neither begun, nor ended the same day: The *Parliament* being commonly both Opened and Concluded, a day or two, at least, before the *Convocation*. Now this necessarily infers a Distinction in Fact between these two *Assemblies*, at every such Beginning and Ending of each: The *Parliament Convocation* usually sitting before the *Provincial* can be legally held; and the *Provincial* continuing to sit on, after the other is legally dissolved.

And then, as to the Other Circumstance, the Members of them both; it is certain that the *Provincial Assembly* of the Clergy in either Province, was composed of at least double the Members that the *Parliamentary* was; and those supernumerary Members were chiefly the *Regulars*, who (as I have before Observ'd) so industriously avoided having any thing to do with a *Parliamentary Attendance*. Now what probability is there, that they who so earnestly declined the *King's Summons*, would be brought in by a Side-Wind, upon the *Archbishop's Mandate*, to make a part in an *Assembly* in which they had no Concern; and so, at the same time, both Act as Members of the *Parliament*, and yet stand upon their *Exemptions*, of having nothing to do with the *Parliament*.

Nay, but by what Authority could they have done it, if they would? They had no *Writ* to Empower them any more to debate of, or draw up Bills for the *Parliament*, than to present them by *Petition* when they had done. Or should we, for Argument sake, suppose them, being met with the rest of the Clergy in *Convocation*, to have tarried as Counsel, or Assistants to them, when they proceeded to Act in their other Capacity; yet still that will not make them Members of the *Assembly*. So long as they had no Right of Voice, no Power of Determination, in any *Parliamentary Affairs*, tho' we should allow them to have been present (which yet is more than can be proved, or I believe is true) yet still this would not prove them to have continued the same *Assembly* that they were before; but rather would shew an actual Difference (even in Fact) between the two *Convocations*: In the Affairs of One of which, the *Regulars* were not only present, but, as Members of the *Assembly*, Voted and Determined together with the other Clergy; But, when it came to any Business which belong'd to the *Parliament Convention*, they only kept their Places, and gave their Advice, (like the Judges or Masters of Chancery in the House of Lords) but had no power of Action, as before they had; nor were therefore any proper part of the *Synod*, as before they had been.

But this is indeed a Supposition only for Argument sake, without all ground; and must also be plainly proved, before it can reasonably be allowed of. 'Till then, it will be enough that we are sure these two Conventions were, in Fact, Composed of different Members, to warrant us to Conclude, that they were also, in Fact, different Assemblies.

In the mean time, *Fourthly*, We must not forget what this Author allows, and might evidently be made appear, if, upon second Thoughts, he should think fit to retract it: That the Clergy of the Province, out of which the *Parliament* was held, sent their Deputies to appear for them in it, when the *Provincial Synod* was held at the same time in their Own Province. It is a Case that rarely happen'd in Ancient times, whilst the Clergy paid an Actual Attendance upon the *Parliament*; and when it did, they had their Liberty, and might indifferently have come to either of them themselves, and have sent their Proxies to the Other. Now these Deputies, he tells us, they sent to the Lay-Assembly (the *Parliament*) to Consent for them, according to the *King's Writ* of Summons there: Let me add, and otherwise to Act according to their Powers; as to join in Petitions for the Passing of their Bills, and the like. What those of the Other Province did,

by their *Proxies*, if they came not themselves; the *Clergy* of the same *Province* did, in their own Persons: And so however they may have debated asunder, each *Province* by it self; yet in all those Cases wherein they agreed together, to *Consent* or *Petition*, we must suppose, that in order thereunto, after having *deliberated apart*, yet they had their common *Meetings*; a *Committee*, at least, of each *Province*; and in that came to a joint Resolution concerning what was to be Proposed, or Granted, or Denied, when they should come All together before the *King*, with the Other *Estates* in *Parliament*.

¹ Rot. Parl. xviii. Edw. 3. num. 23. In the 18th of *Edward* the 3d, the *Clergy* of both *Provinces* presented their *Petitions* to the *King* in *Parliament*, ¹ in VII *Articles*, which they thought so Considerable, as to desire to have the *King's Answer* under his *Seal* to them; with this Circumstance inserted, that in *Consideration* thereof, they had granted to him a *Triennial Tenth*.

² Ibid. num. 112. In the 1st of *Richard* the 2d, they did likewise ²: In his 13th, the two *Archbishops* protested in their own behalf, and on the behalf of the *Clergy* of both their *Provinces* ³: In his 21st they constituted a Common *Lay-Proctor* to *Act* for them: ⁴ In the 2d of *Henry* the 4th, They preferr'd a Common *Parliamentary Petition* against *Hereticks* ⁵: In the 8th of *Henry* the 6th, they, in like manner, preferr'd the *Petitionary Bill* for the *Priviledges* of their *Convocations*: ⁶ And I doubt not, but that the same was done by them on other *Occasions*.

^{48.} ⁶ Ibid. num. 32. Now to imagine that they did all this, without ever meeting together, when they were all at hand, in the same *City*, and possibly in the same *Place*; would, I think be very unreasonable; nor ought we, without some very clear proof of it, to suppose, but that however sometimes they might *deliberate apart* *Provincially*, even in their *Parliament Affairs*; yet they came together in *Common*, to Conclude of what they had to do; as well as we are sure they did *Act* so with the Other *Estates* in *Parliament*.

⁷ And this Dr. A. is forced himself, after all, to acknowledge. p. 57. He tells us. That the Inferior Clergy join'd Occasionally with the Laity, and attended the King together with the States of Parliament, either at the first Opening, or Dissolution of it, or at other solemn Times, when the King came to the House of Lords, and something was to be done in plain Parliament, i. e. in

But let them have debated, as they Will; this is plain, that when they acted the most properly in their *Parliamentary Capacity*; when they came and appear'd before the *King* as an *Estate* of the *Realm* in *Parliament*; then they always met conjunctly with one another. And I think 'tis as plain, that when they did so, the *Provincial Convocation* of the *Province*, in which the *Parliament* met, and the *Parliamentary Convocation* of the *Clergy*, must have been in *FACT*, as well as in their *NATURE*, and *CONSTITUTION*, two very different *Assemblies*.

⁷ Here therefore it is that I fix my self; and upon this ground, I utterly deny all his pretence of *FACT*, as well as of *RIGHT*, in this Case. The *Parliament* is the *Great Council* of the *Realm*, either *Personally*, or by *Representation* present, in the *Three Estates*, with the *Sovereign* at their Head. The *Writs* by which it is summon'd, call these *Estates* to *Act*, not *separately*, but *together*; and no *Act* is properly a *Parliamentary Act*, but what passes in this manner. The *Lords and Prelates* are call'd to *Treat* with one another about the *Great Affairs* of the *Kingdom*, and to *Advise* the *King* in them. The *Commons* are summon'd to do and *Consent* to such Things, as by the *Common Council* of *England* shall happen to be *Ordain'd* there. The *Inferiour Clergy* are premonish'd to give attendance at the same *Time* and *Place* with their *Bishops*, to consent to such Things as shall there be in like manner *Ordain'd*. Accord-

a full Assembly of the *Clergy* and *Laity*, as that Expression sometimes in the *Elder Rolls* seems to imply. For this he refers us to Rot. Parl. 6. Edw. 3. n. 9. This Proof would have been more Convincing, had he added, that in the same Parliament, Rot. n. 11. Upon the Saturday next after the first day of the *Parliament*, when the *King* gave leave to the *Knights*, *Citizens*, and *Burgesses* to depart; He gave leave to the *Lower Clergy* too by Name, & auxiliary la Clergie, but retain'd the *Prelates* and *Lords* with him. Now at this time there was no *Convocation* sitting; but only the *Parliament Clergy* assembled both by the *Premunitory Clause*, and the *Provincial Parliamentary Writs*. And therefore the *Clergy* here spoken of, must of necessity have been the *Parliament Clergy* Nationally summon'd to *Westminster*, and meeting there in Obedience to the *King's Command*.

Another Instance he brings from Rot. Parl. 2 Hen. 4. n. 14. Here again 'tis agreed between Us, that the *Lower Clergy* were present. But who were the *Clergy*? And where were they present? At *Westminster*, before the *King* in *Parliament*, to which the *Convocation* was not called. Those whom the *King* had summon'd: For tho' the *Synod* of the *Province* of *Canterbury* was then sitting at *Pauls*, yet it was by the *Archbishop's Mandate*, without any *Royal Writ*. And Lastly, which puts it out of all Doubt; This Council for the Convenience of the *Parliament* then Assembled, was adjourn'd by the *Archbishop* from *January* 29. to *Feb.* 12. Reg. Arund. par. ii. fol. 179. In this interval, the *Clergy* being now at *Liberty* to attend according to their Duty in *Parliament*, the Passage here quoted fell out: For, on *Wednesday*, *Feb.* 9. The *King* declar'd his favour to the *Bishop* of *Norwich*, in *Parliament*; and there the *Parliament-Clergy* being Assembled in *Fact*, distinctly from, and out of *Convocation*, return'd their *Thanks* to him for it. Rot. Parl. n. 14. He

He has yet a Third Instance, which plainly overthrows his Own Assertion, as the other two before had done. Rot. Parl. 7 & 8 H. 4. n. 128. The Clergy in Parliament Petition, with the Laity, against some Proceedings of the Sheriffs, with which they were aggrieved. The Clergy here, (says Dr. A.) were the Lower House of Convocation, pag. 58. But that is impossible; for there was no Convocation at that time either summon'd or Sitting. There were Three Sessions of that Parliament of H. 4. With the Second, the Convocation of each Province concurrently met and sate: But tho' the Parliament were prorogued only from June 19. to October 15. The Convocation was Concluded, June 18. and did not re-assemble that I can yet find. Upon December 22. that same Year, the Petition which Dr. A. Cites, was made: The Clergy therefore which join'd with the Lay-Commons in it, must have been the Parliament-Clergy which came up thither upon the Premunitory Summons; and that of both Provinces, Nationally Assembled; for no other Summons went forth to call them together, either at Westminster, or to any other Place at that time. See Regist. Arund. par. 1. fol. 67. What other Instances are offer'd by him, shall be consider'd in their Order of Time, as they Occur hereafter.

Accordingly their Proctors being chosen by the Chapters, or Clergy for this Assembly; are empower'd to appear before the King in Parliament, and to Treat with the Prelates, and Nobles of the Realm, about the Affairs to be handled there; and to Consent to all, and singular such things as shall be Established for the Publick Good by them.

Hither they come, and here they begin together their Parliamentary Assembly: If afterwards they separate to Debate each State by it self, yet that is only in order to the better discharge of their Duty, when they meet in the proper Form of a Parliament. Thus they presented their Petitions, got Laws made for themselves, and consented to such Laws as were passed for the Good of the Nation: And thus it is that they are to be look'd upon, if not alone, to Act Parliamentarily; yet, I am sure, the most properly, and most agreeably both to their Writs, and Powers, so to do. In their separate Debates, if the Parliament-Members of both Provinces meet together, 'tis but like a House of Lords, or a House of Commons, in a House of Convocation. If only those of One Province meet and Consult, I know not well what to Call it, 'tis not so much as an Estate of Parliament; 'tis, at most, but a part of One; a Committee of the Province that so Assembles, for Treating of some Parliament Affairs. But, considering the Bishops, and Prelates, and Clergy, as one of three Estates of Parliament, fully and properly Assembled in that Great Council, and meeting and acting as they are called to do, with the other Estates there; I do absolutely affirm, that the Provincial and Parliamentary Assemblies of the Clergy, not only were not always in Fact the same Assembly; but never once were, or could have been so: And I do, in my turn, challenge this Positive, Over-bearing Author, out of his plentiful Store of his Own or Other Mens Collections, to produce but the least shadow of an Authority to prove the contrary.

Having said thus much in Answer to his Premises, I should not need to trouble my self at all with his Conclusion, but that 'tis indeed so very extraordinary, that I cannot but desire the Reader, to stop with me a little, and consider it. 'Tis true, two sorts of Writs going out to call the Clergy in time of Parliament, there is Room for a Nice Head to distinguish, as Dr. Wake does, between the Nature and Constitution of that Assembly, which relates to the One, and the Nature and Constitution of that Assembly which relates to the Other. But these two Assemblies being, in FACT, but one Assembly, it does us no harm as to the Argument we are upon; to consider that one Assembly under as many Views and Respects as Dr. Wake Pleases. Well, the Argument we are upon is, I take it, this; to state the Rights, Powers, and Privileges of an English Convocation. Now two such Convocations, or (at least Assemblies) there are, concerning which the Enquiry may be made: The One a Parliamentary Convention, summon'd by Vertue of the King's Parliament Writ to the Bishops; the Other a Provincial, summon'd by the Archbishop of each Province, upon the King's Writ directed to him so to do. The One of these being a proper Member of the Parliament of England, had (whilst it met) Parliamentary Rights, Powers, and Priviledges; and particularly, a Right not only to be Summon'd, but to Sit and Act with every Parliament, and that during the whole Session of it. The other being only a Provincial Convocation of the Clergy alone; had no such Rights, 'till by King Henry the 6th (about the time that the Lower Clergy began generally to withdraw from that Council) they were by Act of Parliament Entitled to some of them.

This Author supposes (how truly we have before seen) that possibly the self same Persons might be Members of both these Conventions, and meet together sometimes under both Capacities at the same time. And that then being in Fact but

Señ. 54.

but One Assembly, he affirms it does no harm to the Argument we are upon, to consider that One Assembly, under as many Views and Respects as I please: Which is, I think, (in effect) to say, That because in such a Case the same Persons, meeting under both Capacities, would have had a Right to the Privileges of both; therefore the *Convocations* also must have the same Rights, and Powers, and Priviledges too. And again, because the *Clergy* when they Sate, and Acted in a *Parliament Capacity*, would have had *Parliamentary Powers and Priviledges*; therefore they ought to have them still, tho' they do not now, either meet or act in any such Capacity, but only as *Members* of their own *Provincial Convocations*. And by the same Reason, (or rather much greater) he may affirm, that because the *House of Commons*, and a *Committee* of the whole *House*, are the same Persons, and meet in the same Place, and at the same time, therefore the *Rights, Powers, and Priviledges* of the *Committee*, are the same with those of the *House*. Because the same Person is in *Fact*, both a Father and a Son; therefore a Father and a Son are all One: And 'tis no great matter, in discoursing of the Duties or Rights of each; to distinguish which belongs to a Man in *One Capacity*, and which in the Other, so long as they all belong to the same Man.

But let this *Gentleman* argue as he Pleases: If he will not distinguish in this Case, the *Law* will; and shew him upon Occasion what a slender Topick it is to prove the *Provincial Convocation* to have a Title to *Parliamentary Rights*, &c. because the same Persons who are the *Members* of it, in another Capacity, once had them; and the most considerable *Members* of it, (the *Bishops*) without all Controversie, still have them. Let this Author, the next time the *Parliament* meets, see whether he can carry his point, and perswade some of his *Friends*, who are *Members* of *Parliament* to Meet in *Convocation* after the King has prorogued it; Or to Act without a *License* as he would have them do: He may then perhaps find, that, tho' as *Members* of *Parliament* they were not *Adjourn'd*, nor needed any *License* to debate of any *Matter* that came in that Capacity before them; yet, as *Members* of the *Convocation* they were, and did. And that it will hardly protect them against the danger of a *Premunire*, to say that they have a double Capacity as a proper part of the *Parliament*, and *Convocation*; and therefore that being free to Meet, and Act without any *License* in One, they ought not to be Censur'd for Meeting and Acting as freely, without any *License* in the Other.

Secd. 55.

I have now done with what I propos'd in this Chapter, I have shewn, the two *Conventions* of the *Clergy* of *England*, the *Provincial* and the *Parliamentary*; to be in their *Nature, Frame, and Constitution*, different *Assemblies*; and to have different *Legal Rights, and Powers, and Priviledges*, as such. And I have consider'd the Argument (such a One as it is) by which my late Opposer has endeavour'd, with greater scorn, than either Reason or Truth, to explode my *Affertion*, and to confound them with one another. I shall only draw an Inference or two from what I have proved, with Relation to the Matter under Debate, and so Conclude this Chapter.

¹ Rights. pag. 251. The Original Design of their (the Convocation Writs) issuing out together with the Bishop's Writ, being only to secure an Obedience to the Premunitory Clause, &c. And p. 254. He says, that the Writs for a Convocation were design'd purely to second and enforce them: And to be a double tie upon the Clergy to come to Parliament.

And First, If these two *Convocations* be utterly different in all these respects, from one another, as I have now shewn; then we may conclude, without any further Enquiry, that it must be ridiculous to suppose, that the *Provincial Convocation Writ* should have been design'd only to strengthen the *Parliamentary*; that is to say, that a *Writ*, whose purport it is to call the *Clergy* to meet at *York*, should be intended to strengthen a *Writ*, whose end it is to call them to meet at *Westminster*.

That these two *Writs* were both design'd to strengthen the *King's purposes*, and to Co-operate together to his *Ends*, I can readily agree; because, that between both, they answer'd all that he had for the *Clergy* to do. What they would not agree to in *Parliament*, they commonly did consent to in *Convocation*; and in the One or the Other, he seldom fail'd to obtain what he desir'd of them. But that the *Writ* to call a *Convocation* sometimes a Month, two, or three, before the *Parliament* met, and sometimes as many after it: That a *Writ* to Summon the *Convocation* of *Canterbury* at one time, and of *York* at another, was design'd to strengthen the Premunitory Clause in the *Bishop's Writ* for their coming to the *Parliament* at a third time; nay, and it may be at a third Place too; must, I think, be both false and unreasonable: And I doubt not but every impartial Person will concur in the same Opinion with me.

Secondly,

2dly, Seeing these two *Convocations* have still continued to be distinctly *Summon'd* by the *King*, and have, in good measure, been kept up so too by the *Clergy*; the *Bishops*, the principal *Members* of each, still actually meet in both; and the other *Clergy* have, from time to time, not only received their *Writs* to come to both, but have chosen their *Proctors*, and made *Returns* of their *Elections*, and given their *Procuratorial Powers* distinctly for both: It will also follow, that the one of these cannot reasonably be look'd upon to have succeeded into the place of the other; and so to have had a kind of *Devolution* made to it, of the *Rights* and *Privileges* of it. On the contrary, the *Clergy* are still called by distinct *Writs*, both to *Parliament*, and *Convocation*. My *Lords*, the *Bishops*, by virtue of the same *Writs* that they ever did, meet and act distinctly in both. The rest of the *Clergy*, tho' they have now no actual place in the *Parliament*, yet both by the *King's Summons*, and their own continued *Execution* of them, had a *Right* to come to it; and that *Right* was not vacated, either by their *Summons* to, or sitting in, *Convocation*. And I cannot but wonder, that when the *Clergy* have so apparently a double *Right* to both these *Meetings*, one who sets up for an *Asserter* of their *Rights*, should make it his great *Business* to prove, that they have a *Right* only to one of them.

Sect. 56.

Had the *Clergy* indeed, never been call'd to *Convocation*, till after they had left off to come to *Parliament*; and had the *Premunitory Clause* been struck out of the *Writ* to the one, from the time that the *King* issued out his *Writs* for the other; there might then have been some colour of truth for this pretence. But since both these *Assemblies* were anciently held together, and that distinctly from one another; and the *Clergy* actually came to, and sat in both: Since their *Writs* continue the same now that they were then, when by virtue thereof they did meet and act, both in *Parliament* and *Convocation*: Since the *Bishops* to this day, by Authority of the same *Writs*, take their place distinctly in both; and the *Clergy*, tho' they have left off to sit in one, do yet in consequence thereof keep up a right to sit in both; I cannot conceive but that these two *Convocations* must still be look'd upon to remain, as they ever were, two distinct *Convocations*; and to have each of them their proper *Business*, and *Rights*, and *Privileges*, as such.

I shall close up all, with a short *Case*, relating to this matter; and the resolving of which would, in my Apprehension, go a good way towards the settling of our present *Controversie*. Sect. 57.

It is, I conceive, allow'd on both sides, that to make a compleat Representation of the *Realm* in *Parliament*, the whole *Three Estates* of the *Nobility*, *Clergy*, and *Commons*, must be look'd upon to be either in Person, or by Representation, present there. When this *Constitution* was settled, the *Clergy* was called thither, by the particular *Writs* issued out to the *Bishops* and *Prelates*; and by the *Premunitory Clauses*, for the *Lower Clergy*, inserted into the *Bishops Writs*. These *Writs* are the same now that they anciently were, and are issued out in the very same manner, that for several hundreds of years past, they were wont to be. When therefore the *Bishops* sit in *Parliament*, they sit in the self same *Capacity* now, that they ever did: And what that *Capacity* is, is the *Question* I would propose to Consideration?

Do they sit and act in *Parliament*, as part of the *Estate* of the *Clergy*; and the only part that now comes actually to it? Or, do they, in that *Capacity*, sit and vote in the *Upper-house* of *Convocation*; and there, with their *Clergy*, make up the *Third Estate* of the *Realm* required, by our *Constitution*, to compleat our *Parliament*.

If the *Bishops* sit and act in *Parliament*, not only as a part of the *Baronage*, but as the great remainder of the *Estate* of the *Clergy* there; then, 'tis plain, they must sit and act in some other *Capacity*, in *Convocation*: And be look'd upon to sit there only as *Suffragan Bishops* Assembled under their respective *Metropolitans*, in a *Provincial meeting* of the *Clergy*, to dispatch such Affairs as properly relate to their Jurisdiction, after a *Spiritual* or *Canonical manner*; which is what I affirm. But if they sit in *Convocation* as *Members* of the *Estate* of the *Clergy* in *Parliament*; and, in the *Upper-house* of *Parliament*, only as *Spiritual Barons*, and *Peers* of *Parliament*; then it will follow, that our *Parliament* is not a perfect Representative of the *Realm* without a *Convocation*: That all Acts which have been passed without the Consent of the *Bishops*, meeting with their *Clergy* in *Convocation*, Dr. A. himself owns that they sit in Parliament both as Spiritual Prelates, and Barons of the Realm. Rights, &c. p. 235.

Dr. A. in some kind of Laws, affirms this: That the "Consent [of the Convocation] is regularly to be had to all Laws relating to Faith, or Church discipline; whenever the Parliament shall please to Enact any. Rights, p 351. If the Act of Toleration therefore relates to Church-discipline; or the latter Act for Restraining Profaneness, &c. to Faith; these Acts for want of the Convocations concurring, have been Irregularly pass'd.

How these Opinions will appear to those honourable Persons, who now make up our Great Council, and to whom the Author, against whom I am here Arguing, so warmly appeals at every turn in this matter, I shall humbly submit to themselves, (if they please) to Consider. But if this be once allow'd, that the Bishops and Clergy in Convocation, and not the Bishops, in the Upper-house, (with the Lower-Clergy still Summon'd, tho' not still acting) be the Third Estate of Parliament; one of these two things must, in my Apprehension, necessarily follow; either that the King and Two Estates make up the whole Parliament of England, and have the Legislative Power in this Realm: Or, if that be not allow'd (as I believe our Law will not bear it;) Then, 2dly, That a great part of our Laws, which have certainly been pass'd without the Concurrence of the Convocation, either Ask'd, or Given to them, stand upon a very defective Bottom; and, to use a Modern Term, much in Fashion with some men, are only Laws de facto, and so (like de facto Kings) are to be submitted to only, because they pass for Laws, and have Power on their side; tho' otherwise they have no just Right, nor Title to our Obedience.

C H A P. III.

The First Question Stated: What Authority our Kings have, by Law, to allow the Convocation, when Called, to Sit and Act; or to Prorogue it from time to time, without suffering it to Sit or Act, as they shall think fit.

Sect. 1.

After so large an Account as has been given in the foregoing Chapter, of the Difference between the two sorts of Conventions of the Clergy of our Realm, the Parliamentary Assembly, and the Provincial Convocation, it will be no hard matter to come to a clear state of the first Point, which I propos'd at the beginning to Consider, viz. What the Convocation is, concerning which we are now discoursing? And, indeed, the thing it self is so plain, as to admit of no doubt; that it must be the Provincial Convocation: For in such only our Clergy either now do, or for more than 150 years past, have been wont to Assemble, and Act. Provincial Councils, properly so called, we have had none, since the time of the Reformation. Diocesan Synods have not only in like manner fallen into disuse, but would have otherwise been short of what we are now disputing about. As for the Parliamentary Convention of the Clergy, that, in the Principal part of it, the Bishops, still continues not only to be constantly called with every Parliament, but to meet with the other Estates, and there do its Parliamentary Business with them. And for the other part of it, the Lower Clergy, they are still Summon'd by the King as they have ever been wont to be, by the Premunitory Clause in their Bishops Writs. This is all that has been done by our Kings, as to this matter, ever since the time of K. Henry the Eighth, and more than this, we are told, they neither do, nor ought to pretend to, in that behalf: The Provincial Convocation then, as distinguished both from the Parliamentary Convention, and the Provincial Council, properly so called, is the Convocation which we are here to Consider; And the Interests of which are to be the subject of the following Discourse.

I proceed, in the *Second Place*, to Enquire, What those *Rights, Powers, and Priviledges* are, which are either *affirmed, ordeny'd*, to belong to this *Convocation*?

Now those may, in general, be reduced, to the *Two great Points* which I am here therefore to Consider;

First, Its Right of Sitting. And,

Secondly, Its Power of Acting.

And both these to be taken with relation to *Two several Periods of time*:

1. Before the *Act of Submission*, 25th of *H. VIII.*: And,

2. Since the *Passing of it.*

I have already observed, that before the time of King *Henry the Eighth*, the *Archbishop* of each *Province* was possessed of an undoubted *Right of Assembling* his *Provincial Clergy*, whenever he thought it necessary to the *Circumstances* of the *Church or State* so to do; and needed not any *Writ* from the *Prince* to Empower or Justify him in the doing of it. This, in fact, each *Archbishop*, within his *Province*, did do; and the *Canons* of the *Church* then received among us, not only *Commissioned*, but required them on certain *Occasions*, to Call their *Bishops and Clergy* together to their *Councils*.

Sect. 2:

For, however those *Canons* as to any *Constant or Regular holding of Provincial Synods*, never obtained among us; yet as to the *Power of the Metropolitans* to *Summon their Clergy* to their *Council*, whenever either the *Prince* required it, or their *Suffragan Bishops* advised them, or they themselves accounted it proper so to do, they were both *received and obey'd*; and our *Archbishops* were look'd upon to have had an undoubted *Right* in this particular.

Now this *Right*, our *Archbishops* continued to Exercise to the very time of King *Henry the Eighth*; in whose *Reign Warham Archbishop of Canterbury*, is supposed by his own *Mandate* to have *Summon'd* his *Provincial Synod*, without any *Writ* from the *Prince* to Authorize his so doing; We are sure the *Archbishop of York* did so. 'Tis true tho' they had not the *King's Writ*, yet we may reasonably presume that they had the *King's Consent* for what they did: And so far, I conceive the *Authority of the Prince* had for some time before prevailed; that the *Archbishops* did not usually assemble their *Clergy* even for *Ecclesiastical* purposes, without making them first acquainted with it; and asking their *Leave* for it. But this being done, unless the *Prince* thereupon forbade them to proceed, they went on by their own *Authority* to *Summon* them to their *Council*; and that, except in the case of *Convocations*, without any particular *Precept* from the *King* to Warrant them so to do.

See the Appendix. Ad An. 1517.

It must be confessed indeed, that for above 100 years before the *Act of Submission* this was but rarely done by them: Not only our *Church Historian*, Mr. Fuller; but his Learned *Animadverter* Dr. Heylin² tells us, that they began to restrain the Exercise of their *Authority* in this particular from the passing of the *Act of Premunire*: Upon such good *Authority* I thought I might securely venture, ³ till I should be better inform'd, to close in with the same Remark: And accordingly the thing I agreed in; but without one word to intimate that I approved of the Reason; which yet not only Mr. Fuller, but several other Authors, had given; as one ⁴ who cannot be suspected of any *Partiality* in this Case, has informed us. On the contrary having Occasion, elsewhere, to take notice again of the same matter, I profess my self not to be satisfied of the reason, ⁵ which Mr. Fuller had brought for it. Yet for all this, a late Author having with his accustomed Scorn, Censured our *Church Historian* for his Opinion

² Heylin's Tracts. p. 2. Antiently the Archbishops of the several Provinces of Canterbury and York, were vested with a Power of Convocating the Clergy of their several and respective Provinces, when, and as often as they thought

it necessary for the *Churches Peace*. — But Ordinarily — especially after the first Passing of the *Acts or Statutes of Premunire*, they did Restrain that Power, to the good Pleasure of the *Kings* under whom they lived, &c.

³ Authority, p. 230. How long our *Archbishops* went on by their Own *Authority* to call these *Convocations*, I am not able precisely to determine. — It is no improbable Conjecture of our *Church-Historian*, that about the end of *Arundel's* time the *King* began wholly to Assume this Power, &c. Which is all I there say.

⁴ Dr. Heylin's Animadversions on Mr. Fuller, p. 94.

⁵ Authority, p. 240, 241. It was about the year 1393 that the famous *Statute of Premunire* was pass'd: — It has been SAID by SOME that from this time forward our *Archbishops* did leave off to *Summon Convocations* by their own *Authority*, and called them only at the *King's Command*. But tho' I am NOT altogether SATISFIED in this PARTICULAR, yet that they now began to be more moderate in the Exercise of their Power, I do easily Believe, &c.

' Rights, &c. on, is pleased to represent me as his *humble follower* in it; ' With what *Justice*,
p 18. After the
8th of Hen. VI.
the Clergy, if
they met, by
the K's Letter,
had the benefit
of the Act of
Parliament of
that year: And
therefore, I sup-
pose usually de-
sired it to gain
the Parliamen-
tary Protection,
not, as Fuller,
idly Conjectures
to avoid a Pre-
munire. In the

or *Ingenuity*, let the *Reader* judge.

The Truth is, both Mr. Fuller and Dr. Heylin were mistaken in this Matter: And this Author is as unhappy in his *own Conjecture*, as he supposes our Church Historian to have been in that, which he is pleased to impute to me, tho' indeed, I did never approve of it. Our Archbishops still continued, as they had ever done, to the very last, 25th H. VIII. to Call their own Provincial Councils, by their own Metropolitan Authority. The Convocations held at the King's Writ, tho' they were Provincial Assemblies, yet were they Assemblies of a very different Nature from the others, and designed for a different Purpose. And it was only the rarity of these Provincial Councils for meer Ecclesiastical Affairs, in those latter Reigns, that led our Historians into their Mistake; as when I come to pursue the History of these Synods, I shall more plainly make it appear.

Margin; And Dr. Wake from him. In which yet he is afterwards forced to acquit me. p. 440, 442.

SECT. 3.

Thus then I look upon this matter to have stood before the Act of Submission: The Power of Assembling their Provincial Clergy was lodged, as it had always been, in the hands of the Metropolitans. Their Convocations, they called in Obedience to the King's Command, and by Authority of his Writ. If sometimes they did it without any Writ directing, or requiring them so to do, yet this was but very seldom: And even then we may presume, they did it by the King's Command, tho' without the formality of his Writ, as at other times. As for their Ecclesiastical Councils, they neither needed, nor depended upon the King's Authority in Convening of them. Sometimes indeed they advised with their Suffragan Bishops in those Cases; but that was matter of Prudence, or Respect; not of Necessity. They neither accounted themselves obliged to Call them whenever their Bishops desired it; nor yet to be hindred from Summoning them, if they were not of Opinion that they should meet.

It has I know, of late, been affirm'd that the Canons of the Church, which directed the Calling of Provincial Councils, not only Authorized the Metropolitans to Assemble them, but gave the Inferiour Clergy also a Right to be Assembled, at certain times, by them. And if they had such a Right, much more must their Bishops be presumed to have had a Tie upon the Metropolitan in that particular. Now if by this it be meant that the Canons of the Church obliged the Metropolitans in Obedience to the Ecclesiastical Authority, to Call such Synods at the times appointed by them, I readily agree that they did in such places where those Canons were received, and allowed of; and so the Metropolitans were concluded by them. But for any other Right of the Suffragan Bishops, much more of the Inferiour Clergy, to be thus Summon'd; It will then be soon enough to believe it, when it can be shewn that upon the Neglect of the Metropolitan to Assemble his Province, the other Bishops and Clergy were Canonically Empowered to Assemble themselves without him; or that some other Provision was made to Enable them to Constrain their Metropolitan, in such a Case, to Assemble them against his Will. If this can be proved, then indeed the Clergy may be said to have a Right to be called, as well as the Metropolitan a Right to call them. Otherwise, both the Power of Assembling these Provincial Councils, and the Exercise of that Power, must be look'd upon to have been wholly Committed to him: And that tho' he would have Sinn'd in the Neglect of his Duty, if Willingly or Obstinately, he should have Neglected it, yet the Clergy had no Right, by the Canons of the Church to meet in Council, but only when he thought it to be Convenient that they should, and therefore Required their Attendance.

Such was the ancient Powers of the Metropolitan to Assemble his Provincial Clergy; and thus was he allow'd to practice it in our Country. He had the Right of Assembling them in his hands; and he was under no constraint, (except what the Prince by his Writs, laid upon him in the business of our Convocations) to Assemble them, but only at such times as himself, with the advice of his Suffragan Bishops, thought fit so to do. The Inferiour Clergy, had no part either in Advising or Constraining of him: Nay, let me add (tho' I know I must be so
unfor-

unfortunate to displease some Men by it) that in our Church they were not accounted so much as any *Necessary Members* of such Church Synods; but only of the *State Convocations*, where the King had need of their Assistance, and therefore required them to come to them. If they came, and had any *Business* there, they were *Admitted*; If they did not, they were not thought to be at all *Wanted*.

The Clergy being thus freely *Assembled* by the *Metropolitan*; went on as freely, (only with his *Direction*;) to do any *Business* that properly belonged to them; without *Expecting*, or otherwise *Needing* any *License* or *Permission* from the *Civil Magistrate*, in that particular. And tho' our Kings often sent to our *Provincial Councils* their *Royal Prohibitions*, not to meddle with such matters as concern'd the *Laws* of the *Realm*, or their *Own Crown* or *Dignity*; yet (before the 25th of *Henry the Eighth*) there was no restraint laid upon them in such things as regularly fell under their *Cognisance*; but they were left at their full *Liberty*, to *Make*, *Promulge*, and *Execute* any *Canons*, or *Constitutions*, which they thought needful for the *Good* of the Church; and by which they did not contradict the *Laws* of the *Realm*.

Sect. 4.

But this *Act of Submission* made a great Change in our *Constitution* in both these respects; and limited in some measure the *Authority* of our *Synods*, tho' much more that of our *Metropolitans*: So that whereas before they were at *Liberty* to *Assemble* their Clergy whenever they pleased, now they cannot call them without the *King's Consent*: He must issue out his *Writ* to *Empower* them, before they can send forth their *Mandates*, to require their *Bishops* and Clergy to *Come* to their *Council*.

Sect. 5.

The *Power of Assembling* the Clergy of the *Realm*, being thus put into the hands of the *Prince*, carried all such other *Rights* along with it, as were *Necessarily Consequent* thereupon. So that whereas before, the *Archbishop* intirely *Governed* their *Sessions*; *Prorogued* them as he pleased; and *Dissolved* them when he thought fit; he is now altogether *deprived* of the *One*, and very much *limited* and *confined* in the *Exercise* of the *Other*. For the Clergy being *Assembled* by their *Archbishop* in *Obedience* to the *King's Command*, His *Writ* obliges the *Metropolitan* to continue their *Sessions* till the *King* shall think fit by *Another Writ* to allow of his *Dismissing* of them. They came not together by the *Sole Authority* of the *Ecclesiastical Power*, but as that *Power* was its self *Influenced* by the *King's Writ*: And therefore tho' the same *Ecclesiastical Power* which *Assembled* is also to *Dissolve* them, yet the *Exercise* of that *Power* must herein again be directed by the same *Authority* of the *Prince*; and the *Archbishop* must be guided by it in Both alike.

Whilst the *King* thinks fit they should sit, the *Archbishop* still keeps, and exercises his *Power*, of *Holding*, or *Continuing* their *Sessions*, as he was wont to do. But if the *Prince*, by his *Writ*, orders them to be *Prorogued*; and thereby *Suspends* his first *Act*, of *Calling* them together; 'tis no more than what his *Legal Power* of *Assembling*, and in that of *Continuing* their *Sessions*, intitules him unto; and the *Archbishop* must herein again submit his *Authority* to the *King's Direction*.

This has been the *Practice*, as far as I can *Observe*, ever since the time of *King Henry the Eighth*; and this, I take, to be the *Legal Ground* upon which it is built.

Sect. 6.

How far our *Convocations*, being thus *Assembled*, are limited in their *Power* of *Acting* by the *Authority* of the same *Statute*, will more properly be shewn, when we shall come to consider that part of our *Argument*. In the mean time from has been now laid down, I shall endeavour to give a plain account of the first point propos'd; as far as concerns my *Opinion* of it; and so proceed to *Examine* the *Exceptions* that have been made against it.

And, 1. Whereas before the passing of this *Act*, the *Archbishop* of each *Province* might, by his own *Ecclesiastical Authority*, have *Assembled* the *Synod* of his *Province*, without any *Commission* from the *King* so to do; he is now (as I conceive) by the Tenour of this *Act*, wholly tied up in this particular to the *Pleasure* of the *Prince*: So that neither may he *Summon* his Clergy in any wise, without the *Authority* of the *King's Writ*; nor the Clergy *Assemble* upon his *Summons*, unless it shall appear that the *Archbishop* does require them; not only by vertue of his *Own Authority*, but also in pursuance of the *King's Command*, to come to it. The *Civil* and *Ecclesiastical Power*, must both concur

to

to Warrant their *Assembling*; and they must be satisfied as well that the King has Authorized the *Archbishop* to Call them, as that the *Archbishop* does Require them to Come to his Convocation. For so I take the Words of the Act
 25 H.8. c.19. to Run; both in the *Recital* of the *Clergies Submission*, and in the *Enacting Clause* framed thereupon: In both which, they are the *Clergy of the Realm of England* of whom the Act speaks, who had *knowledged, according to the Truth, that the Convocations of the same Clergy, are, always have been, and ought to be, assembled by the King's Writ*; and of whose Convocations the Statute declares, that they should always be Assembled by Authority of the King's Writ.

When therefore the Power of *Assembling the Convocations of the Clergy of the Realm*, was thus, in effect, put absolutely into the King's Hands, tho' the Authority of the *Metropolitan* alone was directly abridg'd by it, yet the Consequence of it reach'd to the other Clergy too: So that should the *Archbishop* Call a Provincial Assembly without the King's Writ, and the Clergy come together thereupon; they would be liable to the Penalty of this Act for Obeying, no less than their *Metropolitan* for Issuing out of such Summons. For it is not said that the *Archbishop* shall not Call a Convocation without the King's Writ, but that the Convocation shall always be Assembled by the Authority of it; and therefore every such Convocation as Assembles without the Authority of the King's Writ, Assembles contrary to the Purport of this Statute, and must thereby expose its self to the Danger of it.

Sect. 7.

2. This Statute having not determined any Certain or Fix'd Times, wherein the King shall be oblig'd to exercise that Authority which was hereby committed to Him; I do suppose he must be look'd upon to have been left to the same Liberty, in that respect, by this Act, which he enjoy'd before the making of it. If therefore he was not determined by any Law of the Realm to require the *Archbishops* to summon their Convocations at any set times before; but might have done it when, and only when, he pleas'd; then it must follow that he is left to the same Liberty still: And that he was intrusted by the Parliament to exercise this Power, freely, and without restraint; as he should judge to be most for the Publick Welfare of the Church and Realm.

Now that before the making of this Act, the King was not confined in the Exercise of this Authority; that he freely Issued out his Writs to the *Archbishops*, to Summon their Convocations whensoever he thought fit, and was determined by no Law of the Realm to do otherwise; both our Histories shew, and those who are the most concern'd to prove the Contrary, have not yet been able to make out any such Obligation as they pretend; as will evidently appear when we shall come to consider what has been offer'd by them to this purpose. In the mean time, this is plain, that this Statute which gave the King the sole Authority of *Assembling* our Convocations, gave it to him Absolutely, without any Tye or Limitation; and therefore that if there be any Restraint lying upon him in the Exercise of it, it must arise from some other Ground, than either the *Submission of the Clergy*, or the Words of this Act; in neither of which, any such thing is declared, or so much as hinted at. But,

Sect. 8.
 Authority,
 p. 140.

Thirdly, Tho' this Statute determines the King to no certain Time of Calling the Convocations of the Clergy; yet our Princes, of their own free and voluntary Choice have, ever since the Passing of it, accustom'd themselves to Issue out their Writs for the *Assembling* of them, at such Times as they have called their Parliament to meet: And so, in Obedience to the King's Authority, both the Civil and Ecclesiastical Councils of the Realm, have usually met at the same time.

What Authority such a Custom, by long continuance, may be supposed to have now Obtain'd, and how far the King's Prerogative shall, in Law, be look'd upon to be limited by it, I shall hereafter particularly enquire. But as there was a Time when this Custom first began to be introduced, and when (by Consequence) it could be of no force to oblige the Prince, whatever it may be thought to do now; So that ever any such Custom did at all prevail, was by the meer Will of our Kings, who for Reasons of State, best known to themselves, thought it Convenient to hold their Convocations together with their Parliaments; tho' then to be sure (however the Case be now) they were at their Liberty, and might have held them, or not, at such times as they pleased.

And

And this I say upon Supposition, that there was no *positive Law* of the *Realm*, which requir'd the *Prince* to call them at those times. For if there were, then it must be granted that the *King* by this *subsequent Act*, was only invested with a *Ministerial Power*; and had, in reality, nothing but a meer *shew* of *Authority* conferr'd upon him; if at such certain times the *Convocation* must be called whether he will or no: And so the *Prerogative* of the *Crown* be reduced to this, that the *Archbishop* shall not call his *Convocation* without the *King's Writ*; but neither shall the *King* be at liberty to *Grant*, or *Refuse* his *Writ* to him, but shall be *Obliged* to issue it out, at such Seasons as the *Convocation* is (otherwise determined by some other *Law*) to be held, whether he thinks fit or no to do it. A *Prerogative* which the *Keeper* of the *Great Seal* does, in effect, *share* with him; and who may almost as properly be said (if this be the *Case*) to have the *Authority* to *Assemble* the *Convocation*, as the *King* himself has. But,

4thly, Tho' a *Custom* has therefore prevail'd since the *Passing* of this *Act*, not (as I conceive) by any *Legal necessity* lying upon our *Princes* in that *Case*, but meerly through their own *Royal Pleasure*, to *Assemble* the *Convocations* of the *Clergy*, at the same time that the *Parliament* is to meet; yet still our *Kings* have kept both their *Sitting* and *Acting* wholly in their own *Power*; by *Asserting* to themselves a double *Right*, which by the same *Statute*, was invested in them, viz. First, Of *Comdanding* the *Archbishops* from time to time to *Prorogue* their *Synods* so *Assembled*, as has been said, as they have thought fit. And, Secondly, Of *granting* them, or not, a *License* to *Act*; without which, very little there is (as shall hereafter be shewn) that can now be done by them in their *Convocations*. Sect. 9.

Here therefore, I have affirm'd, (and must again beg leave to affirm) that the *King's Power* is still *Intire*: He has a *Legal Right* to permit the *Convocations* to *Sit* and *Act*, or not; and he has from time to time, so far asserted that *Right*, both by *Prorogueing* of their *Assemblies*, and by sometimes *Granting*, but oftner *withholding* his *License* from them; that tho' they have been summon'd by his *Writ*, yet they have frequently done nothing; nay, for the most part, have had neither *Power*, nor *Opportunity*, to do any thing. ¹ Authority, &c. p. 141.

Now this *Power* and *Prerogative* is that, and *All that* in this *First Question* I have undertaken to *Assert*: That the *King* is invested with a *Legal Authority*, to *prorogue* the *Convocations* of the *Clergy* from time to time, as he pleases; and may *Grant*, or not *Grant* them his *License* to *Act*, as himself, by the Advice of his *Council*, shall judge to be most fitting for him to do. If in this, his *Authority* be restrain'd, and having called them by his *Writ*, they have, from that thenceforth, a *Right* to *sit*, at their own *Pleasure*, so that he cannot *Legally adjourn* them; and if, being *sate*, either no *License* at all is *needful* to *Empower* them to *Act*; or, if there be, such *License* ought of *Right* to be granted to them; let this be proved, and I submit. But if in this he be left at liberty, so that the *Right* of *Prorogueing*, and *Licensing* the *Convocation*, is intirely at his *Own Pleasure*: If neither this *Statute*, nor any other *Law*, nor even *Custom* it self, has laid any *Restraint* upon the *Prerogative* in this *Particular*; then I conceive my *First Position* will remain good in *Law*, That the *Sitting* and *Acting* of the *Convocation*, does depend upon the *Pleasure* of the *Prince*; and that he may permit, or *refuse* it, to *Sit* and *Act*, as he shall think fit.

But then, 5thly. Tho' the *King* has (I conceive) such an *Authority*, by *Law*, over our *Convocations*, That he may *prorogue* them when he will; and *Grant* them a *License* or not, to *Act* as he pleases; yet still I have affirmed¹, and I see no Cause to retract my *Assertion*; that this *Authority* he is *obliged* in *Conscience* to *Exercise* for the *Publick good* of the *Church* and *Realm*; and therefore ought not either to hinder their *Sitting*, or to restrain their *Acting*, when it would be for the Advantage of either, that they should *meet*, and do the *Work* that belongs to them. Sect. 10.
² Authority, &c. p. 143, 144, 145.

As therefore in the *Civil Affairs* of the *Realm*, the *Prince* has his *Other Council* to *Advise* him, and upon their *Deliberations* proceeds to *Act*, not only with greater *Advantage* to the *Publick*, but with a better *Satisfaction* to himself likewise: So in those which concern the *State* of the *Church*, I make no doubt but that it is the *Duty*, as well as *Wisdom* of a *Christian King*, to *Consult* of all these *Matters* with those who have the *Government* of it committed to them by *God*; and by their *Direction* and *Assistance*, to manage himself in the *Exercise* of this *Great Branch* of his³ *Royal Supremacy*: And neither obstinately to *refuse* the *Clergy* ³ Authority, &c. p. 268, 281.

Clergy Liberty to Assemble, when they think it would be for the *Service* of the Church, and the Benefit of Religion to come together; nor yet unreasonably require their Attendance, when there is nothing at all, or nothing of any Consequence to be done by them.

Sect. 11.

But however, 6thly. Should it so fall out, (as yet it is to be hoped it shall not, in a *Christian Kingdom*) that the Prince should neglect his Duty in this Particular; and so not give his Clergy the Opportunity of Meeting and Acting, when it would be of a Real Benefit to the Church that they should Assemble, and provide for the Estate of it; In that Case, I conceive, it would be the Duty of those who are the Fathers and Governours of it, to apply to him for his Permission to come together; to remonstrate with Humility, but yet with a *Christian Freedom* too, the Necessities of the Church; the Evils that are to be remedied; and the reason they have to hope that, by their Assembling, they may provide some Remedy for them: And to press him in the Name of God, and in pursuance of that Trust which the Publick has reposed in him, to give a favourable Answer to their Requests.

¹ Authority,
p. 268.

When this is done, if the Prince shall still continue deaf to their Remonstrances, and refuse them the Liberty they so reasonably and dutifully desire of him; then indeed they may have just cause to complain that he abuses his Authority; and to consider what is next to be done for the Honour of God, and the safety of his Church committed to them. But otherwise, I cannot but think it too soon to Complain of the Prince, that he does not suffer the Clergy to Meet and Act; whilst they have not so much as once applied to him for his Permission, nor done any thing to convince him, that it is Needful for them so to do.

How far this last may be our Case, I shall leave it to those who have been the most Clamorous for the sitting of our Convocations, to consider. For my own part, as I have this Confidence in the Good Affections of my Royal Master towards the Church of England, as to be firmly perswaded that he would not refuse his Bishops and Clergy the Opportunity of Meeting, and Acting, if they desired it of him; or that he thought it would conduce to the better Establishment of Religion, and Piety among his People; so I have never heard that any Attempt has been made so much as to ask his Permission in this Particular. And where Princes are concern'd, 'tis, I think, a great Rudeness, not to give it a worse Name, loudly to complain of a Grievance, where none is intended; nor have those, who the most complain of it, done any thing to procure a Redress of it. For I am pretty sure, that if any Address of this kind has been made to the King, it has been only those which some Assuming Authors have been pleased to send to him from the Press; in which, they do not so much bespeak his Favour, as invade his Prerogative; and so both in the manner and substance of their Remonstrances, take the readiest way to hinder the Obtaining of that End, which they would appear the most Zealously to pursue.

Sect. 12.

However, 7thly, And to Conclude these Particulars; Should we ever be so unhappy under a *Christian Magistrate*, as to be deny'd all Liberty of these Assemblies, tho' the Governours and Fathers of the Church should, with all their Care, and Interest, endeavour to obtain it; should he so far abuse his Prerogative, as to turn it not only to the Detriment, but to the Ruin of all true Religion and Morality among us; and thereby make it absolutely necessary for something Extraordinary to be done to preserve both: ² In such a Case of Extremity, I have before said, and I still adhere to it; that the Bishops and Pastors of the Church, must resolve to hazard all in the Discharge of their Duty: They must meet, consult, and resolve on such Measures as, by God's Assistance, they shall think their unhappy Circumstances to require, and be content to suffer any Loss, or to run any Danger for their so doing. For then the Prince would only have the Name of a Christian, but would Act like an Infidel; and so having thrown off the Care and Protection of the Church, it would naturally return to the Bishops, and Pastors to whom Christ committed it, to take upon themselves the Care and Protection of it.

² Authority,
p. 43.

These are the Principles which I formerly laid down: To these I still adhere; and, as immoderately as some may Pretend, I set up the Prince's Authority, yet, I hope, by God's Grace, should things come to such a pass, I should Act as firmly in defence of my Religion, and the Church, by these Principles, as any of those who now talk with so much bitterness against me.

Let

Let us see what those of the other side have said as to this *Question*; and what they have to except against the *Principles* I have here laid down. Now the Sum of what has been offer'd in this Matter, may, I think be reduc'd to these Three *General Heads*.

Sect. 13.

1. That the *Convocation*, consider'd only as a *Provincial Synod*, has, by the *Canons* of the *Church*, a *Right* to be frequently *Assembled*; and (being *Assembled*) to *Sit* and *Act* for the Good of it. CHAP. iv.

2. That, as a necessary *Attendant* upon our *Parliaments*, (if not a *direct* part, and member of them) it has a *Legal Right*, by the *Constitution* of our *Government*, not only to be called as often as a *Parliament* meets, but to *sit* whilst the *Parliament* continues to *sit*; and within the compass of what it Lawfully may, to do any *Business* which the *Members* of it shall think *needful* to be done by them. CHAP. v, vi, vii, viii.

3. That this *Right* has, by a perpetual *Custom*, been *Confirm'd* to our *Convocations*; So that 'till this present *Government*, they were always allow'd thus to *Sit* and *Act*, as they now *Desire*, and indeed, *Demand* as their *Right*, to do. CHAP. ix.

And of these in their Order.

CHAP. IV.

The Argument drawn from Canonical Authority Examined: That the Canons which require any stated times of holding Provincial Synods, never were constantly Observed here; and are now utterly Abrogated by the 25th of K. Henry the 8th. The Rights of the Bishops Vindicated, against the levelling Principles of Dr. A.

HOW far this Author design'd to extend the Force of his first Argument; whether to prove (according to his first Proposition) ¹ a *Right* of meeting, and sitting in our *Convocation*, as often as a *New Parliament* meets and sits; ² Or only to shew from the *Liberty* which the *Church* heretofore enjoyed of holding frequent *Provincial Councils*, the reasonableness of our continuing to do the same, I cannot tell. If the *Latter* of these were his Intention, he will have no Adversary of me in this Particular. I have freely profess'd, and I do still declare it; that tho' the *Law of England*, has (as I conceive) put the whole power of *Assembling* our *Convocations* into the *King's Hands*, yet it was with a Supposition that he should use that *Power*, to the good of the *Church* and *Realm*, which intrusted him with it. That in Order thereunto, he is obliged both as a *Christian*, and a *King* ³, not to hinder our *Bishops* and *Clergy* from Meeting, and Acting, whenever it would be for the Benefit of the *Church* so to do. And that in judging of this, he ought to have a special regard to the *Advice*, and Requests of the *Fathers* and *Governours* of the *Church*; and not *Lightly* to refuse them the *Liberty* of Convening, as often as they shall humbly desire it of him. Sect. 1. ¹ Rights, &c. p. 2. ² See King. Charles the 1st's Declarat. before the 39 Articles.

Indeed as to any *Certain time* of their *Assembling*, neither do his own Proofs define it, nor do I think it necessary to restrain it to any determinate Periods. At first, when the *Provinces* were but *small*, and the *Necessities* of the *Church* very *Great*; when our *Religion* was not yet commonly received, nor its *Discipline* settled; when the *Church* stood surrounded with *Enemies* on every side, and the *Civil Magistrates* were so far from lending any help to it, that they Opposed and Persecuted it; very necessary it was that both the *Governours*, and *People* should meet often together, to consult and agree upon such Measures as should be thought expedient for the better Safety and Conduct of it. Under these Circumstances it was, that they first settled the Rule of holding their *Provincial Synods* twice every year; and which, tho' it continued to be the Rule for some time after the *Empire* became *Christian*, yet they soon met with great Trouble, and Inconveniences, in the Observation of it. Sect. 2.

To avoid this, ³ they first contrived, that the *Bishops* of the *Province* should be divided, and one half meet at One of the *Synods*, the other at the Other; and so none be oblig'd, ordinarily to leave his *Church*, above Once in the Year. ³ Vid. Garner. Dissert. ii. de Synod. in Gaul. Pelag. cum Mario Mercat. p. 182.

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Afterwards they thought fit to break in upon the first Establishment, and to reduce the *Meetings* themselves to but Once a Year. When even this was found to be inconvenient, they Enlarged it farther; in some *Churches* to Two, in others to Three Years distance: Which last measure, Established by the *Council of Basil, Anno 1433.* in the End prevailed, and became the settled time for the *Canonical holding of Provincial Synods* in the *Western Churches*.

Sect. 3.

Under this Uncertainty of *Time*, within which it has been determined, that *Provincial Synods* ought to be held, 'till it shall be shewn that our *Constitution* has declar'd it self for any One fix'd *Period*, it must, I think, be left to our *Governours*, to whom the *Laws* have committed the *Assembling* of our *Convocations*, to Resolve when to *Convene* them; and to the *Circumstances*, and *Necessities* of the *Church*, to suggest to them, *how often*, and, *at what seasons*, they ought to be *Convened*. And all that can be infer'd, from the *Canons* of the *Church* in this matter will be only thus much, which I readily agree to; that our *Ecclesiastical Governours* ought to consider the needs of the *Church*; and to apply to the *Prince* for *Liberty* to *meet*, whenever they shall find it expedient to *Assemble*: And the *Prince* (unless he has some very great reason to the contrary) ought to Grant them the *Liberty* which they *desire*.

Sect. 4.

If therefore this were his meaning, that the *Church* ought not to be refused to hold such *Assemblies* as these, when *Occasion* shall require; I agree with him in his *Conclusion*, and only except against the subject of his *Discourse*. For what is this but to intimate either that the *King* had utterly *Refused* the *Church* a *Liberty* of holding any *Provincial Synods*; or that our *Church Governours* had neglected to ask it of him; and that I had made my self an *Advocate* for such their *Neglect*, or *Refusal*. And yet this, as false and disingenuous as it is, is the *Use* which himself seems sometimes to make of this *Argument*. Let us hear how he sums up the design, and force of it, p. 28. *Thus does our Right to these Assemblies stand by the Law Ecclesiastical: Which Law has been Considered by it self for the clearer Evidence of the Arguments, and not in any Opposition to the Temporal Government. It not following from hence that such Assemblies should be held contrary to the Will of the Sovereign Power; but that the Sovereign Christian Power should be desired to permit, or rather to Encourage them.* At proper Seasons, I agree that the *Sovereign Power* should be thus *desired*; and I doubt not but it will be. And I am perswaded, that being so *desired*, his Majesty will not refuse our *Bishops* and *Clergy*, the *Liberty* of *Assembling*; but on the contrary will give all fitting *Encouragement* to their *Meeting*. In the mean time, I must beg leave to say, that such *Reflections* as these are neither modest, nor just; till it can be shewn that either our *Spiritual Governours* have been apparently *Negligent* in *desiring* the *King* to *permit*; or the *King* been manifestly *Obstinate* in *Refusing* them the *Opportunity* of *Coming together*, according to their *Desires*. And when that shall appear, I do assure this Gentleman they shall both seek for some other *Advocate*, to defend their *Proceedings*.

But, indeed, tho' I doubt not but that this *Insinuation* was one great part of what he design'd in this first *Proof*; yet both the method of his *Work*, and his own *Expressions* in other *Places*, shew that he intended to carry it a great deal farther; and to build upon this *Foundation*, a *Right* for our *Convocation* to *meet* at such *determinate times*, as he is pleased to affirm, it ought to do, whether the *Sovereign Christian Power* in our *Realm*, approves of it, or no.

Sect. 5.

Our Learned Bishop *Stillingfleet*, having said of our *Convocation*, considered as a *Provincial Synod*, that it was an *Occasional Assembly*; This Author in great *Indignation*, falls foul upon him; and taxes him with *Unskilfulness* for such his *Assertion*. He pronounces it to be not an *Occasional*, but a *Stated Assembly*:

¹Rights, &c.
p. 214.

¹In some measure *Stated* (says he) as a *Provincial Synod*, simply in its self consider'd: — And that for this Reason, because, that as a *Provincial Council*, the *Rules* of the *Church* received in all *Christian States*, and particularly in *Ours*, direct that it should be *Annual*. And even in the *Passage* before mentioned, where he seems to soften it all he can, yet he sufficiently intimates this to be his meaning; when he tells us, That ²thus does our *Right* to these *Assemblies* stand by the *Law Ecclesiastical*.

²Ibid. p. 28.

Here therefore must be our main Enquiry : Whether by the *Law Ecclesiastical*, produced by him for this purpose, it does appear, that our *Convocation* has a *Right*, at some certain times, to *meet*, and *sit*, so that the *King* has not a *Legal Power* at those times to hinder it from so doing ; For that is the *Question*, and the *Only Question* between us, as to this matter. And that it does not, I affirm upon these two Grounds :

- I. That supposing this *Law Ecclesiastical* to have once *Obliged* here, yet since the 25th of King *Henry the Eighth*, it has ceased so to do.
- II. That it does not appear, that it ever did *Obtain* in this *Church* before.

It was the Judgment of one of our most Eminent *Lawyers*, and as high an Sect. 6.
 Asserter of our *Churches Rights*, as ever sat upon the *Bench* ; concerning the *Law*, upon which this Argument proceeds ; ' *If the Canon Law be made part of* Lord Vaughan's Reports.
the Law of this Land, then it is as much the Law of the Land, and as well, and by the P. 21.
same Authority, as any other part of the Law of the Land. And if it be not made
the Law of the Land, then hath it no more Effect than the Law of Utopia. If such
 be the Case as to this *Law*, that it has no manner of force with us, unless it be
Received, and made part of the *Law of the Land* ; then it must follow upon the
 same Principle, that neither can it have any Effect any longer than it is so *Received* ;
 and yet much less, when it shall not only cease to be *Received*, but shall be
 expressly *Rejected* ; and a contrary *Law* be *Established* in the room of it. Now
 this I affirm to be the Case in the point under Debate : Those *Ecclesiastical*
Canons, on which the present Argument is built, supposing that they did ever
 obtain here, (which shall hereafter be Examined) have all been *Abrogated*
 by *Act of Parliament* ; and thereby render'd of no more Effect, with us, than a
Law of Utopia.

The *Canons* of which this *Author* speaks, and particularly that of the *Fourth* Sect. 7.
Lateran Council, ² which he tells us was in force here, and upon which therefore ¹ Rights, &c.
 he must especially build his proof, is to this Effect : " That the *Metropolitans* should P. 7.
 " not fail to hold *Provincial Councils*, with their *Suffragans*, every year. But
 now this our *Archbishops* have it not in their Power to do : 'Tis an Authority
 which our *Parliament* has thought fit to take out of their hands, and to intrust
 only the *King* with ; And by so doing has utterly *Abrogated* all such *Ca-*
nons as require this of the *Metropolitans* ; as those *Canons* which relate to the
 yearly *Assembling* of *Provincial Synods*, all of them plainly do. And this *Au-*
thor may as well alledge the first Canon of this Council to prove our Obliga-
 tion to *Believe Transubstantiation* ; or the Second for the *Right* of the *Church*
 to *Excommunicate*, and of the *Pope* to *Depose Heretical Princes* ; as (under our
 present Circumstances) produce the *Fifth*, for any force or effect in *Law*, to
 Assert the *Right* of holding *Provincial Councils*, at those *stated times* of which
 he speaks ; or indeed at any other : Our Principles being not more changed in
 the two first of these *Instances*, than our *Law* is in the *Third*.

To set this Argument in a yet clearer light, I must observe, that by the 25th Sect. 8.
 of *Henry the Eighth* Chap. 19. all that part of the *Canon Law*, which *Obliged*
 in our *Church*, was intended (and that, at the request of the *Clergy* in *Convo-*
cation) to be utterly *Abrogated* ; and a *New System* of *Ecclesiastical Laws* to be
Compiled and *Established* in the stead of it. But because this could not pre-
 sently be done, and, in the mean time, some *Law* was necessary to be in force ;
 therefore it was provided in the *Act*, " That such *Canons, Constitutions, Ordinan-*
 " *ces, and Synodals Provincial*, being already made, which were not *Contrariant*
 " nor *Repugnant* to the *Laws, Statutes, and Customs* of this *Realm*, nor to the *Da-*
 " *mage, or Hurt* of the *King's Prerogative Royal*, should now still be *used* and
 " *executed*, as they were afore the making of this *Act* : And as for any others,
 they never were in truth allow'd of ; nor could, by *Law*, ever have been *Ex-*
ecuted ; and therefore needed no particular Declaration to be made against
 them ; or, if they had, they would yet, by this *Clause*, have now been suf-
 ficiently *Rejected*.

This then is our Rule, with relation to these *Laws Ecclesiastical* : If within
 the Compass thereof, those *Canons* which this *Author* has produced may be *Re-*
ceived ; and if it does appear, that they have been commonly *Used* and *Executed*
 (and so *Allowed* of) in this *Realm* ; then the Argument will hold good, and
 infer a *Right* to our *Convocations* to be *Assembled* according to the *Tenour* of them.

But else, if they be either *Contrariant*, and *Repugnant to the Laws, Statutes and Customs of this Realm*; or to the *Damage or Hurt of the King's Prerogative Royal*, or if they were not wont to be *Used and Executed*, afore the making of this Act; then they must be adjudged to be of *no force*, and by *Consequence* to have been impertinently alledged in order to such an *End*.

Here then let us try the strength of his Argument: The *Council of Lateran*, recieved (as he pretends in this particular) here, requires the *Metropolitans* of every *Province*, to hold their *Provincial Synods* once every Year. The 25th of *Henry the Eighth*, forbids the *Metropolitan* to hold any *Synod*, but by virtue of the *King's Writ*; which the *King* is left at liberty to issue out at his own Pleasure for that Purpose; and subjects him to a *Premunire* in case he shall do otherwise. The *Metropolitan* having *Summon'd* it; by the *Lateran Canon*, every Person who *refuses*, or *neglects* to come to this *Council*, is to be *Suspended* from his *Office* and *Benefice*. By the *Laws and Statutes of this Realm*; If the *Metropolitan* *Summons* a *Synod*, of his own *Will*, without the *King's Writ*, the *Clergy* are forbid to come; and shall incur a *Premunire* if they *Assemble* at his *Inauthoritative Command*. This *Canon* therefore is *Contrariant* and *Repugnant*, to the *Laws and Statutes of the Realm*; and being so, is utterly *Abrogated* by them.

Again, The *Lateran Canon* either puts the whole *Power of Assembling* these *Councils* into the hands of the *Metropolitan*, or, at least, supposes it to be in them. The *King's Prerogative*, as by *Law Established*, lays Claim to the *Supreme Authority* in this case, and will not suffer the *Archbishop* to *Assemble* any *Synod*, but when he *Authorizes* him, by his *Writ*, so to do. The *Lateran Canon*, determines a *certain time* when this *Synod* shall be held; *Once every year*. The *King's Prerogative* is *free*, and *unbounded*; he may *Call* it when he pleases; and he is not *limited* to any *certain time* for the doing of it. This *Canon* therefore is *against the King's Prerogative*; and by being so, is, for that reason also, of *no force* by the *Law of this Realm*.

In short the *Lateran Canon*, requiring *Stated Provincial Councils*, every year, was not *Used*, nor *Executed* in this *Realm*, before the making of that *Act*. On the contrary, such *Synods* as were purely *Ecclesiastical*, met but very rarely; and that not by virtue of those *Canons* which establish'd such regular, *Annual Synods*; nor in *Obedience* to the *Authority* of them. Those *Canons* then were not *Used*, nor *Executed*, at the time that this *Statute of the 25th of Henry the Eighth* was made.¹ And being not *Used*, nor *Executed* then, they were not allow'd by this *Act* to be *Executed afterwards*; and upon this third Account also, (were the others wanting) they would have no *force nor effect* in *Law* among us.

¹ See Dr. Cofens Exposit. of this branch of that Act, in his Answer to the Abstract. Epist. to the Book.

Supposing therefore that the *Law Ecclesiastical* of which he speaks, had sometime *Obliged*, before the 25th of *Henry the Eighth*; yet since the *Passing* of that *Act*, it would have ceased so to do; and have been now, by virtue of it, of no manner of *Authority*, or *Validity* in this *Realm*.

Let us Enquire *Idly*, Whether the *Canons*, of which he speaks, did *Obtain* in our *Church* before?

Sect 9.

And here, I am not at all concern'd with any of those *Proofs*, which he brings either from the *Imperial Constitutions*, or the *Canons of the Ancient Church*, as to this matter. It is not deny'd by any Body who knows any thing of these matters, that a *Provision* was made by the most *Ancient Councils* for the *Stated holding* of *Provincial Synods*; or that the *Roman Emperors*, from the time that they became *Christians*, did give both *Countenance*, and *Authority*, to those *Canons*. The *Question* is, whether those *foreign Laws*, or *Canons*, were *Received*, and *Practis'd* here; and by what *Authority* they were so? And because it is a *Rule* in these Cases,²

² Dr. Cofens Ib.

Quod facta non presumuntur, "Matters in fact are not intended to be done, till they be proved so; if this *Author* will have us admit that these *Provincial Canons*, ever were of *Authority* with us, he must shew either by what *Authority* they were so; or, at least, from a sufficient number of *facts*, must prove, that they did indeed *Obtain* in our *Church*.

³ Rights, &c. p. 7.

Now this I the rather insist upon, because this very *Author* himself seems to allow of it; and for that Reason prefers³ the *Authority of the Lateran Canon* for *Yearly Synods*, before that of *Basil* for *Triennial*, because the One was not, as he thinks, received in *England*; whereas the Other, he tells us, was of *force* here. And yet, as much as this *Author* values this *Canon*, some of our best *Historians* speak but very lightly of the *Decrees* of that *Council*. They represent

sent them, not as the *Definitions* of a *General Synod*, but as the *Pope's own Decrees*, and those Published in a very Arbitrary manner by him in the *Council*; and of which all that *Mat. Paris* says is, that to some they seem'd reasonable, to others burthensome. ¹ And to this Day, many of the most Eminent Writers of *All sides*, will not allow them to be of any *Authority*.

That the whole *Body* of those *Canons* (in general) was not received here, we are very sure, because several of them were *contrary* to the *Laws* and *Customs* of the *Realm*; and being so, did never obtain among us. Such were, for Example, The [3^d Can.] That the Goods of Clergy-Men being *Convicted* of *Heresie*, should be forfeited to the Church: The [18] Canon, which prohibits Clergy-men to pronounce Sentence of Blood; or to be present where such Sentences were pronounced; or to dictate, or write any Writs for that purpose. The [23^d] That Cathedral or Regular Churches, should not be vacant above three Months; and that then a Lapse should incur. The [25th] That no Election should be valid, which was made by any Secular Power. The [29th] That no one should have two Benefices, with Cure. [The 45th] That if any Patron kill'd or maim'd a Clergy-man, he should lose his Right of Patronage. The [46.] That no Governours of Cities, or other Lay-men, should Exact any Aids or Subsidies of their Clergy: And possibly several Others there may have been of the like kind.

That this Canon in Particular, was not accounted of any Force amongst Us; we have this strong Presumption to perswade Us, That it does not appear that it was ever regularly *Observed*; but on the contrary, as far as Our *Histories* give us any light into this matter, we are sure that it was not. *Jo. de Acton*, whom this Author, for ought I know, rightly places 100 Years after the time of this *Council*, Confesses, that in his Days, the *Provincial Synods* were disused among Us. And another to whom this Gentleman will, I believe, pay a yet greater Deference in this Case, even himself, (tho' here he would have it thought otherwise) yet elsewhere speaks expressly to the same purpose: He derives the Discontinuance of these ² Yearly *Provincial Synods* among us from the very *Saxon Times*; and tells us that the *Church-Affairs* were transacted by the Clergy in their *State-Meetings*. As for *Synods* properly Ecclesiastical, he says, they were *Occasional Assemblies*; and Rare in comparison of the Other. And in that he says the Truth; tho' not much to the Advantage of his present Argument.

But how then does it appear, that this Canon of the *Lateran Council* was ever Receiv'd among us? Why, for that he casts himself upon the sole Authority of *Jo. de Acton*, as he calls him. The Words of the Canonist are these: Which kind of *Provincial Councils* are Commanded to be Celebrated every Year, tho', in Fact, they are not. And for that he refers to two Texts of the *Canon Law*; in One of which, the Canon of the Council of Chalcedon; in the other, a Canon of the IVth *Lateran*, is Recited. Now this does indeed shew, that he thought the *Canon-Law* had the General Force of a Precept in this matter; tho' it proves at the same time, that it was not observed among us in this Particular. But that the Canon of the *Lateran Council* was of any force in our Country; either by any *Authoritative Acceptance*, or by any *Constant* and *Allow'd Use* of it; he says not one Word: Nay he does not so much as refer to the Canon of that Council, which settled this Point; but to another about the Jews; ⁴ in which this Matter was only occasionally mention'd, and which was all that the Canonist seems to have known of that *Synod*, as to this Matter.

All then that this Gentleman has produced in Proof of his Assertion, that the *Canons* which require *Yearly Provincial Synods* were of Force with us is, at last, but this, that a certain Canonist tells us, that his Foreign *Canon-Law* required the holding of them. But that ever that *Law* prevailed here in this *Realm*; that ever these *Councils* were regularly and statedly held according to the Direction of it, this Author says nothing; but on the Contrary, both himself, and his Canonist freely owns the Fact to have been otherwise: Which I am sure is a fairer presumption, that those *Canons* were not looked upon to have been in force here, than any he has yet alledged; or, I believe, will ever be able to alledge, to prove that they were.

The result then of this whole Matter is this: The *Canons* of the Church which required the stated meeting of *Provincial Councils* every Year; were never,

¹ Mat. Paris. p. 272. Platin. Vit. Innocent. iii. Nauclet. ad Ann. 1215. Bp. Andrews Tort. Torti. p. 212. Roffens. de potest. Papæ lib. 1. c. 7. p. 84. &c. A. Bp. Bramhall. Tom. 1. p. 328. Sir R. Twysden. Hist. Vindic. &c. ch. viii. n. 37. Barclai Exam. Prolegom. Bellarm. p. 114. F. Walsh. iv. Letters p. 363. &c.

² Rights, &c p. 8.

³ Ibid. p. 215, 216.

⁴ V. Decretal. de Judæis cap. Cum sit. §. or Sect. siquis.

for ought appears, either *Confirmed* by any *Civil* or *Ecclesiastical Authority* of this *Realm*; nor by any *Customary Usage* brought into *Force* in it.

Supposing that they had once Obliged, yet the *Statute* of the 25th of *Henry* the 8th, which took the *Power* of *Assembling* these *Synods* out of the *Hands* of the *Metropolitan*, and placed it in those of the *Prince*, would have effectually destroyed their *Obligation*; and have rendered them, from thenceforth, of no manner of *Force* in our *Realm*.

In alledging therefore these *Canons* (if that were his *Design*) to prove a *Right* of our present *Convocations Meeting* and *Sitting* at any certain times; he alledges such a *Law*, as concerns us no more than the *Law* of *Utopia*: If he had any other *Meaning* in it, which has not already been accounted for; 'twill then be time enough to Consider it, when he shall please to let us know what he intended to prove by it.

Having thus taken off the *Force* of any *Argument* that may seem to have been urged against me in this *Chapter*, I might here conclude my *Reflections* upon it: But because there have been some things farther offer'd, which tho' of little *Consequence* to the *Question* in hand, may yet help to clear the nature of our *Church-Assemblies*; I shall stop so long as to make a few necessary *Remarks* upon them.

¹ Rights, &c.
p. 7.

And 1st, Concerning the holding of these kind of *Synods* every *Year*; ¹ it is said, That this was provided for by a *Canon* of the *Council* of *Herudford*, held *Anno* 673, under *Theodore*, *Archbishop* of *Canterbury*, which took care not only to *Establish* the *Practise* for the *Future*, but also to affirm the *Antient Usage*; it being at the very entrance of the *Acts* of it expressly said, to *ASSEMBLE* in *VERTUE* of the *OLD CANONS*. So this *Author* relates this *Matter*; how accurately, we will now Enquire.

² See Bed.
Hist. Eccles.
l. iv. c. 5.

For 1st, Will this *Gentleman* please to tell us, how ² *Juxta MOREM Canonum Venerabilium*, comes to signify, In vertue of the *OLD CANONS*? Or how either the *One* or the *Other*, affirm the *Antient Usage* of *Tearly Provincial Synods*? All that the *Acts* of that *Synod* say, is this; That it pleased us to come together to treat of the necessary *Affairs* of the *Church*, according to the manner of the *Venerable Canons*; That is, after a *Canonical manner*, in an *Ecclesiastical Council*, or *Synod*. And how this *Affirms* any *Usage* but that of the *Bishops meeting in Council*, when any *Publick Affairs* of the *Church* were to be treated of, I cannot understand.

But what if this *Custom* be so far from making for him in *One* point, that it utterly contradicts, his next great *Pretence* in *Another*? It is one of the main *Designs* of this *Chapter* to prove, that the *Authoritative part* of these kind of *Synods*, were *Bishops and Presbyters*; whom he would have us believe not only to have been *Both* present, but to have *Both* acted upon an *Equal Right* of *Jurisdiction*, in them. Let us see how this *Synod*, in which *Theodore* tells us they met, according to the *Custom* of the *Canons* of the *Church*, answers this *Pretence*. We came together (says he, at such a *Time* and *Place* :) *I Theodore, Dorovernensis Episcopus*, which, with this *Gentleman's* leave, I will render *Bishop* of *Canterbury*; and our most *Reverend Brother*, and *Fellow-Priest*, *Bisi, Bishop* of the *East-Angles*; with whom was also present by his *Proxies*, *Wilfrid, Bishop* of the *Northumbrians*. There were also present, our *Brethren* and *Fellow-Priests*, *Putta, Bishop* of *Rochester*; *Leutharius* of the *West Saxons*; *Winifred* of the *Province* of *Mercia*. And being *Assembled together*, and *sate down*, every one according to his *Rank*; *Theodore* began to address himself to them. These are the *Persons* who composed this *Synod*; to these the *Archbishop* spake; *Rogo dilectissimi Patres*: These agreed to what he proposed; *Consacerdotes nostri respondententes dixerunt, Placet*: These *Subscribed* what had been *Defined*; *Placuit ut quaeque definita sunt unusquisque nostrum manus propria subscriptione Confirmaret*. But of this *Gentlemans* *Fellow-Priests*, his *Presbyters*, we find no notice taken in all the *Acts* of this *Assembly*.

³ Beda. Hist.
Eccles. loc. cit.

Perhaps he will say, that tho' they are not to be found in the *Acts* of the *Synod*, yet the ³ *Historian* has given some hint of them; Where he says, that *Theodore* called a *Council* of *Bishops*, together with those who both loved, and knew the *Canonical Decrees* of the *Fathers*; *Magistris Ecclesiae Pluribus*. Now that among these, there might be some *Presbyters*, I will not deny; tho' 'tis plain, they were called not under that *Character*, but as *Persons* who *Understood* the *Decrees* of the *Church*, and whose *Counsel* therefore might be of *Use* to them on such an *Occasion*. But be they whom they will, the *Acts* of the *Synod* take no notice at all

all of them, and therefore we may be sure that tho' they should have been present, which I shall not deny, yet they were not accounted any part of the Council; much less did they Act in an *Equal Authority with the Bishops in it*.

But this is only by the Way; to return again to our Author: The next thing he adds is, that this Synod not only affirmed the *Antient Usage*; but *Established the Practice* (of *stated Provincial Synods*) for the future. By which, if he means that this Synod Decreed, that they would meet *all together, once every Year upon the First of August, at Cloveshoo*; I allow that they did resolve it; but then, by his Favour, this is not to *Establish a Practice*, but to make an *Order* for a *Practice* to be *Established* upon: And before it can be affirmed that the *Practice* was *Established*, we must enquire what the Result of their *Definition* was. Now that was so far from *introducing* any such *Practice*, that we do not find it was so much as *once Observed*: Nor in Seventeen Years that *Theodore* himself liv'd Archbishop of *Canterbury* after this, does either *Bede*, or any other of our *Historians*, mention more than *two Synods* that were held by Him; and neither of them in Consequence of this *Definition*.

So little to his purpose does this Synod of *Theodore* make; and so lame an Account, has he thought fit to give us of it. But

2dly, Another point there is relating to the *Assembling* of these Synods, in which I cannot altogether agree with him; and that is where he asserts, 'That the Bishops, or as he more ambiguously Expresses it in the next Page, the Provincial Inferiours had as much Right by the Canon-Law to DEMAND such a Meeting, as the Metropolitan had Authority to Assemble it; and that the Obligation ran Reciprocally, tho' the Power did not. Now to Demand, is a Word not only of Vehemence, but of Law too: It implies not only an urgent Claim of Right; but such properly where the Law has provided a Remedy in case of Refusal: Nay, when used in its Legal Sense, as this Author here does, it signifies a Complaint made against the Person who Injures us; not to himself, but to some Other, who has the Power, and ought to Right us.

Sect. 13.

Rights, &c.
p. 22, 23.

If therefore by the *Ancient Canons* the *Provincial Inferiours* had a Right of Demand against their *Metropolitan* in this Case; they must have had some Provision of Remedy too against him: At least their Demand, must have had some influence, to subject him to a *Canonical Censure*, in case he should not comply with their Demands. If therefore in all the *Ancient Canons* there be nothing of this to be found; If they give no Remedy to the *Suffragans* (much less to any Other *Provincial Inferiours*) against him; If they allow them no power to meet without him; nay, if they do not so much as intimate, that in Case of a Neglect in him to Call them together, they should admonish him of his Duty; as they do Empower the *Metropolitan*, not only to Admonish, but to Censure them, if they should be backward in attending upon his Summons; I think some softer word might have served than that of Demand; and more agreeable, not only to that respect which *Provincial Inferiours*, in those Days, were wont to pay to their *Spiritual Governours*, but to the very Sense and Language of the *Canons* in this behalf.

That where these *Canons* were Received and put in Execution, the *Metropolitan* was obliged to the Observation of them; and, except upon some just occasion, which the Law may be presumed to have allowed of, would have sinn'd by a Careless, Obstinate Intermision of these Assemblies, I do confess. That in such a Case, the *Provincial Bishops* might modestly have represented to him both his Own Duty, and the Necessities of the Church (if it lay under any) and in consequence of both, have desir'd him to call them together, I agree too: And if this be all he means, tho' his Expression be a little harsh, yet I can readily comply with him in his Meaning, that they had a Right, in this Sense, to demand such a Meeting. But still it was in the *Metropolitan's* Power whether he would Assemble them or no; and for several Hundreds of Years, there was not so much as any Provision made by the *Canons* for the *Bishops* to Admonish him of his neglect; much less to call him to an Account for his Refusal, if he should not be moved by them. The *Third Council of Orleans*, was one of the first that inflicted any *Canonical Punishment* upon the *Metropolitan* upon this Occasion, and that reached only to the *Gallican Church*: Nor till the *Second Council of Nice*, was there so much as any Pretence of a *General Provision*, in case of such a Neglect.

Sect. 14.

And

And when all was done, what were these *Provincial Inferiours* the better for it? They could not *Assemble* but at the *Metropolitan's Summons*. For seven hundred Years together he was not so much as Accountable for his Refusal of *Calling* his *Synod*: After that, he was liable to be *punish'd Canonically* for it; but still the Matter rested there, and they were never the more in a Condition of meeting for all this.

Here therefore a Remedy was provided by the Council of *Basil*; (the first *General Council* that ever did provide any *Remedy* for it,) and which this Author therefore should, by all means, have found out to have been received in Our *Church*: For by the *Canon* of that *Council*, not only the *Archbishop* was punishable in Case of a Neglect to hold his *Synod* once in three Years; but the *Bishops* of the *Province* were enabled to meet without him; and to *Assemble* together whether he would or no. Now this indeed gave them a *Right* to Demand a *Synod*; in the *Legal Propriety* of that Word: But 'till then, they had only a *Right of Petition*; a *Right* (if it must be so call'd) to *Admonish* their *Primate* of his *Duty*; and this being done, they must rest content, if he would not *Summon* them upon such their *Admonition*.

Sect. 15.

But be this also as it will: Our *Metropolitan* has no *Power*, and therefore to be sure, no *Obligation* to call his *Synod* at any time, but only when the *Prince* shall think fit to *Require*, (at least) to *Empower* him so to do. The *Prince*, by *Law*, (as far as yet it appears) is not determined to *Exercise* this *Power* at any certain Times, but is left to his Discretion, to *Require*, or *Suspend* their *Meeting*, as he shall think fit. And therefore to turn his own Reflection upon himself, 'till the *Obligation* of the *Prince* shall be shewn, to *Call* our *Convocations* at some certain Seasons; and to permit them to sit, whether he approves or not of it; One good Reason which may move the *Superior* (in this Case) to *Refuse* to let them meet, may be, that his *Right* of hindring it, is *Question'd*; and he is openly charged with *Abusing* his *Prerogative*, by his past *Prorogations* of them. What Influence such a Consideration may chance to have upon his Majesty, I shall not presume to Conjecture; but sure I am the Matter is now brought to such an Issue, that he must resolve either to *Assert*, or to give up his *Prerogative* in this Particular. Nor do I see how he can possibly allow our *Convocations* to *Meet* after the manner that this *Author* requires, or rather Challenges him to do; until it be determined whether he has or has not, a *Legal Power* to *Assemble* and *Prorogue* them at his *Own Pleasure*: And when that is done, we shall be able, on both sides, the more surely to Judge; this *Author*, what *Legal Right* the *Clergy* have, in his free way of Speech, to DEMAND such a *Meeting*; I, what *Power* the *King* has, by *Law*, to *Refuse* it.

Sect. 16.

I should now have done with what relates to the *Meeting* of our *Convocations*, but there is one singular Consideration made Use of by him, to induce his Majesty to Consent to their *Assembling*, which ought not by any means to be passed by: The *Scotch Kirk*, He says, have been allow'd the *Liberty* of *Assembling*: Nor have those of the *Presbyterial* and *Congregational Way*, been less indulged at home. Nay, the *Privilege* we Claim, is not deny'd to any the most Wild and Extravagant *Sect* among Us. Even *Quakers* themselves have their *Annual Meetings* for *Ecclesiastical Affairs*, and are KNOWN to have, and ALLOWED to hold them.

¹ Rights, &c. p. 25. &c.

To say nothing of those abroad, who have their *Own Laws*, and *Act* under the *Power* of the *Civil Magistrate*, by virtue of them. Does this Gentleman, in good earnest, believe what he here so confidently affirms, that the *Presbyterians*, *Independants*, and *Quakers*, have had the *King's Writ*, or Otherwise been *Legally Empowered* by the *Government*, to hold (as he calls them) their *Convocations*? Or does he hope, by a disingenuous Representation of the Case, to make some unwary People believe that they have? This must be his meaning, or he must mean nothing at all in what he says: There being nothing more extravagant, then to Argue in this Case, upon the true state of the Matter; that the *Dissenters*, against *Law*, without either the *Leave*, or *Approbation*; probably, without the Knowledge of the *King*, have held their *Conventicles* (for I will not so far debase a Word, that has been applied to a *Legal Purpose*, as to call them *Convocations*) Therefore the *King* has no *Right* in *Law* to hinder our *Bishops* and *Clergy* from holding their *Synods*; or, at least, if he has, he ought not to make use of it.

Had indeed our *Royal Sovereign* indulged the *Dissenters* in this particular; as this Gentleman's Expressions plainly Charge him to have done; and yet, at the same time, after having been suitably Applied unto, and desired to permit the *Establish'd Church* to hold her *Synods*, had *Refused* her the *Liberty* so to do; I confess there might have been a just *Ground of Complaint*; that such *Sectaries* should be *Countenanced*, and *Licensed* by the King, to *Meet* against *Law*, (if yet the King has *Power* so to *License* Them) and the *National Church*, at the same time, be denied to *Assemble* according to *Law*. But when neither of these is true; when neither have the *One* been indulged in any such *Assemblies*, nor the *Other* been *refused* them; when it is certain the King has neither *Given* any *Tolerati-on*, to this Effect, to Them; nor, does it appear, that he has ever *Refused* any such *Liberty* to Us; to Represent these *Illegal Meetings*, as the *Acts* of the *Go-vernment*, at least as the Result of its *Indulgence* towards them; and there-upon to *Complain* as if we had been *deny'd*, what they have been *favour'd* in; this, is, in my Apprehension, to *Libel* the *Government*; to *Affront* the *Prince*; and *Impeach* his *Justice*, under a pretence of *bespeaking* his *Favour*.

But, 3dly, From that part of our *Author's Discourse* upon this Subject, which relates to the *Meeting* of the *Provincial Synods*, let us go on, to another, and of a more considerable Importance; that which concerns, the *Members* of which those *Synods* were anciently wont to be, and are, at this day, *Composed* among us. And here I do not deny but that the *Presbyters* were, from the beginning, permitted to be present at the *Conciliary Assemblies* of the *Church*. That they were oftentimes *Consulted* with by the *Bishops*; and had their *Advice*, and *O-pinions* taken, in such matters as were *Debated* in them: Or that, lastly, in *Testi-mony* of their *Concurrence* with, or at least, *Submission* to, what was done there, they sometimes *Subscribed*, after the *Bishops*, to the *Acts* of them. All this not on-ly the *Presbyters*, but the *Deacons* too, have been allow'd; to say nothing of the *Laity*, who were sometimes indulged the same *Liberty*. In the ¹ *Synod* of *Rome*, against *Novatus*, besides *Sixty Bishops*, a greater number of *Presbyters*, and *Deacons*, were *Assembled*. In that ² of *Carthage*, about *Re-baptizing* of *Hereticks*, Anno ² *Apud S. Cy-256*. the *Provincial Bishops* met, together with the *Presbyters* and *Deacons*, *presente priam. p. 229. etiam Plebis maximâ parte*: In the ³ *Council* of *Antioch* against *Paulus Samosetanus*; all these were not only present, but, after the *Pattern*, of the *Synod* of *Jerusalem*; they joyned in the *Synodical Epistle*, which was sent abroad, to the *Bishops* of *Rome* and *Alexandria* first, and then to all other *Parts*. In the ⁴ *Council* of *Eli-beris*, besides the *Bishops* and *Presbyters*, the *Deacons*, and *People* were present: In that ⁵ of *Rome*, under *Pope Hilarus*, the *Bishops* and *Presbyters* *sate*, and the *Dea-cons* *stood*: In the ⁶ first, of the same place, under *Pope Symmachus*, the *Presbyters*, and *Deacons* were not only present, but *subscribed*, together with the *Bishops*: And several other Instances might be alledged of the same kind.

Sect. 17.

¹ Euseb. Hist. Eccles. Lib. 6. Cap. 43.
² Apud S. Cy-rian. p. 229.
³ Euseb. Hist. Eccles. Lib. 7. Cap. 30.
⁴ Concil. Lib. Tom. 1. p. 969.
⁵ C. T. 4. col. 1060.
⁶ Ibid. T. 4. col. 1315.

But this is not that which either this *Author* Affirms, or I Deny: The Point in which I look upon him to have had less Regard to the *Rights* of the *Episcopacy*, than a *Divine* of the *Church of England* ought to have had, and upon which there-fore I must take the *Liberty* to Assert its *Prerogative*, in this Case, is; Whe-ther *Presbyters* have an *Equal Right* of *Authority*, in *Provincial Synods*, with the *Bishops*; and whether this is verified by the *Canons*, or *Practice*, of the *Ancient Church*? Both which he is pleased to affirm; And in both which I conceive he is mistaken. His Words are these: ¹ "The *Authoritative* part of these *Meetings*, were composed of the *Bishops* and *Presbyters*: Before whom the *Deacons*, and the *People* stood, being little more than *Witnesses* of what passed at the *Synod*. ² "Some of the *Presbyters* the *Bishops* were *Obliged* to carry along with them to the *Council* of the *Province*; and there, I say, they *sate*, *deliberated*, and vo-^{ted}, upon all matters that came before the *Assembly*. And even, in *General Councils* (he tells us) that the *Bishops* "were deputed thither by *Provincial Synods*, and brought along with them the *Resolution*, and *Consent* of the several *Churches* from whence they came; and the *Presbyters* therefore, having *Voices* "in these *Lesser Synods*, their *Consent* also was in the *Definitions* of the *Greater*, pre-^{sumed}, and included.

Sect. 18.

¹ Rights, &c. p. 5.
² Ibid. p. 6.

And lastly; he alledges, and approves of the *Resolution* of some of our first *Reformers*, which, ² he says, "allow'd them not only a *Consultative*, but *Decisive* ^{Vote} also, in *Synods*; and that derived from *Primitive Practice*.

Ibid. p. 15.

Here

Here therefore is the *Point*, which, in *Defence* of the *Rights* of that *Venerable Order*, I shall beg leave, tho' foreign to my own *Business* (as in truth the whole *Chapter* is) with some *Care* to *Examine*: And if from the *Authentick Records*, and *Histories* of the *Primitive times*, I can make it appear, that neither by the *Canons* of the *Ancient Church*; nor by the *Practice* of it upon those *Canons*; the *Presbyters* had any such *Privilege* allow'd to them, as he pretends; If the *Bishops* only were, *Ordinarily*, *Summon'd* to these *Councils*, and *Acted*, *Authoritatively* in them; so that the *Presbyters*, had no *Prerogative* above the *Deacons*, and *Laiety*, as to the *Decisive part*, of what pass'd there, in the *times* of which he speaks: If lastly, the *Change* that has been made, in this *Respect*, was an *Encroachment* of *Latter Ages*; begun by the *Abbots*, and *Priors* first; Carried on by the *Dignitaries* of the *Cathedrals*, and *Diocesses*; and so, last of all, obtain'd by the *Rectors* of *Parochial Churches*; then it will follow, that this *Gentleman* has here again not only imposed upon his *Reader*, but injured that *Venerable Order* too; and given a fresh instance of what a then *Learn'd Presbyter*, afterwards an *Eminent Prelate* of our *Church*, observed upon this very *Occasion*;

* Bp. Taylour
Episcopacy as-
serted. Sect.
41. Bishops
only did Vote
in Councils,
and neither
Presbyters nor
People.

" At first (says he) even *Provincial Synods* were only held by *Bishops*, and *Presbyters* had no *Interest* in the *Decision*: However we have, of late, sate so near *Bishops* in *Provincial Assemblies*, that we have SATe UPON THE BISHOPS SKIRTS. But my Lords the *Bishops* have a *Concerning Interest* in this; To them I leave it.

To begin with the *Canons* of the *Church*: The 37th of the *Apostles*; the first that determined the *Yearly Assembling* of *Provincial Synods*, directly calls them *Synods of Bishops*; and directs that they should ἀλλήλους, among themselves, *Judge* of the *Doctrine* of *Religion*, and determine such incidental *Controversies*, as related to *Ecclesiastical Matters*. And the *Greek Canonists*, in the same *Language*, Expound the *Sense* of it; that for these *Reasons* it seem'd necessary ἵνα ἐπισκοπῶν ἐκαστος ἐνορίας ᾤκησιν; for the *Bishops* of every *Province* to meet together. Not a *Word* either in the *Canon*, or *Comment*, of the *Presbyters* either *Coming*, or *Judging* with them.

* Concil. Ni-
cen. Can. 5.

This *Canon* thus passed before the *Empire* became *Christian*, was *Confirmed* by the 2^d *first General Council* that was held after: That every *Year*, in every *Province*, *Synods* should be held, ἵνα κοινῇ πάλιν τῶν ἘΠΙΣΚΟΠΩΝ ἐπὶ τῷ αὐτῷ ᾤκησιν, That so the *BISHOPS* of every *Province* being gathered together, the *Causes*, of which the *Canon* speaks, might be *Examined* by them. And the *Canonists* here again talk of the *BISHOPS* coming together, to their *Primate*; That by the *Sentence* of all the *BISHOPS* of the *Province*, every *Ecclesiastical Controversy* might be *Ended*; but of the *Presbyters*, either *Coming*, or *Acting*, not one *Word*.

* Concil. An-
tioch. Can. 20.
Vid. Com-
ment. Grac.

But the 3^d *Council* of *Antioch* (the next in *Order*) speaks, if possible, yet more fully to the same purpose. It determines, Συνόδους τῶν ἘΠΙΣΚΟΠΩΝ γίνεσθαι, that there should be "*Synods* of the *Bishops* held in every *Province*; the *Metropolitan* admonishing his *Suffragans* to *Come* to it. That so, says the *Canon*, the *Presbyters*, and *Deacons*, and all *Others*, who think themselves to have been *injured*, may come to the *Synod*, and have their *Causes* heard, and judged by it. This was the *End* for which the *Presbyters* were then allow'd to *Come* to these *Assemblies*; not to *Judge*, but to be *Judged*; not to *Sit* with the *Bishops* in them, but to bring their *Causes*, if they had any, before them.

* Concil. Chal-
ced. Can. 19.

But yet notwithstanding all these *Orders*, these *Provincial Synods*, ᾤκησιν τῶν ἘΠΙΣΚΟΠΩΝ, soon grew into *disuse*. To *Revive* them therefore, and cause them to be more punctually observed; 4th the *Fourth General Council*, Renew'd the *Decrees* which had before been made concerning them. It order'd ἵνα ἑπισκοποῦνται, the *Bishops*, twice in the *Year* to come together; And commanded ἵνα μὴ ᾤκησιν τῶν ἘΠΙΣΚΟΠΩΝ, the *Bishops* that came not, to be punished.

* Concil. in
Trull. Can. 8.
Concil. 7. Can.
6.

The same is the *Language* of the 5th *sixth* and *seventh* *general Councils*, where they speak of these *Meetings*. They are still the ΠΡΟΕΔΡΟΙ, and the ἘΠΙΣΚΟΠΟΙ, and the ἈΡΧΙΕΡΕΙΣ, that are to come together; the *Meetings* themselves are called ᾤκησιν τῶν ἘΠΙΣΚΟΠΩΝ and Συνελεύσεις τῶν ἘΠΙΣΚΟΠΩΝ, *Synods*, and *Conventions* of the *Bishops*. But neither in the *Canons*, or their *Comments*, is there any thing to persuade us that the *Presbyters* had any *Authoritative Concern* in them.

* Novell. 123.
C. 10.

And as this was the *Language* of the *Canons* of the *Church* with relation to these *Assemblies*; so was it that of the *Laws* too by which they were enforced. We *Command*, says the *Emperour*, 6th the most blessed *Archbishop*, once or twice in every *Year*, to call before him ἵνα ὁσιωσῶνται ἘΠΙΣΚΟΠΟΙ, the most holy *Bishops*. And

in another Law, he calls them Συνοδοὶ τῶν ἑπισκόπων *ΕΠΙΣΚΟΠΩΝ*, Synods of the most holy Bishops: And Commands that such as were Ordain'd immediately by the Patriarchs, and had not a Right to Ordain Others, should Appear before them; and that such as were Ordain'd by the Metropolitans, should Come before them.

This was the Language of the Greek Church; and the same is the Account which the Latin Codes give us of these Assemblies. ² Martin of Braga, thus renders the Canon of the Council of Antioch: "That the Metropolitan should Call together all the Bishops of his Province; and that all the Presbyters, and Deacons, or such of them as thought they had any Injury done them, should Come to the Council; that so their Causes being Examined in the Council, they might be brought to a just Determination.

The same is the Language of the ancient Collector published by ³ D'Achery in his Account of this Canon; and what kind of Persons he supposed these Synods to have been formerly Composed of, ⁴ his own Account of them in the beginning of his Collection, sufficiently shews.

Pope ⁵ Leo the First, in his Epistle to the Bishops of Thessalonica, calls them Concilia EPISCOPALIA: The ⁶ Ancient Code of the Roman Church, Stiles them in like manner EPISCOPORUM Concilia: It speaks of the BISHOPS Coming together out of every Province; and appoints ⁷ that the BISHOPS of every Province, should Come together, twice every Year, where the Metropolitan Bishop should appoint; and Correct all things that should arise to be Amended.

And now, can it reasonably be so supposed, that if the Presbyters, in those times, had been allow'd an Equal Right of Meeting, Debating, and Determining, in these Church-Assemblies, with the Bishops themselves (as this Author is pleas'd to Assert) we should have had no hint, no intimation given of it, in all these Canons, for almost Eight hundred years together? That no Directions should have been Established, for their bringing such a certain number of their Presbyters along with them; had they been indeed Obliged, as he, again, pretends, to Carry them to the Synod of the Province? That these are the Chief, if not the Only Canons, that could have Obliged them to do this, during the Period before-mentioned, is certain; because they are the Chief, if not Only Canons, by virtue of which these Provincial Synods were Anciently Established. Yet, in all these, not a Syllable is to be found of any Right in the Presbyters to Come to them; of any Obligation in the Bishops to bring them thither.

But it may be, the Practice of the Church may have given some Right in this particular, which 'tis evident the Canons of it, did not. Let us therefore Enquire how that stood, during these times in all the several parts of the World, into which the Church was dispers'd; in the East, the South, and the West; and see what Persons were Called to these Assemblies in the Greek, the African, and the European Councils heretofore.

(1.) Among those of the Eastern Church, as the most Ancient of which we have any Notices remaining, were the Synods which Eusebius tells us were Assembled upon the Account of the Paschal Controversy, so the Character he gives of them, in General; is this; that ⁸ Synods and Assemblies of Bishops were held about it. And those which he particularly takes notice of, Confirm this Character; as is plain both from what himself tells us of them; and from what the Synodical Book delivers concerning them.

In those of Palestine ⁹ Theophilus Bishop of Casarea, and Narcissus Bishop of Jerusalem, presided; and the One consisted of Twelve, the Other of Fourteen Bishops, Assembled for that Debate.

In that ¹⁰ of Pontus; Palma, with Fourteen other Bishops met: In that of Osroene, Eighteen Bishops Assembled: In that of Corynth, Bacchillus, and Eighteen other Bishops were Convened.

These are the Synods of which Eusebius speaks; and in all these we find no Presbyters Called; none but Bishops that either Sat, or Acted, in them.

I might to these add those other ¹¹ Synods, which we are told met in the Greek Church about the same time; at Hierapolis; in Asia; in Mesopotamia; in Other Places: And, in which, again, we meet with no Account of any but Bishops that were Assembled in them. But I shall rather go on to another great Dispute that happen'd in the Church, about the Baptism of Hereticks; and concerning which, several Synods, in all parts, were Convened.

¹ Novel 137.

² Append. ad

Justel Tom. i.

p. 18. Comp.

Cod. Eccles.

Roman. apud

Leon. M. Edit.

Quesnel.

Tom. 2. p. 231.

³ Spicil. g. T.

11. Lib. 2.

c. 48.

⁴ Præf. l. i.

p. 10. Ipsa

Canonum de-

creta præcipi-

unt ut bis in

Anno per sin-

gulas Provin-

cias EPISCO-

PORUM ce-

lebretur Con-

cilium; & ple-

nariam Syno-

dum dicunt

esse ubi cum

suis Diacessa-

nis, Metropoli-

tanus fuerit

Episcopus.

⁵ Opp. Leon.

M. Tom. 1.

Epist. 12. c. 7.

⁶ Codex Eccl.

Rom. Ibid.

Tom. 2. cap. 9.

p. 23.

⁷ Ib. E. Concil.

Chalced. cap.

19. P. 3.

Seft. 21.

⁸ Συνοδοὶ δὲ

καὶ Συνεστυ-

σεως ἑπισκό-

πων ἐπὶ ταύ-

τῶν ἐκείνων.

⁹ Hist. Eccles.

Lib. 5. c. 22.

¹⁰ Euseb. Ibid.

Concil. Tom.

1. col. 600, 601.

¹¹ Ib. Add Eu-

seb. cap. 25.

¹² Conc. Labbe

Tom. 1. col.

597, &c. Eu-

seb. Hist. Eccl.

Lib. 6. cap. 46.

¹ Hist. Eccles. Lib. 7. c. 5. Now of these ¹ *Eusebius* gives us the same general Account that he had done of the foregoing; he calls them the *Synods of Bishops*; and that not from himself, but from the *Letter of Dionysius Bishop of Alexandria*, who lived at the same time, and therefore must be presumed to have spoken according to the *Discipline* of it. Of these ² he elsewhere mentions two, which had met upon this *Occasion*; he calls them the *Synods of his Brethren*; and whom he meant by that, the other part of his Sentence shews, that they were the *Bishops of those Churches* which Assembled together for that purpose.

¹ Lib. 7. c. 7.
Comp Epist.
Firmilian. ad
Cyprian.

³ Concil. Labb.
Tom. 1. Col.
1494. D.

⁴ Vid. Epist.
Alexandr.

Tom. 1. Opp
Athan. p. 296.

⁵ Athanas. Opp
Tom. 1. p. 125.

175, 898, &c.

Hilar. de Sy-
nod. adv. Ari-

an. p. 358, 366,
367, 381. Frag-

menta. 465,
479, 481, &c.

Socrat. Lib. 2.
Hist. Eccles. c. 29.

39. Lib. 3. c. 7,
9, &c.

Sozom. Hist.
Eccles. p. 437,

501, 573, 612,
&c.

⁶ Apud Leon.
M. Vol. 2. c. 4.

p. 46.

⁷ Apud Leon.
M. ib. Tom. 2.

Et Concil. Labb.
Tom. 2. col.

413.

Seft. 22.

⁸ Vid. Epist. ad
Quintum. n.

71. Jubaianum.

n. 73. Coreli-

um. B. 57, &c.

⁹ Vid. Epist.
Synod. 57, 64,

67, 70, &c.

¹⁰ Opp. Leon.
M. Tom. 2.

p. 35, 42, 52,
55, 59, 64, 75.

¹¹ Conc. Labb.
Tom. 2. col.

713.

¹² Ib. col. 1159,

1163. cap. 13.

¹³ Ib. col. 1167.

cap. ult.

¹⁴ Ib. col. 1198.

1208.

¹⁵ Ib. col. 1215.

1218.

¹⁶ Ib. col. 1519.

¹⁷ Ib. col. 1533.

¹⁸ Ib. col. 1538.

1544.

¹⁹ Vid. Præfat.

Justell. ad Cod.

Eccles. Afric.

can.

If from these we proceed to the *Synods* held about the *Arian Controversy*; we shall find those also to have been of the like kind. Of the *Bishops* which met, we have an ample account; but of any *Presbyters* that *Sate*, and *Voted* with them, not the least tittle is remembred.

To the ³ *Council of Alexandria* about the year 320, the *Bishops of Lybia, Pentapolis, &c.* Subscribed. The Assembly consisted of near *One hundred Bishops*: ⁴ Nor had the *Presbyters* any thing to do in it, but only to *Subscribe*, with the *Deacons*, to what their *Bishops* had done, as soon as they were required by their *Metropolitan* so to do.

In all the following ⁵ *Synods*, of which either *Athanasius*, or *Hilary*; *Socrates*, *Sozomen*, or any other of the *Historians* of those times, take notice, the Account is still the same. They are *Synods of Bishops*; that is their *Title*: Nor is there, that I know of, so much as one single Instance where any *Others* have *Sate*, and *Acted Authoritatively*, with them.

It would be too long to take a particular View of this matter in all the several *Councils*, whose *Acts* remain to us: I shall therefore Conclude what I am Observing, with relation to the *Eastern Synods*, with those whose *Canons* have been received into our *Own Greek Code*; and which may therefore deserve to be especially considered upon this *Occasion*.

The *Synod of Ancyra* is the first of these: It consisted (as we are told) of *Eighteen Bishops*; but that any *Presbyters* were present, and *Voted* in it, we have no intimation.

Of the ⁶ *Synod of Casarea* the same Year, the ancient *Code of the Roman Church* tells us, that the *Holy and Venerable BISHOPS* being gathered together, *Established* the *Canons*, which we have of it.

Of that of ⁷ *Laodicea*, the *Inscription* says, that the *Canons* were made by the *Holy and Blessed Fathers*, *Assembled at it*: And lastly, for that of *Gangra*; the *Preface* expressly calls it, the most *Holy Synod of Bishops*.

(2.) Such were the *Councils of the Greek Church*, nor were those of the *African* any *Other*. Let me for this appeal to an unquestionable Authority, that of *St. Cyprian*, whose *Synodical Epistles* of the several *Synods* of that Country; as well of those which were held ⁸ before his time, as of those under ⁹ his Government, are still *Extant*; and in none any mention of any others, besides *Bishops*, that *Decided* in them. And tho' from the *Acts* of the *Synod of Carthage*, published with his Works, it appears, that not only the *Presbyters*, but the *Deacons* and *Laity*, were present, yet from the same *Acts* it is evident that the *Bishops* only *Voted*; and by their *Voting*, determined what was to be *Concluded* in the *Affairs* for which they had been Assembled.

The same was the Case of all the *Other Councils* of that Country which follow'd after; and of which, a large Collection is made in the ¹⁰ *Code of the Roman Church*: And tho' in some of Them the *Deacons* are mention'd to have stood by, yet both the *Characters of the Synods*, and the *Persons* who are reported to have acted in them, shew, that the *Bishops* only defined; nor do's it appear that the *Presbyters* had any thing to do in them.

Let me, to these, add the *Acts* of the ¹¹ *First Council of Carthage*, under *Gratus*, *Bishop* of that See, Anno. 348. Of the *Second* under ¹² *Genedius*, Anno 397. Of the ¹³ *Third*, ¹⁴ *Fourth* and ¹⁵ *Fifth* under *Aurelius*; and in most of which, tho' the *Deacons* again attended, yet so plain it is, that only the *Bishops* Defined; that nothing can (I think) be reasonably excepted against it.

It would be too long to insist upon the rest of the *African Synods*, in which the same Method was held; as that of ¹⁶ *Cirta* against the *Donatists*: That of ¹⁷ *Carthage* against the *Pelagians*: That of ¹⁸ *Milevis* in the Cause of *Cælestius*. It may suffice to Observe that the same Authority ran thro' all of them: ¹⁹ The *Deacons* (and perhaps the *Presbyters* and *Laity* too, were present;) but the *Bishops*

shaps alone acted as the proper Members of the Synod, and Concluded what was to be done in them.

(3.) To come therefore to our *Western Churches*, and enquire how far they Observed the same Discipline. Sect. 23.

In the Churches of Spain, the Council of Illiberis, the First of that Country, has been thought to favour the pretended Right of the Presbyters in this Particular. And indeed, we are told, that not only They, but the Deacons and Laity too were present at it: And in an old Manuscript it is said, that they Subscribed also to the Acts of it. But then it must be Observed, that when all is done; 'tis expressly deliver'd, That *Episcopi dixerunt*; the Bishops spake; They agreed upon the Canons; nor are any of the rest so much as pretended to have had a hand either in the Making, or Voting, of them.

From this Council Downward, it has been observed by One who was the best Qualified of any to judge of it, the late *Illustrious Editor* of the *Spanish Councils*,¹ that we shall hardly find any Presbyters so much as present in any of their Synods, unless it were by way of Proxy for some Absent Bishops; and therefore we may safely conclude that they were not look'd upon to have been any Authoritative Members of them. And indeed so true is his Remark, that before the Fourth Council of Toledo, Anno 633, there is not above Two or Three Instances at the most, of their Presence; and not One of their Acting concurrently with the Bishops in those Assemblies.

In the First² Council of Toledo, besides the Bishops, 'tis expressly noted that the Presbyters, Deacons, and Others, were admitted to be present: But that they did any thing there, it is not say'd; and both the Acts and Subscriptions shew that they did not.

The same was the Case in the³ First Council of Braga, Anno 561. Yet in the Acts of the Second Synod of that Place, 'tis expressly called a Council of Bishops; and indeed with very just Reason, for none but Bishops did Define in it. And tho' of this Second Council, of Braga, 'tis said that it was held by the Bishops, *universo Clero presente*; yet in the Acts of it, only the Bishops Decree; in the Conclusion, only the Bishops Subscribe to what had been Decreed.

From the time of this Council, we meet not with any Mention of the Presbyters being present in the Provincial Synods of this Country, before the Fourth Council of Toledo: And this presumption there is, to warrant us to Conclude that they were not called to them; that the⁵ Third Synod of that Place, Reforming the Provincial Canons, which requir'd such Councils to be held twice every Year; Decreed, that in respect of the Poverty of the Churches of Spain, and the Length of the Way, the Bishops should be assembled but Once in the Year, to the Place which the Metropolitan should chuse for that purpose.

Indeed in the⁶ Fourth Council of Toledo, where a Form was settled for the manner of holding of Synods in Spain; a Provision was made for seating of the Presbyters in them: And this may be thought to imply a Right in them to be present at such Assemblies. But then so there is for the Deacons, and Laity too: Nor could the One claim any Right by Vertue of this Canon, which the Other might not have done; except this only, that the Presbyters were allow'd to sit behind the Bishops, whilst the other were required to stand. But for their Defining or Voting in such Synods, the Canon says not one Word of it, but rather intimates the Contrary; where it requires the Bishops (not Presbyters) at the Close of the Council to subscribe, to what by Common Deliberation, (no doubt of the same Bishops) should be Defined.

And accordingly, notwithstanding this Canon, yet we hear no more of the Presbyters in these Councils afterwards, nay, nor even so much as we did before. 'Tis true, about Twenty Years after, in the 8th Council of the same Place, we meet with some Change in the Members of their larger Synods; for now the Abbots began to be taken into them, and to subscribe with the Bishops, to the Acts of them: And which is yet more to be Observed, some of the more Eminent of the Laity, both assented and subscribed with them. This was the Case of the 8th, 9th, 11th, 13th, 15th and 16th Councils of Toledo: And yet in none of these, do we find that any meer Presbyters either Acted or Subscribed.

In the⁷ Provincial Council of Merida, Anno, 669; several Canons were pass'd concerning Provincial Synods: That no absent Bishop should make a Deacon his Proxy, but either the Arch-Presbyter, or some useful Presbyter at the Least.

¹ Can. v. lb,

² Ibid.

Sec. 14.

³ Rights, &c.
p. 8, 9.

⁴ Concil. Tar-
racon. Tom. ii.
pag. 237.
Comp. the An-
cient Collection
of D' Achery
Spicileg. T. xi:
lib. ii. cap. 52.

⁵ Augustin.
lib. ii. contr.
Pesilian. c. 92.
Lib. de Unitat.
Eccles. cap. 18.
Idem. l. i.
cont. Parmen.
c. 6 Epist. 68.
162. 165. 166.
167. 171.

the 5th. That if any *Bishop* could not come to the *Synod*, he should signify by his Letter to the *Metropolitan*, the Cause of his Absence. Canon the 6th: But especially Canon the 7th, That if any *Bishop* being Admonished by his *Metropolitan*, with the *King's Consent*, (which the Canon expressly requires) should neglect to come, he should undergo such Censure as the Canon there directs, for his Neglect; but neither is there here any Provision made for the Summons, or Attendance of the *Presbyters*; nor, tho' present at this very *Synod*, did they Act with the *Bishops* in it. ¹ On the contrary, there is this Presumption, that they were not allow'd any other Privilege, but to complain in case of any Grievance, or to Answer to any Complaints made against them; or, at most, to Advise the *Bishops* if any Difficulty arose in which they thought fit to Consult them; that even the *Priests*, who were order'd to come as *Proxies* for their *Bishops*, were allow'd to do no more than ² scire, & subscribe, to know, and to subscribe to what should be done in the Council; and we cannot imagine that the *Presbyters* themselves were allowed more in their Own Right, than they were permitted to do in Right of their *Bishops*.

And now it will be no hard matter to account for the Canon of that Council of *Tarragon*, which has been alledged, and that in my Apprehension, a little unfairly, to countenance the right of the *Presbyters* to Sit, and Act in these kind of *Synods*: For that is the End, for which (as we have seen) this ³ Author requires their presence in them. In a Spanish Council at *Taragon*, says he, we find it particularly provided, That the *Bishops* should bring along with them to these *Synods*, *Presbyters*, from their Cathedral Churches; and from the Other Churches of their *Dioceses*. But why has this Gentleman left out the *Laity* too; who, by the same Canon, were Ordered to be brought, as well as the *Presbyters*, to the *Synod*? They stood as plain before him both in the Title, and in the Canon itself, as the *Presbyters*: And I cannot see but that they were Order'd to be brought for the self same purpose that the *Presbyters* themselves were. Let us take then this Constitution, not as this Author has Represented it, but as those Fathers pass'd it. The Inscription of it is this: ⁴ That the *Bishop*, by his Letters, should Summon the *Diocesan Presbyters*, and some of the *Laity* to come to the *Synod*. The Canon is to the same effect: That such Letters should be directed by the *Bishops*, from the *Metropolitan*, that they may carry with them, not only some of the *Presbyters* of their Cathedral Church, but also of their *Diocese*; and that they should bring some also of the *Secular Sons* of the Church along with them.

This is the Constitution: The *Bishops* are Order'd to bring such select *Presbyters* and *Laymen* to the *Synod*, as the *Metropolitan* should direct: But for what End they should bring them, that the Canon says not; nor will this Gentleman, I dare say, affirm, that it was to Act Authoritatively with the *Bishops* in their Council, however he may have designed, and 'tis plain, did intend, that it should have been so understood.

If from the Church of Spain we pass on to those of France and Germany; we shall find the same Discipline observed in them as to this Matter. 'Tis true, in the Subscriptions to the Great Council of *Arles*, we meet with *Presbyters* as well as *Bishops*, but so we do with *Deacons* too; nay, and even with *Readers* and *Exorcists*, accompanying the *Bishops* in their Assent to what had been done in it. And this is sufficient to assure us, that from these no Argument can be drawn, to prove any Authoritative Right of Acting on behalf of the *Presbyters*, in those Assemblies. But that the Power of this *Synod* was lodged solely in the *Bishops*, both the desire of the *Donatists*, at whose importunity it was called, shews; and the Accounts which the Antient Fathers, and St. *Augustin* in particular, have given Us of it, will not suffer us to Doubt.

The Cause of the *Donatists*, and their Pretences against *Cæcilian*, had already been heard, and (would they have been satisfied with any Judgment that went against them) had been decided too, in the *Synod* of *Rome*: But they were angry at the Sentence, and they desir'd another Hearing; and upon that, the Emperor agreed that this *Synod* should meet in Answer to their Desires. Now the Judgment which they appealed to, was an ⁵ EPISCOPAL Judgment; and such a One *Constantine* consented to give them; so St. *Augustin* tells us: He calls it another EPISCOPAL Judgment, a Judgment of other BISHOPS; and by so doing, sufficiently shews, of what Persons the Council of *Arles* was Composed, at least, who they were that Judged and Acted authoritatively in it.

As

As this Synod began, so those which follow'd after continued to Meet and Act after the same Method. To pass by those of a more early Date; the ¹ Council of Riez, Anno 439, is One of the First that, I conceive, provided by a ¹ Concil. Lab. Tom. iii. Col. 1285. Canonical Order for the constant Meeting of Yearly Synods in this Country. Of what Persons those Assemblies should consist, the Canon of that Synod does not particularly determine; but it refers to the Other Canons which did, and Defines after their Pattern: And the Synod it self consisted wholly of Bishops, excepting only one Presbyter, deputed by the Bishop of Constance; who, with the rest in his stead, alone subscribed to the Acts of it. The same was the Case of the ² First Council of Orange, in which the like Care was taken for the Yearly meeting of their Provincial Synods; and there again One only Presbyter is mentioned as either present at it, or subscribing to it; and that in the Name, and by the Authority of his Bishop, for whom he acted in it. ² Concil. A. rausic. l. 1b. Col. 1452.

In these two Synods, the famous Hilary, Bishop of Arles, appears First among the Subscriptions, as Casarius, Bishop of the same Place, does in the next which I shall mention, that of Agde; ³ and in which, tho' we meet both with Presbyters and Deacons, yet were they neither of them there in their Own Right; but deputed by their Bishops to Appear, and Act, on their behalf. ³ Ibid. Tom. iv. Col. 1394. 1395.

Thus stood this Discipline in these Parts for about Seven hundred Years after Christ; nor have I observed in all that time, any thing that seems to Countenance the Pretence now advanced in behalf of the Presbytery.

Indeed, about Forty Years after, Karloman being desirous to Reform the Discipline of the Churches under his Command; called, together with his Bishops, their Presbyters too, to Advise and Assist him in what was to be done: And by their Advice, Published those Decrees which we now see among the Capitulars of the French Kings. The same was the Case of the ⁴ Synod of Soissons, about two Years after: But then how far these are to be look'd upon, to be properly Ecclesiastical Synods, in which not only the Bishops and Presbyters, but the Prince and his Lords sat, and agreed too; may, I think, very justly be Question'd. That which seems to weigh more in this Case, is the ⁵ Canon of the Synod of Vernis; where determining that two Councils should be held every Year, it says that the Second of these should consist of such Bishops as had been before Established in the Place of Metropolitans, and of such other Bishops, Abbots, and Presbyters, as the Metropolitans should Command to come to them. ⁴ Capit. Tom. i. Col. 144. 146. ⁵ Ibid. Col. 155.

When afterwards Charles the Great, in order to a General Reformation of his Dominions, Commanded his Clergy to Assemble in several Synods, and consider of such Matters as seem'd necessary to be Reform'd, and to lay them before Him; We find in One of them, that of ⁶ Challons, Abbots as well as Bishops: ⁶ In Three of the other Four, not only the Abbots but Clergy, to have assisted. And yet when the ⁷ Council of Paris, took care expressly to Revive the Yearly Provincial Synods; the Fathers not only called them, according to the Antient Phrase, Synods of Bishops; but spake of the Presbyters and Deacons, as Persons who, if they were injured, were to appear before these Councils, but say nothing of any Right which they had to Vote in them. ⁷ Concil. lab. Tom. vii. Col. 1272. ⁸ Tours lb. col. 1261. Rhems col. 1254. Mentz. col. 1240. ⁹ Ibid. col. 1617.

In the mean time this is plain, That for the First 700 Years, the Bishops only were either Summon'd to, or Acted Authoritatively in these Assemblies; and that the Admission of others, whenever it came in, must therefore have been a Deviation from the Antient Practice, which in these, as in all the Other Churches, was plainly against it.

As for the Custom of the ¹⁰ Italian Churches, in this matter; we are told by Eusebius, that in One of their First Councils, that of Rome against Novatus; there were present, besides LX Bishops, more than LX Presbyters and Deacons. But what they did, or how far they were allowed any Authority in that Meeting, he tells us not: Nor can we derive any Right from this Instance to the One, which will not equally belong to the Other. ¹⁰ Hist. Eccl. lib. vi. cap. 43.

The Account which ¹¹ St. Cyprian gives us of another Synod in the same City, and about the same time, is more plain: He tells us, That Cornelius, Bishop of that Place, having held a Council with many of his Fellow-Bishops; They all agreed to ¹¹ Ac si minus sufficiens Episcoporum in Africa nu-

merus Videbatur, etiam Romam super hac re scripsimus ad Cornelium Collegam nostrum; Qui & Ipse, cum plurimis Co-Episcopis habito Concilio, in Eandem Nobiscum sententiam, pari gravitate, & salubri moderatane Consensit. Cyprian. Epist. LV. Edit. Oxon.

what they of *Carthage* had determined concerning the admitting of those to Pen-
nance, who had fallen away in the Time of Persecution; which, it seems, was both
the Business and Occasion of that meeting.

¹ Athanas.
Opp. Tom. i.
Apol. contr. A-
rianos. p. 140.

² Concil. Lab.
Tom. ii. col.
886. 889.

Sozom. Hist. Ec-
cles. p. 546. 547.

Theodoret. Hist.
Eccl. lib. ii.

cap. 22.

Cassiodorus.

Hist. Tripart.

lib. v. c. 15.

³ Concil.

Tom. iv. col.

1064.

⁴ Ord. Rom.

Mabillon.

Mus. Tom.

ii. p. 393.

Corona facta de

sedibus Episco-

porum Presby-

teri a Tergo

eorum reside-

ant, Quos ta-

men sessuros

secum Metro-

politanus Ele-

gerit; qui uti-

que & cum eo

judicare ali-

quid, & Defi-

nire possunt.

⁵ Decret. iii.

tit. x. c. x.

Scet. 27.

But more full is the History of that Synod which met, in the Case of *Atha-*
nasius, and of which that ¹ Father has left us a particular Account. He tells
us that it consisted of more than Fifty Bishops, under *Julius*; who both heard
his Allegations, and Decreed to receive him into Communion, and Fellowship,
with them. The same was the Case of the other ² Synods both of *Rome* and *Mi-*
lan, on the Occasion of the same Controversy. They All consisted of the
Bishops of those parts; nor do we hear of any Presbyters who (in their own
Right) either Sate, or Acted with Authority in them.

Indeed in the next Century we find the Presbyters not only Sitting in the Synods
of this Country, but joyning with the Bishops in their Conciliary Acclamations; and
testifying their Consent to what was Ordained in them. Of this we have an
early Instance (and it is one of the first that I have observed) in the ³ Synod of
Rome under Pope *Hilarus*, Anno 465: Where, together with the Bishops there-
in Assembled, it is said, That all the Presbyters sate, and the Deacons stood behind
them; and the Bishops and Presbyters cried out, *These Things we confirm and Teach:*
These Things are to be held and Observed: These Things we desire may for ever be
kept. But then it must withal be remembred, that when the Synod proceeded to
give every One his distinct Definitive Judgment, only the Bishops Decreed, and
thereby, (I conceive) plainly shew'd, that the Authority of the Synod rested sole-
ly in them.

By what degrees the Presbyters came not only to be present, but
to be allow'd the Privilege of Defining in these Meetings, in the Ro-
man Church: I shall not now attempt, more particularly, to Enquire. That
in process of time, they were admitted, not only for Counsel, but Decision too,
the ⁴ Order of holding such Synods in the Roman Church, does plainly declare. I
will only observe, that even at the time when that Collection was made, (which
was near 1300 Years after Christ) they were not yet generally admitted either to
Sit, or Vote in Council. But the Metropolitan chose whom he thought fit for that
purpose; and they and no others, were priviledged to Judge and Define with
him.

Indeed as to the Proctors of the Cathedral Churches, Pope *Innocent* the Third,
had some time before determined, in the Case of the Archbishop of *Sens*, that
they were not only to be Invited to the Provincial Synods, but to be allow'd to
treat in them. The ⁵ Chapters of the Cathedral Churches of that Province had, it
seems, been called to the Provincial Synod, and yet when they came, had not been
admitted to Treat with the Bishops in it. The Pope therefore directed, that they
should not only be Invited to such Councils, but that being come, their Proctors
should be admitted to treat with the Archbishop and Bishops in them; especially,
says he, in such things as are known to Concern their Chapters.

This was the Case, and the Popes Decision upon it; and I have the rather ta-
ken this particular Notice of it, because the Author, against whom I am now
disputing, has indeed made a very Loose and imperfect Representation of it.
As for his *Latin* in the *Margent*, 'tis not the Pope's, but his Own Determination
upon the Case; neither the Title nor Rescript, have any such sentence: Nor,
which is worse, does it sufficiently represent the sense of Either. And for the
English, it still less agrees either with the Pope's Decree, or his own Mistaken A-
bridgement of it. *Innocent* the 3d (says he) in his Rescript to the Archbishop of
Sens, directs that the Proctors of Cathedral Churches should be summon'd to these
Provincial Synods: But the Margin says only that the Chapters of such Churches
should be admitted to treat by their Proctors in these Councils. Now that indeed is
nearer to the Truth, tho' it does not fully come up to it. The whole is, as I
have said before, that they should be Invited (not summon'd) to these kind of Sy-
nods; and that if they came, their Proctors should be admitted to treat in them. For
(as I shall shew more particularly by and by) in these Cases the Rule then was
not to summon the Lower Prelates, or Clergy, to such Councils, but to Invite them;
to receive them if they came, not to require them to come to Them.

Such was the Case in the Roman Church, about Twelve hundred Years after Christ.
The Inferiour Prelates, and Capitular Bodies, were thus far taken into their Synods;
that they were to be Invited to them, and, if they came, were to be allow'd to
Treat

Treat in them. And so were some *Select Presbyters* too; such as the *Metropolitan* thought fit to call, and admit to such a *Privilege*. But then even this shews, that neither the *One*, nor the *Other*, were look'd upon as any *Necessary* or *Authoritative* part of the *Synod*, which was *Compleat* without them: For they were neither *Cited* (as the *Bishops*) *peremptorily* to come to it; nor being come, did they *Act* upon any *Equal Right* of *Power* with them, in the *Definitions* of it.

Nay, let me add yet more; that even in this too, the *Custom* of the several *Churches* of the *Roman Communion* varied: In some, these *Persons* were generally called; in others, only a few of each kind. And this *Custom* was not only the *Rule* by which the *Metropolitans* still continued to *Guide* themselves; but was expressly provided to be observed even by the *Council of Trent* it self; ^{Concil. Tri-} where it requires, 1st, The *Bishops* (as the *Proper* and *Necessary Members* of these *Synods*) *All*, and *Absolutely*, to *Come* to them: And, for the rest, *Obliges* those on-^{dent. Sess. 24.} ly who, of *Right*, or by *Custom*, ought to be present at them. ^{cap. 2.}

In the *Ancient Order* of holding these *Councils* in the *Church of Rome*; collected See before. not long after the time of *Pope Innocent the Third*, of whom we are now speaking; the *Rule* which is prescribed is this; First the *Bishops* were to *Enter into the Place* of *Meeting*, and *Sit*: Then the *Presbyters*, who had any *Cause* to be there: But these were not to mix with those whose *Order* required them to be present. And a *Circle* being made of the *Seats* of the *Bishops*; Let the *Presbyters* (says the *Order*) sit behind their backs: That is, such of them as the *Metropolitan* shall chuse to sit with him; and who (therefore) may both *Judge* and *Define* any thing with him.

This is one of the most *Early*, as well as most *Authentick* *Evidences* that I have met with, for the *Presbyters* acting in these kind of *Assemblies*: And this at the same time that it allows a *Liberty* to some of them to *Sit*, and *Act*, in the *Synod*, yet excludes all *Colour* of *Right*; and leaves the *Metropolitan* to *Determine* whom he will *Admit*, to such a *Power*, and *Privilege*, with him.

To clear this yet more, let us look into the *Acts* of some of those *Synods* which have been held since the time of *Pope Innocent the Third*; and, by consequence, since the passing of the *Rescript* before alledged; and see both what *Presbyters* they were, who were admitted to them; and how far they were allow'd to *Act* in them. ^{Sect 28.}

In the *Church of Sens* to which this *Rescript* relates, it does not appear either that all the *Chapters* were received; or that those who *Came*, did any thing more than *Treat*, and *Consent* to what passed in their *Synods*. Thus² in that of 1436,² *Act. Concil.* the *Archbishops* tells us, that he held his *Sacred Provincial Council* with his venerable *Senonens. apud* *Brethren*, and *Suffragans*, and such other *Ecclesiastical Persons* of his *Diocese*, and *Pro-* *Dacherium.* *Spicileg. Tom.* *vince*, as could conveniently be present.³ Who they were, it is not said; but be ^{5. p. 130.} they whom they will, the *Bishops* only ratified the *Acts* of the *Synod*, and (as the ^{Ibid. p. 138.} manner then was) *Set* their *Seals* to the *Definitions* of it.

But our next Instance will be more Particular,⁴ *Anno* 1460, in which the ^{Dachery ib.} *Acts* having taken notice of the *Suffragan Bishops*, and the *Proctor* of the *Bishop* of ^{p. 587.} *Orleans* who was absent; for the rest say, it was held in their *Presence*, and in the presence of *SOME Abbots* and *Priors* of *Conventual* and *Cathedral Churches*, and *Pro-* *ctors* of *Collegiate Churches*; and of many *Other Ecclesiastical Persons*, as well *Se-* *cular*, as *Regular*, *Exempt*, and not *Exempt*: With the *Counsel* and *Consent* of whom, the *Archbishop* *Established*, and *Ordain'd* what was *Determined* in it. And then again the *Bishops* only set their *Confirmatory Seals* to it.

The same was the Case of the *Synod* of the same Place, *Anno* 1483. Only ^{Ibid. p. 585,} *SOME Abbots*, and *Conventual Priors*, were *Called*, with the *Proctors* of *Cathedral*, and ^{586. Item p.} *Collegiate Churches*; and such *Others* as both by *Right*, and *Custom*, might and ought ^{625, 628.} to have been present: And with their *Approbation*, the *Metropolitan* *Ordained*, and *Commanded* what was to be done to be *Corroborated* by his *Own*, and his *Suffragans* *Seal-* *ing* of it.

Such was the *Practice* of the *Province* of *Sens*, to which the *Order* of *Pope Innocent* particularly *referr'd*. If from thence we look into *Other Provinces*, we shall find in some of them the *Bishops* only; in others, the *Bishops* and *Prelates*, to have been *Called*; in others, besides these, the *Proctors* of the *Cathedral Churches*; in others, the *Archdeacons*, *Deans*, and *Provosts*: And all these sometimes without any farther *Clause*; at others with a *General Addition*, of all others who were to be called: Or, as the *Council of Trent* (and by that some *Metropolitans* since) have phrased it; who by *Right*, or *Custom*, ought to be present. But of any other *Presbyters*, *Cited* as of

of Right to these Meetings, there is very little mention; and but few Examples are, I believe, to be found of that kind.

But tho' these, now, were usually Called to the *Provincial Synods*; yet were they not, therefore, look'd upon as *Authoritative Members* of them. In the

¹ Council of Rhemes Anno 1235. The *Proctors* not only of the *Absent Bishops*, but of the *Chapters* too, were present: But then as it is expressly noted that the ² *Proctors* of the One were sent only to Consent to those things which should be Ordain'd in the said Council; so in the ³ next Synod of the same year, 'tis said of those both of the One, and the Other, that they Consented to what the whole Council had before Agreed.

The same distinction we find observed in the other *Synods* of the same Province: First ⁴ the *Bishops* Consent, and Approve, and Set their Seals: And then the Consent of the *Proctors* of the *Chapters* of the *Cathedral Churches* of the Province is taken to what was done.

In some *Synods*, the *Constitutions* were pass'd, with the Consent of the *Bishops*, and Approbation of the Council: In others, (as the Custom obtain'd) the Consent of All was alike Express'd: And, lastly, in some; the Difference has been so great, that both the *Summons*, and Authority of the *Bishops*, and the Other Clergy are Expressly distinguished; and the *Presbyters* neither Called after the same manner, nor admitted to the same Powers with them. Thus in the *Constitutions* of the Cardinal Borromeo, Bishop of Milan, for the Settlement of the *Provincial Synods* of that Church; the *Bishops* are required under Pain of Canonical Censure, together with all Others who may, or ought to Come to them; to be duly present at them. But for the *Chapters* of the *Cathedral Churches*; ⁵ he only Invites them, and tells them that they MAY send any Ecclesiastical Persons, as their *Proctors* to them, who MAY be PRESENT in the Council; and if they have any thing to Refer to it, MAY DECLARE it to the Metropolitan BEFORE the COUNCIL.

And in pursuance of this Custom, in that Church; ⁶ he himself Defined with the Counsel, and Assent of the *Bishops* only; not of the *Proctors* of his Capitular; much less with the Approbation of his Parochial, *Presbyters*.

The Case was much the same in the Synod of Narbonne, in Spain: The Council Decreed that not only the *Bishops*, but the next Dignitaries after them, in their several Churches, together with their *Chapters*, by their *Deputies*, should Necessarily attend at the Synod of the Province. But the *Chapters* of the Regular Monasteries should be only Invited to them. And then ordain'd, ⁷ That the *Proctors* of the *Cathedral Churches*, the *Abbots*, and all *Deputies* should have only a Consultative, not a Deliberative Voice, in the Synod: They might be present and advise, but they were not to Vote, or Determine with the *Bishops*.

That the same Method obtain'd in ⁸ France, we have the Acts of the Synod of Bourdeaux, to Testify: From all which we may now Conclude, that as, at the beginning, none were Called to these Synods at all, besides the *Bishops* of the Province, nor Acted in any decisive manner in them; so tho' in process of time others, in some Churches, were taken in, yet still the *Bishops* were considered as the Proper, Authoritative Members, of them: Nor were the *Presbyters*, as such, ever either Constantly, or Universally Called by the Catholic Church, in their own Right, to them; or Admitted to Act with an Equal Authority with their *Bishops* in them.

So little ground is there in Antiquity for that position of our Author: ⁹ "That some of their *Presbyters* the *Bishops* were OBLIGED to carry with them to the Council of the Province; and that there, they SATE, DELIBERATED, and VOTED upon all matters that came before the Assembly: And all this in their own Right, and from the beginning of Christianity. An Assertion so Injurious to the Rights of the Episcopacy, and so Contrary to the Principles and Practice of the Ancient Church, that I could not pass it by without taking some Pains to shew that there was as little of Truth, as there is of the Received Principles of our Episcopal Church in it.

¹ Concil. Tom. 11. Col. 501.
² Procuratoribus Aurbianensis, Trebantenfis, Tornacenfis, & Cameracenfis Episcoporum, missis ad Consentiendum iis que in dicto Concilio contingeret Ordinari: Presentibus etiam Procuratoribus omnium Capitulum Cathedralium Remensis Provinciae. — Et infra: Injunctum est Procuratoribus Capitulum, quod ad dictum diem mittant Capitula Procuratores ad Concilium — ad Consentiendum iis que in dicto Concilio contingeret Communiter Ordinari.

³ Ib. col. 503. Presentibus — Episcopis — Presentibus Procuratoribus Episcoporum: nec non presentibus nunciis Capitulum Cathedralium Remensis Provinciae — Consensus Totum Concilium — And what the Totum Concilium was, is plain from what follows; They were the Bishops only, from whom all the rest, even the Proctors of the absent Bishops are distinguished — Presentibus etiam dictis procuratoribus Episcoporum, presentibus etiam

& consentientibus nunciis Capitulum Cathedralium, &c. As for the *Proctors* of the *Dioceses*, there were none called. ⁴ Vid. Ib. col. 569, 570, 571. ⁵ Concil. Tom. 15. col. 517. ⁶ Consil. Mediol. I. Ib. col. 336. Provincialibus Episcopis Convocatis, — in Synodo de ipsorum Episcoporum Concilio atq; Consensu Statuimus ac decrevimus, &c. ⁷ Ib. col. 1603. Norint autem Ecclesiasticum Cathedralium Procuratores, Abbates & alii quicunque deputati, Consultivam, non autem Deliberativam, in Eadem Synodo, se Vocem habere. ⁸ Ib. col. 1686. ⁹ Rights, &c. page 6.

But

But this is not enough to content this *Gentleman*; his *Presbyters* must be intituled to a yet farther Right, tho' not in *Person*, yet by their *Previous Approbation*, and *Consent*, even to what was done in the *General Councils* of the Church. For that the *Bishops* that were present in those Councils, were Deputed thither by *Provincial Synods*; and brought along with them the *Resolution*, and *Consent* of the several Churches from which they Came: And the *Presbyters* having *Voices* in those lesser Synods, their *Consent* was also in the *Definitions* of the greater, presumed and included. This is another *New Discovery*, and (as this *Gentleman* well observes) such Discoveries must be maintain'd by as *New Proofs*. Sect. 29.
Rights, &c.
page 6.

To Examine this Matter in short: I do not find that either the *Metropolitans*, or their *Synods*, were much concerned either in the *Choice*, or *Delegation*, of the *Bishops* who went to the two first *General Councils*, of *Nice* and *Constantinople*. As for the *Third* of *Ephesus*, from whence he fetches the *Proof* of his *Position*; the *Direction* which the *Emperor* gave to *St. Cyril*, was "To come himself in *Person* to the Council, and to bring such a number, and of such *Bishops* of his Province along with him, as he should think fit; that so neither the Province might want a Competent number to Answer its needs; nor the Synod such as might be proper for its Service." Paucos, quos sub tua Constitutos Provincias Sanctissimos Episcopos ad eam (Synodum) concurrere procurans—

How *St. Cyril*, or any other of the *Metropolitans*, chose the *Bishops* which, hereupon, they brought with them, it does not appear; much less are we informed with what *Powers* and *Instructions*, they Came; or that they brought along with them the *Resolution*, and *Consent* of their several Churches; and that the *Presbyters*, as well as *Bishops*, sent their *Sense*, and *Votes* by them. This is pure *Divination*; and must be fetched from our *Author's Fancy*, not from any *Acts* that have yet been publish'd of that Council. Scriptum namque est à pari, à nostra Majestate de prædicta sancta Synodo Deo amabilibus Episcopis, ubiq; Metropolitanis, &c.—Baluz. Nov. Collect. Concil. Col. 454. Rights, &c. p 6.

But it may be the Letter of *Capreolus* Bishop of *Carthage*, the other *Proof* which he alledges, will clear this: Let us see therefore how he represents it. "Capreolus (says he) excuses himself for sending no *Bishops*, because the War which had broke out in those parts, hindred him from Calling a *Provincial Synod*, from whence they were to be deputed. So this *Gentleman*; but the Truth of the matter was this. *Theodosius* together with his Letters of *Summons* to the *African Bishops*, had particularly desired that *St. Austin* might be sent to this Council. That *Bishop* being dead before the Letter came; *Capreolus*, in Excuse to the *Fathers* of the Council, for not sending any *African Bishops* thither, alledges that he would have called a *Common Synod* of *Africa* together, and therein have Caused some of his *Brethren* to have been Chosen, and sent to them, but that the Troubles under which the *Provinces* there lay, and the Difficulty of *Assembling*, joyned to the shortness of the *Warning*, hindred him from being able, tho' never so willing, to do it. This is the substance of *Capreolus* Excuse; And from whence these three things will arise to be Observed in this Case: Ex omnibus Provinciis Africae—Synodum volui congregare, ut electi e numero fratrum &c. Episcoporum nostrorum ad adorabilem Synodum—definirentur. Baluz. ibid. Col. 478.

First, That the Synod which *Capreolus* designed to have Called, was not (as this *Author* imagined) a *Provincial Synod*, but a *general Council* of *Africa*: "I would have assembled (says he) a Synod from ALL the PROVINCES of *Africa*. Such Synods were frequent there; They met Every Year; and All the Greater Affairs of that Church, were transacted by them." Hinc igitur impeditis convenire ad unum qui Circum Africam sunt Episcopi (no mention of the Presbyters) nullatenus potuerunt. Ibid. Codex. Eccl. Afric. apud Jusellum Vol 1. p. 368. Can. 75.

Now, Secondly, And 'tis the next thing I would note in this Case; to this Council, no *Presbyters* were Summon'd; nay, nor All the *Bishops* of *Africa* neither. But the *Bishops* of Each Province Assembled first in their *Provincial Synods*, and from thence Deputed such a Number of *Bishops*, as they thought fit; for every Province, to meet in their *General Council*.

And therefore, Thirdly, Tho' these *Bishops* had not only been Chosen, and Deputed by this Synod, but (as he pretends) had brought the express *Resolution* of their Churches along with them; (of which nevertheless hitherto not one Word does appear) yet would not this have advanced the Interest of the *Presbyters* at all in this Case; seeing they not only would not have been concern'd in the *General Council* which would have sent them, but would not so much as have had a *Vote*, in the *Provincial Synods*, by which the *general Council* of that Country, was to have been form'd.

How the *Bishops* of the following Councils were Assembled, and with what Powers and Instructions they Came; it will be time enough to Examine, when this *Author* shall have found out some better Authorities to prove, what, these he has already alledged, do by no means come up to. Till then I shall Conclude, that,

that, tho' true it be, that *Presbyters* were allow'd to be present in the *General*, as well as in the *Provincial Councils*; nay, and sometimes were called to *Act Authoritatively* in them; as *Barsumas* (in the next *General Council*) was, not only to *Sit*, but to *Define* with the *Holy Fathers*, and *Bishops*; yet was this the result of the *Emperour's Pleasure*, and *Command*; and gave no Right either of *Coming* to, or *Acting* in, these *Assemblies*, but to such *Persons*, alone, and at such *Times*, as they thought fit to *Require*, and *Authorize* them to *Meet*, and *Act* in them.

Having thus taken a View both of the *Canons*, and *Practice* of the *Church* in almost all the other *Parts* of the *World*, as to this matter; I should now proceed to enquire into the *Discipline* of our own *Country* in this particular, and to shew how egregiously mistaken this *Author* has been in that, above any; but that I ought first to clear my way to it, by a brief review of such *Proofs* (if any such there be) which he has offered to maintain his *Popular*, and *Anti-Episcopal Position*. And that indeed will soon be dispatch'd: For as if it were a *Principle* on all hands agreed, and which therefore needed no *Authorities* to support it; he has not so much as aim'd at any *Instances* from abroad to maintain it, unless we should allow the *Rescript* of *Pope Innocent*, and the *Canon* of the *Synod of Tarragon*, to be proofs; and for those I have sufficiently accounted before.

Se& 30.

Indeed One thing he adds, which is very true, but withal very little to the Purpose, that in the "*Provincial Synods* (he means abroad, for with us it was "otherwise) the *Bishops* were wont to sit foremost (in a *Semi-circle*) so *Corona facta* " signifies with him; and the *Presbyters* behind them; before whom the *Deacons*, and *People* stood. By which one would think that the *Deacons*, and *People*, stood between the *Bishops*, and *Presbyters*, in these *Meetings*. But the *Directory* of ' the *Fourth Council* of *Toledo*, (the *Platform* on which the *Orders* of holding these *Assemblies* in the *West* were drawn) speaks more plain; *Diacones in Conspectu Episcoporum stent*; let the *Deacons* stand in the presence of the *Bishops*: And so I must suppose this *Author* meant; tho' being *Discoursing* of the several *Degrees* of *Sitting*, and having mentioned the *Bishops* sitting foremost, and the *Presbyters* behind them; so correct an *Author*, who cannot bear the least *impropriety* of *Expression* in others, should have used a *Word* of a less ambiguous *Signification*, upon this *Occasion*.

¹ Can. 4.

But tho' what he says be true, yet his proof of it is such, as I can by no means allow to be either pertinent, or conclusive. He supposes *St. Cyprian*, in the *Epistle* to which he refers, to have spoken of his *Sitting* in *Council* with the *Presbyters*. And would from thence infer that they were properly his *Assessors*, in those *Meetings*. And so indeed ² *Baronius*, and *Pamelius* Understood it. But the *Arguments* against this *Opinion* which two of our own *Learned Bishops* have offered, are so clear and conclusive, that I cannot imagine why this *Gentleman*, in a matter of so little *Consequence* to his own *Assertion*, took part against them; unless it be that he has resolved not to approve of any thing where a *Bishop* is Concern'd against a *Presbyter*, as in this *Case* they happened to have been.

² Annot. in E. pist. 1. Cyprian p. 1. Annales Cyprian. Ad Ann. 249. n. 9.

Se& 31. ³ And even this too was held, says M. Westminster, Præsentibus Episcopis Angliæ ac Regibus & Magnatibus Universis. Indeed he speaks only of the Bishops acting, Annuentibus Episcopis Universis, Every one Subscribed No Presbyter is so much as mention'd. Ad Ann. 673. So does Flo-

To come now to the Usage of our own *Church*: How our *Synods* were held in the *Saxon* times, it is not easy to determine. They seem for the most part to have been *Meetings* of a *Mix'd Nature*, and but few to have been properly and purely *Ecclesiastical Councils*. Among those which I suppose may belong to this latter kind, that of ³ *Herudford*, under *Theodore*, is one of the first and most considerable: And in that the *Company* was entirely *Episcopal*; nor does it appear that the *Presbyters* had any thing at all to do in it. The same was the *State* of the next *Synod*, ⁴ of *Haethfield* under the same *Archbishop*. 'Tis true our venerable *Historian* says, that he gathered together a *Company* not only of the *Reverend Bishops*, but of many ⁵ *Learn'd Men* too: And that those may some of them have been our *Author's Presbyters*, I will not deny. But then the *End* of his so doing was to inform himself, by a *Personal Conference* with them, what the *Faith* of every one was; the settling whereof was the *Design*, and *Business* of that *Assembly*. But when he proceeded to *Act Synodically*, ⁶ the *Conciliary Letter* takes notice of the *Bishops* only; They *Expounded* the *Right*, and *Orthodox Faith*; they *Received* the *Five General Councils*, which had then been held; And they only, with *Theodore*, *Subscribed* to what they had *Determined*. And upon all these *Accounts*, Ano-

rence of Worcester. Anno 673. Theodorus — EPISCOPORUM Cogit Concilium. ⁴ Fed H. st. Eccles. l. 4. c. 17. ⁵ Collectio Venerabilium Sacerdotum Doctorumq; plurimorum Catu. 1b. And so, Flor. Wig. Theodorus Latam Episcoporum Doctorumq; plurimorum Collegit. — Ut Cujus essent fidei singuli sciret. From Bede. l. 1. c. ⁶ In the Synodical Letter, apud Bedam ib. In nomine Dom. — Presidente Theodoro — und cum eo Sedentibus Cæteris EPISCOPIS Britannie insule. Not a *Word* of *Presbyters*, in all the *Epistle*.

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ther of our ¹ *Ancient Historians* calls it precisely a *Council of Bishops*, and takes no notice of any others being concern'd in it. ^{² *Henr. Huntingdon. lib. iii. fol. 192. a.*}

From this time forward, our *Synods* seem rather to have been *mixed Assemblies* than *Ecclesiastical Councils*. The next that appears to come the nearest to this Rank, is that of *Clovesho*, held by *Athelard*, Archbishop of *Canterbury* and Twelve Bishops. In this, *Kenulph* King of *Mercia*, was present: Yet all was Established by the Authority of *Athelard* and his Bishops; and then, with the Consent of the whole *Synod*, not only the Bishops, but the *Abbots*, *Priests*, and *Deacons* too, subscribed to what had passed in it. The Subject indeed was of a very considerable nature, the resetting of the *Rights*, and *Extent*, of the *Archbishop* and Province of *Canterbury*; and therefore no wonder, if not only the *Provincial Bishops*, who, as our ² *Learned Spelman* observes, on such Occasions as these, were otherwise, *Alone*, wont to subscribe, but which (he tells us) he has hardly any where found besides; their *Principal Clergy* also subscribed together with them. ^{² He says, *Præter modum Usitatum. Non solum enim (ut in aliis) provinciales om-*}

nes Episcopos exhibet subscribentes, sed (quod vix iterum Reperi) Episcopos singulos cum Parochia sua posteriori Clero, (Abbatibus scil. & Presbyteris aliquot, interdum etiam & Diaconibus) Suffraganti. Spelm. Concil. Tom. i. p. 326.

How these *Synods* were afterwards held during the *Saxon Times*, I cannot certainly say: But that towards the latter end of them, the *Regular Prelates* began to be admitted, we may judge from those *Councils* which were held immediately after, under King *William the Conqueror*. Such was that of ³ *Windsor*, about the *Primacy* of the *Archbishoprick* of *Canterbury* over that of *York*: And such was that of ⁴ *London*, about three Years after, *Anno 1075*: And in which tho' others of the *Regulars* were present, yet only the *Bishops* and *Abbots* Subscribed; And the *Synod* it self resolved, That none else should be allow'd to speak in it, without the *Leave* of the *Metropolitan*. ^{³ *Spelm. Concil. Tom. ii. p. 5. & 723.*}

It is in a ⁵ *Legatine Synod*, *Anno 1126*, That the number of these *Inferior Prelates* seems to have been first enlarged among us. To this, besides the *Bishops*, the *Archdeacons*, *Abbots* and *Priors* were called; and together with an innumerable Company of the *Clergy* and *People*, met under the Presidency of *John de Crema*, the *Pope's Legat*, at *London*, *September* the 8th. the Day of the Blessed *Virgin's Nativity*. ^{⁵ *Ibid. p. 33. So our Councils place it, but it should rather have been 1124, or at most 1125.*}

About Fifty Years after, at the ⁶ *Synod of Cassels* in *Ireland*, a new Accession was made to the *Members* of these *Assemblies*; and the *Deans* were called to a *National Synod* there. In this state our *Provincial Assemblies* continued, till near the latter end of King *Henry* the 3d, as appears by the *Convocation-Writ* issued out *Anno 1257*, by ⁷ *Boniface* Archbishop of *Canterbury*; in which the *Persons* summon'd to come to it are the very same; the *Bishops*, *Deans*, and *Priors* of the *Cathedral Churches*; The *Abbots* and *Priors*, and the *Archdeacons* of the several *Diocesses* of the Province. ^{⁶ *Ib. pag. 97.*}

It is true by the Execution of the ⁸ *Convocation-Writ* of the next Year, it appears that the *Archdeacons* came with *Procuratorial Letters* to act for the *Clergy* of the whole *Diocess*: And so I presume the *Deans* also did, with the like for their *Chapters*. But hitherto they had no distinct *Proctors* for themselves, nor were these *Dignitaries* of necessity either Called or Empowered thus to act in these *Assemblies*, but only in such Cases where *Business* of a mix'd nature was to be transacted; and it was therefore necessary to oblige the *Clergy*, by their own Consent, to agree to what should be done in them. ^{⁷ *Annal. Burton. pag. 382.*}

In short, upon the best Observation I can make, the *Cathedral* and *Diocesan Clergy*, were not called to any of our *Provincial Synods* before the 10th of King *Edward* the 1st, from which time they have been generally (as the nature of the *Convocation* required) either summon'd, or, at least, *Invited* to them.

But tho' from about the Year 1282, I do conceive that the *Presbyters* have been commonly thus received into our *Provincial Councils*; yet have they not, for all that, been accounted any *Necessary* or *Authoritative Part* of them. The *Synod* has always been look'd upon to have had its full Complement, and Power, without them: And that neither did their Presence add any thing to it, nor their Absence detract at all from the *Authority* of it. ^{⁸ *Ib. p. 389.*}

Let me for this, Appeal to the Determination of our two Great Canonists, *Jo. de Acton*, and *William Lynwood*; who both agree, and are both Express to

Unde patet this purpose. The Decision of the former is this: ¹ That to such Provincial Councils where any thing is to be established which touches the state of the Province, the Bishops are to be Cited; and the other Subjects to be Invited, not Compell'd. And for the ² Latter; he tells us, if possible, yet more plainly; That true it is, that to the Provincial Council the Bishops are to be Called; but no Others of Necessity: But if Others come, they are to be Admitted; and such Others shall be Called too, of whose Affairs any thing is to be done; or because their Counsel is necessary. This was his Account both of the Law and Practice in this Matter, as appears by the Occasion he took for this Determination; it being absurd to suppose, that that great Canonist should have Question'd whether all the Persons were present at the passing of the Constitution, upon which he Commented, who were requisite to give a Canonical force to it; supposing that the same Persons had always been summon'd to Our Conventions, and therefore always been, either legally present at them, or contumaciously absent from them. But indeed he knew that, in fact, the Lower Clergy were not always Cited, nor did always Come to them; and therefore the Constitution on having something in it contrary to Common Right, he had reason to Enquire Who were present at the Passing of it; and whether it were made by a sufficient Authority or no?

What he had said here, he again repeats in ³ his Fifth Book: That to the Provincial Council none but Bishops were Necessarily to be Summon'd: Yet if Others Came, they were to be Admitted; and to be Called too, when their Own Facts were to be treated on; or because their Counsel was necessary.

The result of all is this, That it has been with Us, as with the Other Churches abroad: At the Beginning the Bishops only Came to, and Did all in these Assemblies. By degrees the Regular Clergy, and the Inferiour Prelates were either Called, or Invited to them. And towards the End of the Thirteenth Century, the Capitular, and Diocesan Presbyters, were indulged the same Liberty; or rather, were upon some Occasions requir'd to attend at them. This has been our Case; and from the true state of which it may, I think, sufficiently appear, with what rashness, to say no more, a late Author has affirmed; that Presbyters, from the Beginning had Equal Right of Place and Voice in these Conciliary Meetings with the Bishops themselves: An Assertion which not only the Acts of all the Synods abroad, but the best Accounts we have of those of our Own Church, do apparently contradict.

And here then let us stop, and Examine what it is that this Gentleman founds his Opinion upon? By what Arguments either of Law or History, he proves his Position; that (in Our Church at least) Presbyters were, from the Beginning, a Necessary and Authoritative part of our Provincial Synods.

Now three Instances there are which he offers, to settle this Right during the Saxon Times: ⁴ For the first of which, the Synod of Clovesho, Anno 803: I have already accounted, nor can any Argument be brought in favour of the Presbyters from thence, which will not carry the Point farther then he intends, and take the Deacons also into the same Rights and Privileges with them.

His next ⁵ Authority seems to come up more fully to his purpose; but yet upon a fair representation of the matter, which this Gentleman will give me leave to say he has by no means made, it will appear to end at last in a meer Shew; without Force, and without Authority. The State of our Country, both in the Clergy and People, was at that time wonderfully depraved. Several Admonitions had been given both from the Pope and Others for the Correction of it: And in Order thereunto, a ⁶ General Assembly both of the Clergy and Laity, was thought fit to be held by the King and the Archbishop, that therein some Course might be taken for the remedying of it.

To this Assembly therefore, ⁷ the King, his Princes, and Great Men; with the Archbishops, Bishops, and Other Clergy came: And as the Author observes, being come together, ⁸ the Prelates, Priests, and the Lesser Dignitaries, in the Ecclesiastical Degree, sate together, both to Treat of, and to Confirm the Unity of the Church, the state of the Christian Religion, and an Agreement of Peace.

And First, the Metropolitan publicly Read, and Expounded in our own Tongue, the Pope's Letter of Exhortation and Threat to them, which being done, ⁹ the Bishops, ipsi Præsules qui cæteris Magisterii loco a Deo Prælati sunt, ad seipsos Verba mutæ exhortationis Verterunt, ac sese, suumque Officium, quo Cæteri ad Dei famularum instrui Cotidie debent—Atque deinde primo suorum loco Decretorum, hoc rata sanctione Condixerunt, &c.

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bishops, *qui Cæteris* (say the Acts) *Magisterii loco prælati sunt*; began to Exhort one another to do their Duty, by which the Rest ought to be duly instructed to the Service of God. And then in the first Place of their Decrees they made this Sanction; that every Bishop, &c.

This is the substance of the Introduction to the Canons, which were passed in that Synod; and I think it sufficiently shews that tho' Others of a Lower Order were present in the Synod (Deacons as well as Priests) yet the Bishops only acted Synodically, and Defined in it.

To confirm this Account, let me observe that, (as another of our ¹ *Ancient* Historians relates it) the King and his Lords, as well as the Lower Clergy, were both present at the making of these Decrees, and approved of them. And yet I suppose, this Gentleman will not from thence infer, that they were *Authoritative Members* of the Synod too. But then he adds, that the Archbishop only Decreed, and the Bishops subscribed to the Definitions.

The Sum then of this Instance (supposing it to have been a proper Provincial Synod) will at last amount but to this; that the Clergy and Laity were present, with the Bishops, at it, and agreed to what was done in it: But they only as the Governors set by God over the Rest, defined; or rather, the Metropolitan alone Decreed, with the Approbation of his Bishops, who Consented to what was done, and subscribed the Decrees with him.

Whether this Author was aware of this or no, I shall not pretend to Judge; but the Caution with which he alledges the Authority of this Synod, is at least suspicious. ² In the Preface (says he) to the Canons, we meet with these remarkable Words: And so he leaves it to shift for its self, without entering into any farther Enquiry about it.

It is much such another piece of Ingenuity that occurs in the last Instance which he brings in Proof of his Position; From that ³ *Domestick Council* of our own, as he is pleased to Call it, Anno, 1129. "The Persons summon'd to which," he tells us, are thus reckon'd up in the Saxon Chronicle; Bishops, Abbots, Archdeacons, all the Priors, Monks, and Canons who were in all the Religious Houses of England; Finally, all that had the care of Religion committed to them, i. e. I suppose the Parochial Presbyters. Now this 'tis true, the Saxon Chronicle does say, concerning the Persons who were called to this Assembly: And I have before agreed, that not only Presbyters, but Deacons, and Lay-men, were from the Beginning, allow'd to be present at, and sometimes were invited too, to the Synods of the Church. But then to be present at a Synod, is one thing, and to be a proper Authoritative Member of it, is another. All these were called to this Meeting, 'tis true; but did they all Define, and Decree, in it? Let the Reader judge by what immediately follows in the very Chronicle to which he refers. "The Mot or Meeting began on Monday and continued to Friday. The Business was concerning the Wives of the Archdeacons and Priests; that they should put them away before the Feast of St. Andrew; and that he who would not do it, should forego his Church, and his House, and his Home; and never return to Officiate there. This WILLIAM ARCHBISHOP of CANTERBURY DECREED, and ALL the DIOCESAN BISHOPS, that were in England: But those Decrees had no Effect, by the King's dispensing with them in that Case.

Thus this very Chronicle relates this Matter; tho' this Author was pleased to draw a Curtain over it, for what end, to his Own Conscience, and the Reader's Judgment, I shall leave it to determine. But I must not conclude this Passage without observing yet farther; that in this whole Relation, the Saxon Chronicle greatly varies from all our Historians; which is another thing that, I think, should not have been dissembled. ⁴ The Account which they give of it is this: That the King (not the Archbishop) being returned into England, held a Great Council (not a Church-Synod) at London, the 1st of August (not at Michaelmas) about prohibiting of Priests Wives. That at this Council, the Archbishops both of Canterbury and York, were present; and together with the Other Bishops, Consented that the King should see Justice done in this Case: But that he deceived them; and took Money of the Priests for liberty to keep their Wives. That the Bishops in vain repented of what they had Granted, when the Trick which the King had put upon the Prelates, and the Depression of his Subjects, was made manifest in the Eyes of all Nations. ⁵ In the same Council it was, (as some affirm) that the Nobility of England swore before the King, to keep the Kingdom of England for the Empress his Daughter, if she outlived her Father, and he had no Son to succeed him.

¹ Hic Cuthbertus Anno 747
Mense Septembris in
Synodo apud
Cloveshot,
Omnibus Anglorum Episcopis Subscribentibus—
decrevit, &c.
Rege Ethelbaldo Merciorum tunc cum Optimatibus
præfente, &
hoc Approbante. Chron.
W. Thorn. col. 1772. Conf.
Malmf. de Gest. Pontif.
l. i. fol. 112. a.
² Rights, &c.
p. 13.
³ Ib. pag. 9.

⁴ Hoveden. fol. 274. Mat.
Paris. An.
nal. Waverl.
Chron. Hemmingford, &c.

⁵ Brompton. Col. 1018.

This

- This is the Account which, not only *Hoveden*, and *Brompton*, but *Mat. Paris*, *Hemingford*, and the *Annals of Waverly* give of this matter. They all expressly call it a *Great Council*; and say that the *King* held it. And even his own *Saxon Chronicle* styles it, to the same effect, *Mot*, a *Council*; but not such as this *Author* would have us believe, when he calls it a *Domestick Council of our own*; nor indeed such as is at all to the Purpose of the Argument for which he alledges it.

So little has he hitherto offer'd to Vindicate his pretended *Rights* of the *Presbyters* in our *Domestick Councils*, during the *Saxon* times: Let us see whether his Success be afterwards any better; and that not for its importance to our Argument, if it should be true, that 1100 Years after *Christ*, the *Presbyters* had been admitted to Sit with their *Bishops* in *Council*; but to shew upon what slender grounds the Confidence of some Men is built; and with what easiness they censure Others of *Error*; when, at the same time, 'tis only their Own *Ignorance*, or *Prejudice* that ought to be Blamed.

I have before observed how, not only our Learned *Lynwood*, but *Jo. de Acton* too, have told us, that the *Bishops* only were to be Cited to our *Provincial Synods*; as the proper constituent Members of them; but that the rest were ordinarily to be *Invited*, not *summon'd* to them. Now this, as it is directly contrary to his Allegation, so will it much concern him to get clear of it. The *Authors* were Both Men of great Knowledge in the *Canons*, and *Customs*, of the *Church*. They were Both of them, in all probability, Members of our *Convocations*; and therefore we ought, in Modesty, to suppose that they must have known much better then we now do, what was the *Constitution* of them in the Times in which they Liv'd. They Publish'd their *GLOSSES* in their Own Days; and as that Study was then in request above all Others, so we cannot doubt but that they were diligently Read, and Examined: And to think that they should have deliver'd a Falsity at that time, and in such a matter, in which they could so easily have been disprov'd; and in which I cannot yet see what Interest they could have had to prevaricate; must be to suppose them to have been destitute, not only of all *Conscience*, but of all *Reason* too; and to have had as little *Prudence*, as *Honesty*, in their Attempt.

Sect. 36.

¹ Rights, &c.
p. 10. &c.

But what then says this Gentleman to their Evidence? *Jo. de Acton*, was an *Author*, either whom he knew not to have deposed against him in this Case, or having never been a *Bishop*, he was content, for Once, to Excuse him. But *Lynwood* must not so Escape: He dedicated his Book to an *Archbishop* of *Canterbury*, and he was himself afterwards made a *Bishop*; and upon both those Accounts there is no mercy for him. And therefore to push his Blow home, he Charges him on both sides, with Inconstancy, not to say a Contradiction in his Assertion; and a mistake little less than *Wilful*, in the Practice of the *Church*. The Attaque is violent, and eagerly pursued, but yet I do not much Care if I venture to stand the brunt of it, and to make my self a *Second* to this famous *Canonist* in his Assertion.

As to the Point of Contradiction, which he charges upon him, it consists in this; that he first says, that *None but Bishops are of Necessity to be called to these Synods*; and yet afterwards confesses, That *Presbyters were to be called to them, when any thing was to be done wherein they were concern'd; or because their Counsel was necessary*.

Now to make out a Contradiction in this Case, this *Author* must suppose either that the *Presbyters* had always *Business* in these *Synods*; or that their *Counsel* was always *Necessary*; and that therefore upon One or Other of these Accounts, they were always necessarily to be Called to them. But this *Lynwood* neither said nor suppos'd, but rather intimated the contrary, by putting in these two Cases, as particular *Exceptions* to his General Assertion; that they were not to be called of *Necessity*, but only in Case there was any thing to be done, in which they were concerned; or that the *Archbishop* thought it needful to take their *Advice* in what he had to do.

The mistake of this Gentleman, I suppose, proceeds from the different Notion which he now has of the *Rights of the Clergy*, from what the *Clergy* had of their Own *Rights* heretofore. He thinks it a *Privilege*, and a *Prerogative*, to be summon'd to the *Convocation*; they accounted it a *Charge* and a *Burthen*. He stands upon the *Right of Attending* in *Council*; they stood upon their *Right of being Exempted* from such an Attendance. In this very *Gloss* therefore, *Lynwood* is so far from

flattering

flattering the *Episcopacy*, as this *Author* pretends, that he really argues for the *Liberty* of the *Clergy*. He asserts, that they were to be *Invited* indeed; so that if they pleased they might *Come* to these *Assemblies*: He asserts, that if they *did come*, (as they *freely might*) they ought to be *Admitted*. And in this he sufficiently secures their *Privilege* both of *Coming* to, and *Acting* in these *Assemblies*; whenever they should think it expedient so to do. That which he denies is; that they were to be *peremptorily Cited*; or *Canonically punished*, if they *Came not*. Now in this he delivers his *Opinion*, conformably both to the *Orders*, and *Usage* of the *Church* in his *time*, and for some *Ages before him*; that they ought not to be *Summon'd* (like the *Bishops*) unless there was some *Cause depending* in which they were concern'd; or that some *Matters* were to be *treated of*, in which the *Archbishop* (who was the *Judge* of it) thought their *Advice* to the *Necessary*. And then, he allows, that the *Metropolitan* might *peremptorily Cite them*, as well as the *Bishops*; and that being so *Cited*, they were *bound to Attend*.

This therefore may suffice to Answer the pretended Contradiction in this Case. Rights, &c. p. 14.
As for the truth of the *Affertion*; this Gentleman doubts not to say, "That the practise of *Lynwood's own time*, and the *Stile* of those *Constitutions* some of which probably he himself penn'd, Over-rule the *Affertion* of his *Glosse*. And this not only *Confutes*, but *Exposes* him too; And argues a want, either of *common Sense*, or of *common Honesty* in him, thus openly to *Contradict* in his *Glosse*, what himself had, probably, penn'd in the *Text*. Sect. 37.

To remove therefore all doubt in this matter, I must beg leave to make use of a Distinction, which this Gentleman, himself has elsewhere allow'd of, between a Convocation, and a Provincial Synod; as the Case stood in those times. By the One was meant such a Provincial Assembly as was either Called by the King's Order, or Design'd for his Service; as well as for the Affairs of the Church. By the Other was understood a pure Ecclesiastical Council; which was Summon'd only upon a Spiritual Account, and not intended to meddle with any matters of a Civil, or Mixt Nature, in which the King or the State of the Realm were concern'd. Mandat. pro Convoc. Epif. Lond. Mandamus quatenus Omnes Ecclesie nostrae Cant. Suffraganeis auctoritate nostra Vocetis quod convenient, &c. — Et ut negotium hujus saniori Consilio fulciatur, Injunctis ex parte nostra singulis Episcopis, ut quilibet eorum vocet, & ducat secum ad praedictam Congregationem, Tres, vel Quatuor Personas, de Majoribus discretioribus, & prudentioribus, sive Ecclesiae & Diocesses, &c. E. Registr. Giffard. Episc. Wigorn. fol. 41. Vid. Registr. Peckham. fol. 10.

What other Differences there were between these Two heretofore, I have already shewn. It shall suffice at present, to affirm, against this Author's Opinion; that One of the most Considerable; was this, that the Lower Prelates first, and then the Other Clergy, were peremptorily Summon'd to the One, but were ordinarily only Warn'd of, and Invited; (and sometimes not so much as Invited) to the Other.

Thus Kilwarby in his Synod of 1273, held for the Reformation of the Church called only his Suffragans to Treat, Provide, and Ordain with him, of what should be expedient for the Honour of God, and his Holy Church. But yet that this they might do the better, he Enjoyned every Bishop to bring along with him to the said Congregation, Three or Four Persons of the most Discreet, and Prudent of his Church, and Diocese, that by their Counsel, the Business of the Church might the more successfully be settled. Tres, vel Quatuor Personas, de Majoribus discretioribus, & prudentioribus, sive Ecclesiae & Diocesses, &c. E. Registr. Giffard. Episc. Wigorn. fol. 41. Vid. Registr. Peckham. fol. 10.

In the Council of Reading, which this Gentleman so much talks of, but so little Understands; Archbishop Peckham, in like manner, Called only his Suffragans to it, Anno 1279. and with their Assent published the Constitutions of it. And tho' in his Synod of Lambeth held Two years after, he required the Lesser, as well as Greater Prelates to come to it; yet neither in that were the Proctors of the Clergy present; nor was their Consent required to the Constitutions which were made in it. They were only to be inform'd that if they were aggrieved in any Cases which properly belong'd to the Council to Correct, they should be heard in due form: A favour vouchsafed, by the expressions of the Writ, to the Laity, as well as Clergy. Fr. Jo. Cant. Arch. Convoc. suffraganeis suis apud Radin- ges Celebravit Concilium — Petr. de Rikham, ad An. 1279. Sic Constit. W. Hemmingford.

And here, I must Observe an Accident which fell out, and which may serve to Confirm what I before asserted; that the Lower-Clergy were so far from accounting it any Privilege to be Summon'd to these Synods, that they took all Occasions to avoid their being Compelled to Come to them. The Archbishops had Cited, together with the Bishops, all the Inferiour Prelates of his Province (Quos Conciliorum tractatibus, says Peckham, interesse jubent Sancti Canones) who by the Canons of the Church, were required (if called) to be present at such Treaties, to Come to this Council. But the Exempt Prelates stood upon their Privilege, and refused to Obey his Summons; They neither Came themselves, nor sent any Proctors to Excuse their Absence. For this Contumacy the Archbishop resolved to proceed by

¹ Registr. Peckham, fol. 175. ² Vid. apud M. Westminster. ad An. D. 1281.

¹ Antiquit.
Brit. p. 198,
199.

² Intentio, &
Expositio Ar-
ticulorum su-
per Quibus
Ordinavit
Arch. Cant. de
Suffraganeo-
rum Consensu.
apud Lambeth
die Sabbat.
prox. post Do-
minic. qua
Cantatur Jubi-
late. Regist.
Giffard. Episc.
Wig. fol. 133.
³ Rights, &c.
p. 9, 10, 12.

⁴ Vid. Sum-
monit. Arch.
in Regist. Jo.
de Halton. E-
pisc. Carl. fol.
132.

⁵ Registrum.
Greenfield.
fol. 188. b.

⁶ Ib. fol. 201.

⁷ Regist. Jo. de
Halton. Carl.
Episc. fol. 140.

⁸ See the Exe-
cution of the
Mandate. Lib.
Mem. Jo. Da-
derby Episc.
Linc. fol. 165.

his *Ecclesiastical Authority* against them. 'And tho' some of them had the Brisk-
ness to *Appeal* to the *Pope* from his *Sentence*, yet they were forced at last to Com-
promise the matter, and to submit themselves to his *Mercy*.

Whether these lesser Prelates were Summon'd to his next ² *Synod* of *Lambeth*
(in the beginning of the year after) I cannot tell: But the Inscription of the
Articles which were pass'd in it, seems to imply that they were not; but that what
was there done, was Establish'd by the *Sole Authority* of the *Archbishop*, and his
Suffragans, without the *Concurrence* of any *Others* to the *Passing* of them.

I shall not need to say that before the time of these two *Archbishops*, the *Lower*-
Clergy, as well as the *Bishops*, were Called to such *Assemblies* in which the *Affairs*
of the *State* were to be transacted. That is not only ³ allow'd by the Person
whom I am now to deal with; but has been, I think, sufficiently proved by him.
That therefore they were not Called to the *Assemblies* here mentioned, was because
in those times they made a *Distinction* in this *Matter*; and look'd upon their pre-
sence to have been *Necessarily required* in the *One*, but not in the *Other*.

In the beginning of the next *Reign*, when the *Other Convocations* were now
brought to the same Regulation under which they have generally continued ever
since, yet still the *Ecclesiastical Councils* remained in the state which they were in
before. The *Clergy* were not Summon'd, but only *Invited* to them, unless they had
some particular *Reason* to be present, or that the *Archbishop* desired to have their
Advice in his *Debates*.

The *Affair* of the *Templars* was now the great Point in Agitation: And upon
occasion whereof frequent *Synods* were held in our Country, as well as in the o-
ther *Churches* of *Europe*. The *Archbishop* of *York* having determined to hold
his *Provincial Synod* upon this Account, upon the 20th of *May* 1310; Comman-
ded his *Suffragans* to Cause a *Solemn Publication* to be made of it in all the *Collegiate*
and *Cathedral Churches* of his *Province*. Then he ⁴ Summon'd *Peremptorily* to his
Synod, both the *Bishops*, and *Lesser Prelates*, with the *Chapters*, of his *Province*,
"That they should appear in his *Council*, to *Treat* of the *Matters* to be proposed in
"it; to give *wholesome Counsel* in them; and *humbly* to admit, and *effectually* to ful-
"fil, what should be *Established*, *Ordained*, and *Done* there. But for the *Clergy* he
no farther *Invited* them, than as by the *Publick Notice* which he had directed to be
given in the *Churches* of his *Synod*, they should be prompted voluntarily to come
to it, if they had any thing to *Offer*, or *Do*, in it.

But there is another *Circumstance*, in this *Summons* which must not be neglected:
He knew how backward these *Prelates* would be to *Comply* with his *Citation*;
and that it would therefore be necessary to give all the reasonable *force* he could
to it. And to that end, he added; "That he *Premonished* his *Bishops* and by them
"Commanded the rest to be *Premonished*, who were to be *Cited* by them, that he
"would *Punish* all such as should be *Absent* at the time prefixed, according to the
"Exigence of the *Law*, as *Disobedient*, and *Contumacious*; unless they should be a-
"ble to prove, that for some *Evident* and *Reasonable Causes*, they were *Lawfully*
"hindred from *Coming* to this *Synod*.

The *Case* was the very same the next year following: ⁵ He Summon'd the
Lower Prelates, and *Capitular Bodies*, but Omitted the *Proctors* of the *Diocesan Cler-*
gy; till the *King* desiring a *Subsidy* of *Twelve Pence* per *Mark* to be *Granted* to
him, in which the *Rights* of the other *Clergy* were concern'd, by a Second ⁶
Mandate, he required the whole *Clergy* to appear at the same time; and so held
at once both a *Council*, and a *Convocation*. This *Assembly* sate not long; it o-
pen'd on the 24th of *May* 1311. and by a new ⁷ *Mandate* Dated the 31st
of the same Month, we find notice taken of their *Adjournment* to the 1st of *Ju-*
ly; and then the *Proctors* of the *Clergy* were dropp'd again, and only the *Members*
first Summon'd, required to appear.

Thus this *Matter* pass'd in the *Province* of *York*: Nor was it much otherwise
in that of *Canterbury*. *Archbishop Winchelsea* Summon'd his ⁸ *Provincial Synod* to
meet at *London* the *Wednesday* after the *Feast* of *St. Matthew*, *Anno* 1310. To it
he *Cited* only the *Bishops*, and *Chapters* of their *Cathedral Churches*; but no *Abbots*,
Priors, *Deans*, or *Archdeacons*; no *Proctors* for the *Diocesan Clergy*, as in the other
Convocations he was wont to do.

This was the state of his *Synod* in 1310: But the year following the *Diffi-*
culty of the *Business* to be transacted in his *Council*, prompted him to Call in more
Help, for the better dispatch of it. ⁹ Here therefore he *Cited* not only the *Bishops*,
and

and Regular Prelates, with the Archdeacons, and the Capitular, and Diocesan Clergy; but enjoyn'd his Bishops to send, before the Opening of the Synod, some Other Persons learn'd in the Canon, and Civil Law, and Experienced in Matters both of Right, and Fact, to agree on the Methods by which they should proceed when they Came together.

From which two different kinds of Summons in both Provinces, so near to one another, the Assertion of Lynwood is, I think, evidently made good: That the Lower Clergy were not necessarily to be Called to these Councils; unless when their Counsel was thought to be needful; or that somewhat was to be Treated of in which they were particularly Concern'd. The former of which Assertions we see plainly verified in the Synod of 1310; the latter in that of 1311; and both together speak the same, which therefore both Joh. de Acton, and Lynwood, upon good Authority affirmed to have been the Custom of the Church, and the Rights of the Clergy, from them.

But the next Synod which I shall offer, One of the last of this Archbishop's, will carry us yet farther. In the Summons of which having peremptorily Cited his Suffragans to appear; He Concludes with this Clause; "That they should give Notice to the Dean, and Priors, of their Cathedral Churches; and to their Chapters, that IF they came to the said Council, and DESIRED to be ADMITTED to it, as the LAW REQUIRED, they should be Admitted. This is the direct Stile of what our Canonists laid down; or rather indeed it is not so much as they will be found to have pleaded for. For their Rule was General, that if Others, Any Other of the Lower Clergy, Came, they were to be Admitted. But this Order restrains it to the Cathedral Bodies only; that if the Deans, and their Chapters Came, they should be Admitted: Nay, and that too upon their Petition, Si—venerint &—Petierint—Secundum juris Exigentiam, Admittentur.

I do not believe that this Gentleman will presume to make the same Reflection upon Robert Winchelsea, that he has done upon William Lynwood, tho' by his Character more Obnoxious to his Resentments, as being Archbishop of Canterbury at the time that he caused this Writ to be issued forth, for the Assembling of this Provincial Synod. His Zeal for the Rights and Liberties of the Church; what he did, and what he suffer'd on the Account of them, are too well known to leave it in doubt, whether he was of a Temper to enter into any measures that tended to the Lessening of them. 'Tis true, he was Proud, and Imperious; and so may be thought to have carried his Own Authority too high over his Subjects; as 'tis certain he did both his own and theirs too far against the King. We will therefore see how his Successors behaved themselves as to these Matters; and Enquire, whether they did not continue to act by the same Measures, as we have now seen those did who went before them.

The Convocation of Archbishop² Stratford, in 1341, is a Provincial Synod with which this Gentleman has shewn himself to have been particularly well acquainted. He Cites a part of the Mandate by which it was Summon'd; and argues from thence, justly enough, that it was properly an Ecclesiastical Council, and not a State-Convocation. But who then were the Members of which that Synod consisted? And how were they Summon'd to it? First, the Archbishop, according to what Lynwood has asserted, peremptorily, and precisely Cited all his Suffragans to it: But as for the Deans, and Priors of the Cathedral Churches; the Abbots and Elective Priors; the Archdeacons, Chapters, Covents, Colledges, and Clergy; Who should THINK THEMSELVES INTERESTED IN IT; he order'd them to be only premonished, that IF they THOUGHT THEMSELVES CONCERNED in it; or HAD any CAUSES, or AFFAIRS to be TREATED OF in such a Provincial Council, they MIGHT lawfully appear, at the same time with their Bishops, before himself, and the said Council; there to Treat, and to give their deliberate Counsel, and Assent, to such things as should be Ordain'd by them. And lastly, upon the same terms, he order'd Notice to be Given to all Other Prelates of the Church, not being Mendicants, of whatever Order, State, or Condition, they were; to come at the same Time and Place, IF they should THINK it EXPEDIENT, &c.

Such was the Mandate by which this Council was Summon'd: And accordingly both in the Bishop of London's Provincial, and in the Other Bishops Diocesan Executions of it, we see these Precautions carefully Observed. The Bishops are peremptorily Cited by the One; and the Rest are premonished to Come by the Others, IF they thought it for their INETREST; IF it SEEM'D EXPEDIENT TO THEM; and IF they had

¹ Ex Mandat. Arch. Fraternitati vestre Committimus & Mandamus quatenus Ven. Fratres nos—citetis—peremptorie, quod in Concilio nostro Provinciali in Ecclesia D. Pauli London die Martis prox. post dominicam mediae Quadrage simae, dante Domino Celebrando—personaliter Compareant—Denuntiatus in super Decanis & Prioribus Cathedralium Ecclesiarum, eorumque Capitulis, quod si ad idem Concilium venerint, & ad id petierint se admitti secundum Juris Exigentiam admittentur. lib. Mem. Jo. Dalderby. Episc. Linc. fol. 238.

Seet. 39. ² See the Mandate at length in the Appendix, ad Ann. 1341.

any CAUSES, or other BUSINESS to be TREATED of there. From all which, it is clear, even to Demonstration; that as our Canonist affirmed, so it was then the Sense, and Practice of the Church, that the Bishops only were to be CALLED to such Meetings; but, for the rest, they were to have Notice of them; and to be Admitted if they Came; but not to be Cited, unless they had some Affairs which required their presence; or that the Metropolitan (which here it seems he did not) should stand in need of their Counsel, and for that reason, require them to come to his Synod.

This is so full a Proof of what I am now Asserting, that I think nothing plainer can be added, unless it be the Convocation of the next Year; with which therefore I shall (at present) Conclude these Instances. The King, by his Writ, Dated August the 15th, had Order'd the same Archbishop to Call a Convocation; and the Archbishop by his Mandate, Dated the 23d of the same Month, had Summon'd it to meet at St. Paul's, London, about the 9th of October following. To this, the Summons ran in the usual form; and all the Other Clergy, as well as the Bishops, were Expressly Cited to Come to it.

Upon the very same day, August 23d, the Archbishop issued out another Mandate, for his Provincial Council to meet at London the 14th of October; within a few days after the Other. But here the Mandate ran in a quite different strain.

—Decani-
que, priores
Sec.— si Eis
Utile Videatur.
Prædictaque
Capitula &c.
Clericusque, &c.
si sua prospere-
rint Interesse,
& Causas vel
Negotia habu-
erint, in hu-
jusmodi Pro-
vinciali Con-
cilio transan-
da, Coram
Nobis Com-
pareant. Præ-
latis insuper
Exemptarum
Ecclesiarum
volumus Nun-
tiare, ut præ-
fatis die & loco
Nobiscum in-
terfint si Volu-
erint. Lib.
Mem. Tho.
Beck. Episc.
Linc. Fol. 1.
Lynwood, p.
154.

The Bishops were Cited peremptorily to appear at it, as in the Other Mandate: 'But the Deans, and Priors of Cathedral Churches, with the Abbots, Priors, and Archdeacons, were PREMONISHED only, and that with this Qualification (if it SHOULD SEEM EXPEDIENT TO THEM: The Chapters, Convents, and Colledges, with the Clergy of every Diocese; by their Proctors, IF THEY SHOULD THINK IT TO BE FOR THEIR INTEREST, and THEY HAD ANY CAUSES or AFFAIRS to be TREATED of in such a Provincial Council: And lastly the Prelates of Exempt Churches, not being Mendicants, IF THEY WOULD.

This was the form of his Mandate for his Ecclesiastical Synod: And I shall now leave it to any One to judge, what other reason can be given why the Lower Clergy were Summon'd after such a different manner to this Council, and this Convocation; but that the Inferiour Clergy were look'd upon to have had very different Rights, and Obligations, with respect to the One, and the Other. To the Convocation they were expressly required by the King, and Summon'd peremptorily by the Archbishop to Come. They had not only a standing Right, but a necessary Obligation too, lying upon them to be present at it: But as for the Provincial Council, their presence was not necessarily required there; the Bishops only were look'd upon to be the Constant standing Members of that. Here therefore the Other Clergy (unless upon some special Occasions) were to be left to their Liberty: They were Allow'd to Come, if they would; or else, without Censure, to be Absent, if they would not.

In this Council, thus Summon'd, as I have before shewn, were those Constitutions made, upon which Lynwood first took Occasion to make that just Remark, which has now brought all this Storm upon Him. The Point under Consideration was a matter of Common Interest, the letting of Ecclesiastical Benefices to Farm. Upon this he first Observes, "What Persons were present at this Council is not known. For the Clergy, under the degree of Bishops, being Admonished, and Invited only not Summon'd; it was Uncertain whether they were there or no. Now this, says Lynwood, I observe upon the Account of the things which were here Establish'd---For several things were here Ordain'd contrary to common Right; and therefore it may be doubted whether this Constitution were made by All who had an Interest in it--- And then he adds, what is thought so Criminal to have been said: "That to these Councils Bishops only were necessarily to be Called; unless any thing were to be treatd of which touched the Other Clergy (as this Order certainly did) and then they were to be Called too. Had Dr. A. known and consider'd this, he would, I am confident, have been more moderate in his Reflections upon this Learned Canonist; who only Repeated in the Other place, what he had before Observed here; and that with all the pertinence, as well as tenderness, and justice to the Rights of the Lower-Clergy, that could be desired.

But tho' the Inferiour Clergy, therefore, were not always to be Compelled to come to these Synods; yet if being præmonished, and Invited, by Order of the Metropolitan (as usually they were) but much more if they were summon'd to come to them; (as in such Cases wherein he desired their Counsel and Advice; not only they, but such others of the Clergy of his Province, as he thought fit, might be) their

their Consent was taken to what passed in the *Synod*; and they had a Voice, as well as the *Bishops* themselves, there. This I take to have been the *Rule* which was Observed in our *Church*, as well as in the *Other Western Churches* in those Days: For so the Order ran, "That the *Presbyters*, whom the *Metropolitan* should chuse, might both judge and define with him in Council. And so I conceive our *Practise* ran with it.

In the Council of London, 1421: ² Archbishop Chicheley, besides the Usual Members, Cited the Chancellors of both the Universities; and all, and singular such Persons as Exercised any Ecclesiastical Jurisdiction, of whatever Condition, State, or Degree they were. This was, at once, both a Council and a Convocation: The Members of both were present, and they acted under both their Characters in it. And the Lower Clergy not only consented to what was done with relation to the State, but in the Church-Constitutions too; ³ the Consent of the Prelates and Clergy, as well as of the Bishops, being expressly said to have been given to them.

This therefore is neither deny'd by *Lynwood*, nor needed it to have been so Elaborately proved by this ⁴ Gentleman against him. That they were to be admitted into these Councils if they came, he affirmed: All that he deny'd, was, That they were to be peremptorily Cited, and Obliged to Come to them, whether they thought it Needful or not, so to do.

After what has been said, I may now venture to affirm that *Lynwood*, in this matter, has no need either of this Author's Charity to Excuse, or his Apology to justify him in his Gloss. However we will see what his Civility to him is: And how he clears him from that foul Imputation he had just before cast upon him, of having wilfully prevaricated upon this Occasion. The Sum of the Excuse which he makes for him is this: "That he knew no more of this Matter than what he found in his *Gratian*; whereas, had he been at all acquainted either with the Writings and Usage of the Primitive Church, or even with the Elder Records of our Own, they would have better inform'd him.

This indeed is a Notable Apology for an Author of no higher a size, to make for so great a Person as *Lynwood*, both in Learning and Experience, in his Offices and Employs, was. But there is a sort of Men in the World, who account all to be either *Knaves*, or *Fools*, who are not of their Opinion. This was *Lynwood*'s Crime, and for this, both his Learning is Arraign'd, and even his Honesty it self call'd in question. For most certainly both the Rule and Practice of our Own Church, in this Case, was of his side, at the time when he Wrote: And how it stood in the Antient Church, I have, in some measure, endeavour'd to declare.

It must be confess'd, That the Council of Basil broke in upon the Antient Usage; and *Gerson*, who liv'd not long before it, and was deeply engaged in the Papal Schism, and turn'd all his Endeavours to the Removal of it, did, by his Writings, prepare the Way for it. Many of the Canonists, and Others, who have wrote since that time, have gone into the same Notions. So *Mendoza*, and *Gonzales* in Spain: The *Magdeburg Divines* in Germany: *Almain*, *Richer* and *Simon Vigors* in France: To say nothing of the famous *Charles du Moulin*, who, in his Treatise against the receiving of the Council of Trent, maintains the same Opinion. But then it must be consider'd that others, no less Eminent, stily opposed this Innovation, in the very Council of Basil it self, which was particularly the Case of the Learn'd Abbot *Nich. Tudeschus*, tho' better known by the Title of *Panormitane*; as *Aeneas Silvius*, in his History of that Synod, informs Us. And the Principles on which those who Assert this, found themselves, are such, as, I believe, this Gentleman himself would not; I am sure no good Member of the Episcopal Church of England, can admit of.

To take some of them as they lie in the Learn'd *Simon Vigorinus*'s Discourse upon this Occasion. His first and main Ground, for the Right of *Presbyters* in this Case, is, that of St. Hierom, and (as he pretends) of St. Austin too, That Bishops are only by Use and Custom, and nothing else, superiour to *Presbyters*. He adds, that in the Synod of Jerusalem; not only the Elders, but the Lay-people were present: That in the first general Councils, not only Bishops, but Priests, and Deacons; had a Right of Sentence; that is, as he adds after, of definitive Sentence. That in Provincial Councils, Priests, and Deacons, carried an equal stroke, and acted upon the same terms with the Bishops. These are some of the Principles, upon which he Builds his Position. If this Author allows of them, let him enlarge his Proposition, and take in not only his Own *Presbyters*, but the Deacons and Laity of these Canonists, along with them.

¹ Ord. Con-
cil. Rom Ma-
billon Mul.

Ital. vol. ii. p.

393.

² Regist.

Chicheley, Arch

Cant. 11. Vol.

fol. 23, 24.

³ Vid. Spelm.

Conc. Tom. ii.

p. 677.

⁴ Rights, &c.

p. 12, 13, 14.

Sect. 40.

⁵ Ib. p. 14.

Sect. 41.

⁶ Ad Resp.
Synod. Concil.
Basil. Com-
ment. Cap. xiv.

them. If not, let him shew us upon what other Grounds he can prove their *Separate and Distinct Right* from the Others, in the Case under debate.

As for our own *Divines*, who liv'd about the time of the *Reformation*, it is not to be wonder'd, if they enter'd into the Notions, which not only so much prevailed in those days, but which seem'd the most proper to promote the good Work, which the Chiefest of them had at that time in hand. The *Constitution* of our own *Synods* favour'd it; and it was not so easie then, as it is now, since the *Antient Writers*, and *Councils*, have been more correctly Publish'd, and more commonly read, to know what the Sense and Practice of the Primitive Fathers and Governours of the Church, in this case were. And yet, when all is done, I cannot find that the Passage which he alledges will bear so large a Superstructure as he is pleased to build upon it. They say, *That in the Antient Councils of the Church, in matters of Faith, and Interpretation of Scripture (for to those they restrain their Assertion) no man made definitive Subscription, but Bishops, and Priests. And they give this Reason for their Opinion, for-as-much as the Declaration of the Word of God pertaineth unto them.* I meddle not with the truth of their Remark; but sure I am, it cannot, from thence be generally inferr'd (as this *Author* yet infers) that these *Bishops* allow'd to *Presbyters* not only a *Consultive*, but a *Decisive Vote* also in *Synods*, and that derived from *Primitive Practice*. Their *Proposition* is particular; in such certain *Cases*, they made *definitive Subscription*, and that, because in those *Cases* they had a *Right to declare their Sense*. But his *Inference* is general, *Therefore they have a Right (indefinitively) to sit and vote (as well as subscribe) in All Cases; even in Matters of Discipline, and in Sentences of Judgment; which do not belong to them, tho' the Preaching of the Word does.*

But let these *Three Bishops* (for no more, after all, they were) have thought what they will: In *Lynwood's* time, tho' these *Opinions* were then begun to be started abroad, yet had they not obtain'd with us. The *Lower Clergy* were admitted; and, upon such Occasions as he speaks of, were summon'd to the *Provincial Synods*. But still the *general Rule* was, that they were not to be *Cited* to them; but according to the Definition of *Pope Innocent*, which this Gentleman so much insists upon, if he were willing to understand it; They were to be *Invited*, and if they came, to be *Admitted*; but, if they came not, they were not to be *Censured*.

Sect. 42.

Let us hear how he Concludes this whole Matter. "I have made the best *Excuse* that I can for him; for I am not willing to believe that the *Dedication* of his *Book* had any influence upon the *Doctrine* of it; tho' I must needs say that he has decided in this Case more like a *Dean of the Arches*, then a *Prolocutor* of the *Lower-House of Convocation*, which he sometimes was. It is not hard to find out what this *Author* design'd by this Reflection: He had before charged him with Contradicting in his *Gloss*, those very *Constitutions* which himself had probably penn'd. And he now would have it thought that he did it, as an humble *Official* of the *Archbishops*, (for *Dean of the Arches* he was not, that is a *Preferment* of this *Author's* bestowing upon him) to ingratiate himself with his *Master*, tho' to the Loss of the *Rights* and *Liberties* of that part of the *Convocation*, which had more than once made him their *Speaker*, and intrusted their *Rights* in his Hands.

But I have sufficiently shewn, that in this the *Prolocutor* not only delivered the true state of the Matter; but in the very thing for which he is charged to betray the *Rights* of the *Clergy*, did indeed stand up for them. It being certainly a greater *Liberty*, and I think a higher *Privilege* too; to have a *Right* to be *Invited* to these *Synods*, to be *Admitted*, if they thought fit to come to them; and yet not to be *Censured*, or *Punished*, if they did not; than to have a *Right* of being forced to come, whether they would or no; and to suffer for their *Contumacy*, if they neglected to attend at them.

Whether this *Author* could not have made a better *Excuse*, if he had pleased for him; I shall leave it to the *Reader* to judge, when I shall have told him, that it was in his Power to have given the true *Account*, which I have here given of this Matter; and so to have prevented the need of any *Excuse* at all. The *Convocation Writ* of *Archbishop Stratford* of 1341, which I have before mentioned, is so Clear, that one would think *Prejudice* it self could hardly blind a Man so far as to hinder his discovering of it. That this very *Writ* this *Author* had by him when he wrote his Book, himself shews, *Pag. 65*, where he not only makes mention of it, but actually transcribes a considerable passage from it. And in that

Writ

Writ, tho' Others besides the Bishops are premonish'd of the Council which was to be held, yet the Bishops only were Called to it: The Rest were left to their Liberty, to Come If they had ANY BUSINESS, or THOUGHT it for their INTEREST to Be PRESENT, or else (if they liked that better) to stay away. This was exactly agreeable to what Lynwood had affirm'd; and let this Author tell us, when he next Writes, why he so shamefully conceal'd his Knowledge of it.

There is yet one stroke more at this Unhappy Writer, and then we shall have done; and a remarkable One it is, for it discovers the Secret of what Lynwood, it seems, aim'd at, in betraying the Rights of the Clergy, as he did on this Occasion. And perhaps (says he) One that had less Regard for his Character than I have, would be ready to suspect that he might, by this time, have his Eye upon the Bishoprick of St. Davids, To which he was promoted, almost Twenty Years after his first advancing of this Assertion.

What respect this Gentleman has to the Character of which he speaks; I mean the Episcopacy; the whole Scope of his Book, and all the Principles of it, sufficiently shew. And either I am very much mistaken, or the Character, in this very Place, was set up, only in order to its being scoffed at, and Abused. What secret Views that Learned Canonist had, in Glossing upon the Provincial Constitutions, besides the Motives which he owns to have induced him to that Useful Undertaking, I cannot tell. Sure I am, That those who knew him much better than this Author can pretend to have done, deliver him to Us under a very different Character: And which in justice to the Memory of so Modest, as well as Learned a Man, I desire my Reader to peruse in the 'Appendix to this Book. In the mean time, I shall only add thus much, which, I presume I may, without Offence, be allow'd to say, That 'tis much to be suspected, That those who are so forward to Accuse others of secret and unwarrantable Designs in what they do, are not wholly free from them themselves: They know their Own Ambition, and that inclines them, on every Occasion, to Conclude the same to be the Case of Other Men.

Epist. Reg.
ad Ann. 1438.

And now, if it be ask'd how our Convocations came at last to admit, not only of the Inferiour Prelates, but of the Cathedral, and Diocesan, Presbyters too; the Answer is very plain: They were, Originally, design'd not for Ecclesiastical, but for State-purposes; To consult of the Welfare of the Church, as it was a Part of the Realm; and to provide for the Support of the One, by ministring to the Wants and Security of the Other. Now in this, the Lower Clergy have as much an Interest as the Higher: They are Equally Members of the Commonwealth with them; and it was but reasonable that their Consent should be taken in the Granting, and Dispensing of what belong'd to their Cures and Dignities; as well as the Prelates of what was to arise out of their greater Preferments.

Sect. 43.

When in process of time the frequent Assembling of Our Convocations for these Ends, gave Opportunity to the Bishops to transact most of the Other Matters relating to the Church in them; they easily consented to take the Clergy into their Debates and Resolutions in the One, as well as in the Other. The Lower Prelates and Dignitaries had before been admitted into the Provincial Synods of almost all the Churches of Europe; and into our Own among the rest. The Parochial Presbyters had been allow'd this part in them too; that if they were Called by the Metropolitan, and Permitted by him, they might both Sit, and Advise, and Determine in his Council. Thro' this Condescension of the Metropolitans, and Bishops, at the Beginning, it was no hard Matter from Admitting them sometimes, and in some certain Cases Requiring them to be present at these Synods; to allow them to become almost constant Members of them: Especially when by Order of the Prince, and for the Dispatch of his Affairs, they were regularly called together; and the same Persons were thereby ready, oftentimes, as well to join in making Synodical Constitutions, for the Service and Establishment of the Church; as to consult, in Convocation, about the Outward Peace and Security of it.

By these Degrees then our Convocations came to be settled on the Foot on which they now stand. First the Bishops alone seem to have acted authoritatively in them. About the End of the Saxon times, the Lower Prelates came into them. Afterwards the Presbyters were premonished, and if they came, were admitted to be present at them. This was towards the latter End of King Edward the 1st. When Provincial Convocations were brought up for State Purposes, the Lower Clergy presently became, and that justly, Members of them: By degrees the King demanding

demanding *Aids* of the Church, in their *Ecclesiastical Synods*, as well as in their *Other Convocations*; the *Lower Clergy* were for that purpose, sometimes, called to Them. sometimes the *Archbishop* wanted their *Counsel* and *Consent*: 'Till by degrees it grew to be almost a constant Method to *Summon* them; and to give them the same Place in the *Ecclesiastical*, that they had in the *State-Assembly*. Thus were our present *Provincial Synods* establish'd; nor is it any part of my Design, in what I have now been discoursing, to make any manner of Exception against the *Form* of them; much less to encourage any *Change* in it. I am well content, that not only our *Presbyters* should be admitted to the share which they have in them; but were our *Archdeacons* no more now than what their Name imports, and what, at the Beginning they were; nay, were not only some few of the *Laitie* capacitated to be chosen *Members* of them, but should many more be received, than have ever yet been *Elected* into them; it would be no more Offence to me, than it is to read of their being present at the *Synod of Jerusalem*; and in several other of the most *Early Councils* of the Church.

That which I except against, in what this *Author* has affirmed, is; First, That he Asserts a *Synodical Right* belonging to *Presbyters*, in *Provincial Synods*, by virtue of their *Order*, as *Joint-Members* with the *Bishops*, in guiding the *Affairs* of the Church, exclusively to those of a *lower Rank*; and (I suppose) yet much more Exclusively of the *People*; whose Presence, tho' he allows to have been found in the *Ancient Councils*; yet he denies them to have had any of that Interest in them, which he affirms the *Presbyters* to have a *Common*, that I do not say an *Equal Right* to, with their *Bishops*. Now in this, I think he sets these *Orders* too near upon a *Rank*, and *Level*, with *One another*: And thereby injures the *Bishops* to whom the *Government* of the Church was, as I conceive, Committed by *Christ* and his *Apostles*; and therefore to whom of *Right*, there belongs a *Singular Power* of Ordering the *Affairs* of it. And then, Secondly, That he appeals to the *Sense* and *Usage* of the *Primitive Church*, for the *Confirmation* of this *Opinion*; (and particularly to that of our *Own*) and from neither of which (after once these *Provincial Assemblies* came to be *Canonically settled*) I have now shewn, any such *Practice* or *Opinion* can be derived.

Let the *Presbyters* then, let the *Deacons*, nay, let the *People* too, enjoy any liberty, that either the *Ancient Church* allow'd them; or the *Interests* of the *Present* shall make it reasonable to indulge to them. Let them come not only as *Witnesses* of what is done in our *Synods*, or to testify their *Consent* to the *Acts* of them; but, if our *Governours* please, let them *Define* together with their *Bishops* in them. Only let the *Divine Right*, and *Prerogatives*, of the *Episcopacy* be preserved; which our *Fathers* have taken care with so much *Zeal* and *Piety* to support: And let the *Presbyters*, as well as the *Deacons*, and *People*, remember this; that 'tis to the *Bishops*, not to Them, that the *Government* of the Church was left by *Christ*, and his *Apostles*; and that 'tis one thing to be admitted into a *share* of it, and another to lay claim to it, as a *Privilege*, which of *Right*, belongs to them.

CHAP. V.

The Second Argument Entred upon: Of the Convocation's being an Attendant upon the Parliament. That it does not sufficiently prove his Point, supposing what he Asserts to have been True. That if it did, yet in Fact, it is utterly False. The State of the Publick Assemblies of the Church, Historically shewn, during the SAXON Times.

Sect 1. 1. **H**ITHERTO I have proceeded with Dr. Att—— upon his own Ground, and supposing our *Convocations* to be pure *Ecclesiastical Synods*, have shewn that the *Canons* of the Church do neither lay any Obligation upon our *Metropolitans*, to hold them at any set Times, nor give any Right to the Clergy, in his free way of speech, to DEMAND the Assembling of them.

I must now beg leave to put him in Mind of what himself here, in his next Argument, not only allows, but insists upon; that had those *Canons* of which he

he speaks never so much obtain'd amongst us; yet the *Convocations*, concerning which we are here Arguing, are not such *Provincial Synods* as they intended; but are, indeed, Assemblies of the *Church* called together for *Civil*, or *State-purposes*; which only *Occasionally* medled with *Spiritual Matters*, by the direction of the *Metropolitans* heretofore, and continue so to do by the *License* of the *King* now. And concerning such *Convocations* as depend upon the *Constitutions* of *Civil Government*, and are held according to the *Laws* and *Customs* of every *Country* or *Kingdom*; neither the *Canons* of *Foreign Synods*, nor the *Papal Decrees*, have any manner of *Right* to *Command* or *Establish* any thing. So that in this first *Argument*, this *Author* has, as I conceive, committed the same double *Error*, which I shall hereafter shew he has done in all the Rest; that both the *Supposition*, on which he Builds, is *False*; and the *Argument* which he raises upon it (tho' we should allow of his *Supposition*) is nevertheless *Weak* and *Un-conclusive*.

His next Reason to prove a *Right* in our *Convocations*, (not only to be Called together with every *Parliament*, which constantly has been, and, I suppose will always be done; nor yet, being so Called to *Sit* and *Act*, with the *King's Allowance*, which is likewise agreed to; no, nor yet, Thirdly, to be permitted by the *King* to *Sit* and *Act*, whenever there is any *Business* for it to do; or that their *Sitting*, and *Acting*, would be of any *Benefit*, either to the *Church* or *Realm*; which I freely own the *Clergy* have a *Right* to; nor can the *King*, in my Apprehension, without abusing his *Authority*, deny it to them; but 'absolutely) to meet ^{Rights, p. 76} and sit with every *Parliament*, and to continue sitting the whole time that the *Parliament* does, whether there be any thing to be done by them or no; and that, as *Attendants* on the *Two Houses*, and at their *Direction*, not at the *King's Pleasure*, the *Metropolitans*, or their *Own*; is derived from the *Nature* of our *Own Political Constitution*, which (as he affirms) has given the *Clergy* the *Right* (or as I should rather speak, were it my *Notion*, has laid upon them the *Burden*) of such an *Attendance*, and given the *Parliament* the *Right* (if they think it worth the insisting upon) of being so *Attended* by them.

To bring this Matter to the fairest Issue I can, I will first endeavour to settle the true *state* of the *Point*, and draw it out of that *Confusion* in which he has involved it: And, then proceed to consider the *Argument* upon which he founds his *New*, and, I think, *Enslaving Assertion*.

In pursuance of the former of these, two things must be enquired into: *First*, What this *Author* means by a *Convocation*? *Secondly*, What that *Attendance* is, which he affirms the *Convocation* ought to pay upon the *Parliament*. Sect. 1.

1. By a *Convocation*, he tells us, p. 4. he means a *Provincial Synod*, and that whether it be consider'd simply in it self, or as *Attendant on a Parliament*. And to be yet more particular, p. 28. he means by it, a *Synod of the Province of Canterbury*: So that it may be doubted whether the *Synod of York* comes within his Consideration or not. And indeed the *Clergy* of that *Province* have so seldom met at all, and when they have met, have generally sat at such a distance from the *Parliament*, that 'tis but a very slender sort of *Attendance*, that they have paid upon it.

But tho' this were his Sense at the *Beginning* of his 2d *Chapter*, yet by that time he came to the *End* of it, he enlarged his *Notion*, and, upon the whole, gives us this full description of what he means by a *Convocation*, p. 75. That it is a *Word of Art*, which signifies a meeting of the *Clergy* in time of *Parliament*. And that, as he there again limits it; a *Provincial Meeting*, summon'd by the *Parliamentary*, no less than by the *Provincial Writ*; for which Reason he calls them in the same *Page*, *Parliamentary Conventions of the Clergy*; and adds, that they are *State-Meetings*, as well as *Church-Synods*.

"These *Parliamentary Meetings* of the *Clergy* were, at first, he says *Congregations*; or *Convocationes Cleri*, but not therefore *Concilia Provincialia*, which were
 "Extraordinary (or as 'tis now Corrected, *Occasional*) Assemblies; for Church-
 "business only; whereas the Others were Originally held for *Civil Purposes alone*,
 "and the Common Affairs of the *State*. But this Distinction held not very long,
 "the Business of *Provincial Councils*, being, in tract of time, done in the *Ordinary*
 "Congregations of the *Clergy*; and These, and Those, being promiscuously st-
 "led *Convocations*; till at last, *Provincial Councils*, properly so called, CEAS'D
 "ALTOGETHER (or as 'tis now Corrected, GREW INTO DISUSE) and *Parliamen-*
 "tary *Convocations* came into their Room.

"These

"These *Parliamentary Convocations*, have the same *stated times of Assembling* that the *Parliament* has. The *Other Meetings of the Clergy* out of *Parliament Time*, were held when the *Necessities of the Church* required; and those *Assemblies*, indeed, and those *Alone*, were properly *Occasional*.

This, as near as I can observe, is the sum of Dr. A's Notion of these Meetings. He distinguishes, as I have done, between the proper *Provincial Councils* of the *Church*, and the *State-Convocations* of the *Clergy*. "He agrees with me, That the One were design'd for *Church-business* only, p. 65. The Other were held for *Civil Purposes* Alone, and the *Common Affairs of the State*. And I agree with him, that, in tract of time, (tho not so soon as he would insinuate) the *Convocations* proceeded to treat of the *Church Affairs* of the One; as the *Provincial Councils* had begun more early to meddle with the *Civil Business* of the Other. Only, I would observe, That as the *Provincial Council*, by treating of *State Affairs*, did not thereby lose or change its Nature, and become a *Parliamentary Convocation*; so neither did the *Convocation*, by its *Occasional Meddling* with *Spiritual Affairs*, cease to be, what it truly was, a *State-meeting*; nor become a proper *Ecclesiastical Synod*. They both continued *distinct* from one another, as I have shewn, to the very time of the *Reformation*: And even after the 25th of King Henry the 8th, were design'd to have been still continued, under the same distinction they had before been. This the intended ¹ *Reformation* of our *Ecclesiastical Laws* speaks; and I appeal to their Constitution concerning *Provincial Councils*, for the truth of what I say.

¹ Reform.
Legg. Eccl.
Tit. de Eccl.
cap. xviii. fol.
103.

The *Convocation* then, of which we are now treating, is an *Assembly* of the *Clergy* for *State-purposes*; which, by the leave of the *Metropolitan*, and with the *Consent* of the *Bishops of the Province*, did sometimes (being met) transact *Ecclesiastical Affairs* heretofore; and if Need be, may, by the *Authority* of the *King's License*, do the *Business* of a proper *Church-Synod* Now.

Sect. 3.

² Rights, p.
67.

I proceed, 2dly, To Enquire what that *Attendance* is, which he affirms, this *Convocation* ought to pay upon the *Parliament*? Now that is altogether *servile* and *severe*: And, as I apprehend, equally *injurious* both to the *Liberties* of the *Church*, and to the *Prerogative* of the *Crown*. ² The *Clergy* (he says) must *meet*, and *sit*, whenever the *Parliament* does, and *continue* to *attend*, so long as that *Continues* to *sit*; whether there be any thing to *consult* about or No: And they can neither *meet*, nor *sit*, nor *act*, (no not by the *King's Authority*,) when the *Parliament* does not; tho' the *Exigences* of the *Church* should never so much require their *Counsel* and *Deliberation*. This is, in short, the so much magnified *Right*, *Power*, and *Privilege* of an *English Convocation*; but such as our *Wiser Predecessors*, when more mildly stated, thought a *Burden* and an *Opression*; and as earnestly endeavoured to be freed from, as some are now zealous to contend for it.

³ Rights, p.
75, 76.

As for the former of these, the *Necessity* of their *sitting* with every *Parliament*, it is so great, that he tells us it is "neither in the *Princes*, or the *Archbishop's* *Power*, whether they will have such *Assemblies* or No. That there is the same *Law* for the *sitting* of a *Convocation*, as there is for that of a *Parliament*. By this *Law*, the *Clergy* are not only under a *Duty* to *Attend*, but have also a *Right* to *meet*. Their *Writs of Assembling* concurrently with a *Parliament*, are not *meer Letters of Grace*, and *Complement*, but to be *Emitted ex debito justitia*, whether the *Government* has any thing to *Propose* to them or no. So likewise are their *Assemblies* at such times, to be held by the same *Law*, notwithstanding it may be pretended that there is no *Occasion* for them. For although their *Consent* may not be necessary, nor their *Advice* seem wanting, yet as they are *BOUND* to *WAIT*, if either shall be asked; so may the *Clergy* themselves have some *Informations*, and *Remembrances* to offer, and some *Petitions* to make, concerning such things, as they may be supposed to take more particular Notice of, or wherein they may be more particularly concern'd.

⁴ Rights, p.
67.

Such is the *Necessity*, which some call the *Right*, of the *Clergy's Sitting*, during the time of *Parliament*. And for their other *Right* (if that too must be so accounted) of not being in a *Capacity* of being *Assembled*, or of *doing any thing* out of *Parliament*, no not by the *King's Writ*: Dr. A. Closes in with the *Opinion* of some *Warm Members* in the *Parliament* of 1640. (for the *Parliament* it self never declar'd it self of that *Opinion*; no nor so much as the *Lower House*, how-
ever

ever he is pleased for the better Credit of his Cause so to represent it:) That the Proceedings of that Convocation were Unlawful, because they were made by an Assembly which Sate and Acted after the Parliament was dissolved. He represents the Lord-Keeper and Judges, who gave their Opinion to the contrary, as setting their Hands to a solemn Equivocation; when they "declared, That the Convocation being called by the King's Writ, under the Great Seal, doth continue until it be Dissolved by Writ or Commission under the Great Seal, notwithstanding the Parliament be Dissolved: Because forsooth, they did not say, whether Such Writ or Commission, ought not of Course, to have Issued out from the Crown, upon the Dissolution of the Parliament. But this Point, says this Gentleman (after his usual freedom with the greatest Men, if they speak against his Hypothesis) is not touch'd upon in the Judgment given, and seems to have been PURPOSELY DECLINED: For otherwise it had been a Clearer and fuller Determination of the Matter in Question, if they had said, That the King might, by his Prerogative, keep a Convocation sitting as long as he pleased, notwithstanding the Dissolution of the Parliament with which it was called.

Ibid.

I shall not here compare the Two Forms proposed, the Judges, and this Authors; nor consider which of them, upon the whole Matter, is the fuller and more clear. I freely own, that I look upon the Decision, as drawn up by them, to be both more legally worded, and as clearly deliver'd, as if they had had this Gentleman to dictate a Form to them. The Convocation was called not by the Parliamentary, but by the Provincial Writ. And being so Called, they declare, that it does continue, by Law, to Sit'till it be dissolved by some Writ, of equal Authority with that by which it was Called. And, to clear all Doubts, they add, That the Dissolution of the Parliament did not alter the Case, nor at all affect their Session, who Met and Sate by a quite different Writ from it. This I think, was very Full and Clear: In the mean time, this Gentleman, we are sure, is of another Opinion; that the Convocation cannot Out-sit the Dissolution of the Parliament above a Day; tho' in point of Law, if the Convocation may Sit and do business but a Day after the Parliament is gone, (which this Author cannot deny but that it may) it will, I believe, be difficult to give any good Reason why it may not as well Sit and Act a Week or a Month.

Having thus seen what the Point is which this Author is to prove; it will now be time to Enquire, what Method he takes in order to the proving of it. Now that he thus gives us, in his own Summary Re-capitulation of it.

Sect. 4.

² * That as far back as we have any Memoires of the Civil, or Ecclesiastical Affairs of this Kingdom, it appears that the Clergy and Laity met together in the Great Councils of the Realm. That this they did in the Saxon Times, and for some Reigns after the Conquest, Nationally; joining closely with the Laity in Civil Debates, and taking THEIR SANCTION along with them in ALL ECCLESIASTICAL ACTS or ORDINANCES.

² Rights, p. 74.

* That they divided afterwards from the Laity, and from One Another, and Attended the Parliament, not in One Body, but in Two Provincial Synods held under their several Archbishops.

³ * That these Provincial Assemblies, tho' held apart from the Parliament, yet belong'd to it; met by the Parliamentary, no less than the Provincial Writ, and were State-meetings as well as Church-Synods.

³ Pag. 75.

* That these Parliamentary Conventions of the Clergy, were held at first Near the Time at which the Laity met; afterwards with a Latitude: But that this Irregularity was Reformed before the Reformation of Religion; and their Meeting and Departing, fixed within a Day of the Assembling and Dismission of the Parliament; and that this Custom has now for above an Age and Half continued.

This is the Sum of his Deduction, which I hope I have not, I am sure I have not designed to injure by any thing which I have Omitted; to render the Argument more short, and thereby more easie to be Understood. Let us see first what strength it has to infer his Conclusion, supposing it to be true; and then go on from step to step to Examine, whether it be not, almost in every particular, utterly False and Untrue.

And 1st, Supposing the Case to have been as this Author represents it, it will follow, that tho' the Clergy have, in some way or Other, still been Called to the Great Councils of the Nation; yet there have been great Changes and Varieties, in the Manner of their Coming to them. In the Saxon Times, and for some

Sect. 5.

Reigns after the Conquest, they came *Nationally*: They joyn'd with the *Laity* in *Civil Debates*, and the *LAITY* joyned with them, in *GIVING AUTHORITY* to *ALL* their *ECCLESIASTICAL ACTS* and *ORDINANCES*.

This *Constitution* lasted for some *Reigns* after the *Conquest*; Then it was changed for two *Provincial Meetings*, held under the several *Archbishops*; and thus, if we may believe it, they *Attended* the *Parliament* 'till the time of King *Edward the First*.

But here the *Old Practise* was again revived; and the *Clergy*, by *Vertue* of the *Premunitory Clause*, was once more brought *Nationally* to *Parliament*. They were summon'd at the *same time*, to the *same place*, and for the *same Ends* that the *Other Estates* were; 'and a *strict Compliance* herein was *exacted* by the *Crown*, and paid by the *Clergy*.

¹ Rights, p. 74.

This had not long continued before the *Clergy* found means to be Released from the rigour of it; And prevailed upon the *King* to accept of their former manner of *Assembling* with the *Parliament* in two *Provincial Synods*, in lieu of that closer Attendance which the *Præmunientes* Challenged; the forms however being still kept up, by which the *King's Right* of *Summoning* them immediately to *Parliament*, was acknowledged all along, and their *Obligation* to Obey his *Summons* in the way it prescribed, was duly acknowledged.

But neither did the Change stop here: For even these *Provincial Assemblies* were held, at first near the time that the *Parliament* met; afterwards with a *Latitude*: And some time before the *Reformation*, They began to be held concurrently with it.

This is *Dr. A*—s Scheme, and be it Right or Wrong, the Use I would at present make of it is this: That it appears from hence, that from the very *Times* of the *Saxons* downwards, there never was any One Constant, or settled Method, of the *Clergy's* coming to the *Great Councils* of the *Nation*. Sometimes they met with the *Laity*, sometimes by themselves. One while at the same Time with the *Parliament*; at others utterly distinct both in Time and Place from it. Sometimes in One *National*, and sometimes in two *Provincial Assemblies*. And this, if his Account be true, according as they had a greater or lesser Influence over the *King*; Who, it seems, by his reckoning, had the whole Ordering of this matter in his Hands.

Which being so, it is plain, that there was nothing in this Matter of the *Clergy's* Attending upon our *Parliaments*, so fix'd by the *Nature* of our *Constitution*, but what the *King* himself heretofore, at the request of the *Clergy*, (and sometimes even against their Wills) did Change; and the *Authority* of the *King*, *Clergy*, and *Parliament*, without all doubt, had Power to *Alter*. If therefore the *Statute* of the 25th of *Henry* the 8th, passed with the *Consent* of the *Clergy*, and by the *Authority* of the *King* and *Parliament*, has made such a *Fundamental Change* in this Case, as to put the whole power of *Calling* the *Convocation Absolutely*, and without all *Restriction*, into the *King's Hands*, so that there is no Reserve or Limitation upon him, that he shall be obliged at any certain Times to *Assemble* these *Meetings*; or during such and such *Periods*, shall be tied up to *Continue* their *Session* whether he will or no; it is plain from this *Author's* own Account, that 'tis but one *Alteration* more added to many that had gone before: Only whereas those before had been made by the *Clergy* themselves, and rather yielded to, then approved of by our *Princes*; this last had the solemnity of the utmost *Authority* of the *Nation* to Confirm it; *King*, *Convocation*, and *Parliament*, All join'd to render the Establishment lasting and unquestionable.

Sect. 6.

Now the better to know what Influence that *Act* may have had in this respect; I would observe, 2dly, That according to this *Author's* own Account, the *Convocations* of the *Clergy*, at the time that that *Statute* was made, were not fix'd to the *Sessions* of the *Parliament*; nor therefore necessarily to be held *Concurrently* with it. At first, he says, they were held near the time the *Laity* met; afterwards with a *Latitude*; and some Time before the *Reformation*, they began to be HELD CONCURRENTLY with their *Assemblies*. When this *State Reformation* BEGAN, He does not precisely tell us; yet we may guess at it from what follows, where he says, that it was above an *Age* and half ago. Let us therefore suppose it to have been 170 Years; and so we shall bring it to the very *Parliament* which pass'd the *Act* of the *Clergy's Submission*: Or if that will not satisfy him, let us carry it yet twenty Years higher; and suppose it to have begun the 1st of King *Henry* the 8th, and that is within Nine Years of Two *Ages* past. But still this will not give

give such an *Authority* to the *Innovation*, as to enable it to *Limit* the *King's Prerogative*; and make that necessary to *King Henry the 8th*, which neither in *Law* nor *Fact*, was either necessary to, or practised by any of his *Predecessors*.

To the *Reign of King Henry the 8th*, the *Assembling* of our *Convocations* was not determined, by his own *Confession*, to the *Sessions* of our *Parliaments*. They were actually *Assembled* at different *Times* from one another; and the *King* was the *Judge*, when to hold the One, and when the Other. If therefore the *King* had this *Liberty* then, I am sure neither the *Act of Submission*, nor any other *Statute*, has deprived him of it since. All that can be alledged must be resolved into the late *Practise* of an *Age and half*, (as this ¹ Gentleman says) for it: And whether that shall have such an *Influence* in this *Case* in *Law*, as to tie up the *Kings Hand* in the *free Exercise* of his *Sovereign Authority*; where both the *Antient Custom* is on his side, and the *Parliament* have plainly left him at *Liberty*; and that ever there was such a *Custom* at all, has been the meer result of the *Royal Will and Pleasure*, I may leave it to any One, who is never so moderately versed in our *Laws*, to determine.

¹ Rights, p. 75

But 3dly. If this Gentleman's Account be to be relied upon, not only the *King's Authority* is safe, but the *Liberties* of the *Clergy* too; and the *Parliament* have neither any *Right* to be so *Attended* by the *Convocation* as he requires; nor is the *Convocation* under any *Necessity* of *Attending* in such a manner upon the *Parliament*. And the reason of this is plain; because that when our *Convocations* were first *Established*, and the *Constitution* settled upon this *Bottom*, they were not *Obliged* to such an *Attendance*, nor did they, for two hundred Years after, by this *Author's* own *Acknowledgement*, thus attend upon it.

See 7.

Let us hear once more how he delivers this part of our *History*: *These Parliamentary Conventions of the Clergy* (says he) were held at first *NEAR* the *TIME* at which the *Laity met*: *Afterwards with a Latitude*; and so they continued 'till about an *Age and half* last past. In all that time therefore, from *King Edward the First*, to *King Henry the Eighth*, the *Parliament* and *Convocation* met at several times from one another; sometimes nearer, and sometimes at a greater *Distance*, and both as the *King* thought fit to order it.

I will not now be so importunate as to enquire how, nevertheless, this Gentleman makes the *Convocation* to have been all this while a *Parliamentary Attendant*. I would rather Ask, when the *Convocation* thus met, at a different time from the *Parliament*, had not the *King* and the *Archbishop* (One, or Both) a *Legal Authority* to *Prorogue*, or put an *End* to its *Sessions*, whenever they thought fitting? And did they not actually, all that time, do this at their *Own Will*? This Gentleman, I am sure, knows too much of the *Acts* of those *Convocations* not to know this to be true; and I hope he has too much *Ingenuity* to deny it.

The *Convocation* then, call it what you will, 'till about *King Henry the Eighth's* *Time*, had no such dependance upon the *Parliament*, but that the *King* could *Assemble* it when he pleased; and being *Assembled*, the *Archbishop* might, and did (as he saw good) *Prorogue* and *Dissolve* it; and that without any *Manner* of *Restraint* laid upon him by the *Parliament*, or any Other *Person* or *Authority* whatsoever in that particular. Now what *Authority* was before divided between the *King* and the *Archbishop*, that *Act* has vested intirely in the *King alone*. By *Consequence* from thenceforth, the *King* had the sole power of *Calling*, *Proroguing*, and *Dissolving* the *Convocation*: And all these in as free a manner as himself, and the *Metropolitan* together, before enjoy'd it. Since then before the making of that *Act*, they did together, *Call*, *Prorogue*, and *Dissolve*, the *Convocation* *Absolutely*, and without *Controul*; and that nothing does appear in that *Act* to limit this *Authority*; I must beg leave to conclude, 'till I shall be better inform'd, that the *King* may do the same by virtue of that *Statute* Now: And that the latter *Custom* of *Calling* or *Dissolving* it with the *Parliament*, has not at all abridged him of a *Power*, which both the more *Antient Custom*, does confessedly *Establish*; and the *Act of Parliament*, built upon that *Custom*, and to be *Interpreted* by it, does evidently favour.

Now that which makes such an *Authority* the more reasonable in this *Case* is, *Fourthly*, That herein the *King* claims no *Power* over the *Convocation*, but what is, without all *Controversie*, granted him over the *Parliament*. The *Right* of *Calling*, *Proroguing*, and *Dissolving* that *Great Council*, is confessedly in the *Crown*; and the *Lords* and *Commons* pretend not to deny it to him. Indeed as the *Exi-*

See 8.

gency of the *state* required it, the *King* was always under an Obligation of *Conscience* and *Duty* to his People, from time to time, to *Call* the *Estates* of the *Realm* together in *Parliament*. And to prevent the *Inconveniences* which have risen for the want of this, in some Reigns, a *Law* has been made, by which the *King* has consented to determine the *Intervals* not to exceed *three Years*. Nor is it deny'd but that the *Case* is the same in the business of *Convocations*; tho' no positive *Law* be made for any *determinate Times* of *holding* of Them. The *King* ought to *Assemble* them whenever there is any *Real Business* to be done by them; or that the *Welfare* of the *Church* or *Realm*, require the *holding* of them.

But how come the *Clergy* to have a greater *Right* in *Law*, as to this Matter, then the *Laity*? So that the *King* has not a *Legal Power*, whenever he sees fit, to *Prorogue* and *Dissolve* the *Meetings* of the *One*, as he confessedly has, to *prorogue* and *Dissolve* Those of the *Other*.

Divine Rights, in this *Case*, *Convocations* (as we are now agreed to understand them) have none; whatever the *pure Ecclesiastical Synods* of the *Church* may be supposed to have.

Ecclesiastical Rights are, upon the same Ground, Excluded too: Because these *Assemblies* were primarily design'd for *State Purposes*, not for *Spiritual*, or *Ecclesiastical Affairs*.

As for any *Relation* to, or *Dependance* upon the *Sessions* of *Parliament*, by our *Constitution*, this Gentleman's Own account has Excluded it. It being absurd to think that those *Convocations* which had no regard, as to the time of their *sitting*, *proroguing*, or *dissolving*, to the *Parliament*, for two hunder'd Years after their *Institution*, but were wholly at their Own *Liberty* to be *Held*, *Adjourn'd*, and *Concluded* at the Pleasure of the *King* and the *Metropolitan*; should by meer force of a late voluntary Custom, founded upon no *Law*, but meerly depending upon the *Will* of the *Prince*; be Confined by our *Constitution*, to the *Times* and *Motions* of a *Body*, to which, whatever Other *Relation* they had, yet they were not at all limited, or *Concluded* in their *Meeting*, or *Acting* by it.

In short, the *Authority* of the *King* in this particular, is by *Act* of *Parliament* vested in him. By that *Act* he enjoys it in the same freedom that it was, or might lawfully have been *Exercised* at the *Time* when that *Act* was made. At the time when that *Act* was made, the *Convocation* was not determined by any *Law*, or *Custom*, to *Meet* or *Sit*, at the same time, with the *Parliament*; much less to *begin*, and *End* its *Sessions* with it: So much this Gentleman himself allows. I Conclude therefore, that neither is the *sitting* of the *Convocation* limited to any such particular period now: But the *King* is at this Day as much at *Liberty*, both by the *Antient Custom*, and the *Prerogative* of the *Crown*, and by the *Statute* of the 25th of *Henry* the 8th, as if no such later *Custom* had ever been introduced. He may *Call*, *Prorogue*, and *Dissolve* the *Convocation* when he thinks good; only so as still to Attend to the *Publick Good* of the *Church* and *Realm*, and never to Refuse it the *Liberty* of *Sitting* and *Acting*, when the *Interest* of the *One* or *Other* shall call for it.

But that I may not seem to build Altogether on the Concessions of this *Author*, of the truth of which some may be apt to doubt; let me thus far anticipate, what I shall hereafter more particularly demonstrate, concerning the independence of the *Sessions* of our *Convocations*, upon those of the *Parliament*, at the time when the *Statute* of the 25th of *Henry* the 8th. c. 19. was made; as may suffice to confirm the force of my present Argument, and to carry it farther than Dr. A. I believe intended; by shewing that the one had no manner of *dependance*, in those days, upon the other; nor was in any wise limited to the *Sessions* of it.

King *Henry* the 7th came to the Crown, August 22. 1485, he called his *Parliament* the 7th of *November* following. It continued by *Sessions* and *Prorogation* to *January* the 23d after. Yet in all this time no *Convocation*, that I can possibly meet with, was held in either *Province*; nor do I believe that this *Author*, with all his Diligence, can shew that there was any.

About the End of the next Year, 1486, A *Convocation* was held in the *Province* of *Canterbury*, *February* the 13th. In that of *York*, *February* the 19th: But that Year no *Parliament* sat; and so here we have a *solemn Convocation* without a *Parliament*, as we had the Year before, a *Sitting Parliament*, without a *Convocation*.

The

¹ See below
more fully,
Chap. viii.

The next Year following, 1487. The *Parliament* sate *November* the 9th; but it sate again without any *Attendance* from the *Clergy* in *Convocation*: Who met not 'till *January* the 14th, 1488, a Year and Quarter after.

In 1488: The *Parliament* and *Convocation* of our Province met within a Day of each other; and they kept so equal a pace, that the latter out-sate the former but Four Days. But the *Clergy* gave so liberally, not only for that, but for the next Year too; that tho' the *Parliament* met again in *October* 1489; yet the King had no need to call the *Convocation* with it, and therefore held his *Parliament*, as before, without it.

In 1491. We find the next Assemblies of both these Bodies, but at such different times, as sufficiently shew the little dependance the one was thought to have in its Sessions upon the Other. The *Convocation* of *Canterbury* met *June* the 21st; The *Parliament*, *October* the 17th; And the *Convocation* of *York* the 1st of *March* following.

In 1495. The *Parliament* and *Convocation* kept a pretty Equal pace with one another: But then the next Year following, all was in disorder. The *Parliament* sate *January* the 16th. The *Convocation* of *Canterbury* a Week after, *January* the 23d. But at *York* they met not 'till *May* the 16th. After both the *Parliament*, and the other *Convocation* were risen.

In 1501. We hear of no *Parliament*; yet nevertheless find Two *Convocations*. In *Canterbury*, *February* the 14th. In *York*, *February* the 21st.

In 1503. King *Henry* the 7th held the last *Parliament* that I can find upon any of our *Records*. It met *January* the 25th; but the *Convocation* was not Assembled 'till *February* the 16th, in our Province; and in *York*, not 'till the 5th of *August* following.

After this, tho' we hear of no more *Parliaments*, yet two Years more we meet with *Convocations*, *January* the 23d, 1506, and *February* the 7th 1508. So that in all this Reign, 'tis evident, that there was no manner of Dependance acknowledged either in *Law*, or *Fact*, between these two Assemblies: But the King, at his pleasure, Summon'd both; and that without any regard to the holding of One, in his Convening of the Other.

Indeed, after this time, the Meetings of the *Parliament*, and *Convocations*, began to run more nearly together; but yet with such Interruptions as sufficiently argue the independance of the One upon the Other.

In 1511, and 1512. The *Parliament* and *Convocation* of the Province of *Canterbury* Assembled and Sate very near to one another. But then that at *York* was utterly different from both; which sufficiently proves the Concurrence of the other to have been matter of Choice in the King, and not of Necessity. The *Parliament* met *February* the 4th, 1511, and sate 'till about the First of *April*, 1512. The *Convocation* sate not 'till *April* the 26th after; and continued sitting 'till about *June* the 12th, from thence it was Prorogued to *January* 17, and so sate 'till *February* the 4th: But the *Parliament* met in the Interval, *November* the 4th, and began and ended within the time that the Other was adjourned.

In 1513. The same *Parliament* met by *Prorogation*, *January* the 23d: But the *Convocation* of *Canterbury* having granted Four Subsidies in their last meeting, 1512. and that of *York* two intire Tenths in theirs, and these being not yet paid, there was no occasion for calling the *Clergy* together this Year, and so we do not find that they were Assembled at all with the *Parliament*.

The next Year following, 1514. The *Parliament* met *February* 5. But our *Convocation* was held *June* the 22d, above Six Months before, when no Meeting of the *Laity* was Assembled.

In 1515. The *Parliament* and *Convocation* of *Canterbury* met near to one another, *November* the 12th and 13th. But the *Convocation* of *York* came not together 'till *April* the 9th, at which time neither the *Parliament*, nor the Other *Convocation* sate.

In short, the very Year that the *Clergy* made their Submission, upon which, the Act of the 25th of *Henry* the 8th, c. 19, was founded; the *Parliament* met by *Prorogation*, *January* the 15th. Yet the *Convocation* of *York* met not 'till above Three Weeks after, *February* the 7th. And the following Session (which immediately preceded that in which the Submission Act was pass'd) the *Parliament* sate down *February* the 4th. but the *Convocation* of our Province, by Order of the King's Writ, met not 'till *Monday* the 17th of *March*; seven Weeks after the *Parliament* began, and but Three before it Rose. This

This was the state of the Case, when the *Act of Submission* was made; and it plainly shews, what this *Author* has, in part, acknowledged to be most true; that in those days, the *Convocations* of the *Clergy* were under no manner of Obligation either of *Law* or *Custom*, to meet at the same time with the *Parliament*. The King called both at his *Own Pleasure*; and was under no *Legal Restriction* in the Exercise of his *Royal Prerogative*, in *Assembling* of either.

Sect. 10.

When therefore the *Clergy* agreed that their *Convocations* ought not to be held but in *Obedience* to the *King's Writ*, and the *Parliament Enacted*, that from thenceforth they should not be *Assembled* but by *Vertue* of it; and neither the One *Stipulated*, nor the other *Decreed*, that the King should be tied up to any certain times of issuing out his *Writs* for them: We must, in *Conformity* to the then allow'd *Practice* and *Prerogative* of the *Crown*, conclude, that they both design'd to leave the King to the same free Exercise of his *Authority* in this Particular, that his *Predecessors* Enjoyed; and which himself had as good a Title to, as any that went before him. By *Consequence*, that King *Henry* the 8th lay under no manner of Obligation, either by *Custom*, *Statute*, or the *Constitution* of our *Government*, either to Call a *Convocation* with every *New Parliament*, or to continue its *Session* as long as any such *Parliament* should sit. And then I shall leave it to the *Gentlemen* of the *Long Robe* to judge, whether the same *Statute*, still continuing in force, shall not convey the same *Authority*, in the same freedom, to his *Successors*; any later *Custom*, which is all that can be alledged to the contrary, in any *Wise* notwithstanding.

I Conclude then: That allowing every part of *Dr. A's* Scheme to be true; yet the *King's Prerogative* is not at all prejudiced, but on the contrary, is *Confirmed* by it: Because, that from thence it appears plainly, 1st. That the manner of Calling the *Clergy* to *Convocation*, was not by any *Immemorial Custom*, or *fundamental Law* of our *Constitution*, *Setled* and *Established*; but, that by their own *Consent*, and the *Authority* of the *King* and *Parliament*, the whole *Power* of *Calling*, *Proroguing* and *Dissolving* these *Assemblies*, might lawfully be put into the *King's Hands*. And 2dly, That when it was so *Granted* to him by *Act of Parliament*, it appears both from the *general Words* of the *Statute* of 25 *H. 8.* and the then prevailing *Custom*, and *Practice* in this particular; that the King had not before been limited in the Exercise of this *Authority*, nor was intended, either by the *Clergy*, or *Parliament*, to be any more limited in the Exercise of it for the time to come.

Sect. 11.

Having said thus much in Answer to this *Gentleman's* Second Argument in the general; to prove the *King's Prerogative* not to be at all abridged in this Case by our *Own Laws*, or *Constitutions*, any more then it was by the *Canons* of the *Church*: I shall now proceed here, as I did in the foregoing Chapter, to enquire into the Truth of his *Allegations*, and shew, that there is as little *Fidelity* in his *History*, as I think I have shewn, there is either *Law* or *Consequence*, in his *Reasoning*.

And for this I shall take the same Method, I pursued in my Other Discourse; and consider the Interest which the *Clergy* had in our *Ecclesiastical* or *Civil Assemblies*,

I. In the *Saxon Times*.

II. Under our *Norman Princes*, to the Reign of King *Edward* the 1st.

III. From the Reign of King *Edward* the First, to that of King *Henry* the Eighth. And

IV. From the Reign of King *Henry* the Eighth, to the present *Parliament*, and *Convocation*.

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Dr. A. having Enquired (as he words it) into the Rights of a Synod of the Province of Canterbury, at large; goes on, in the next place, to Consider It as an Attendant upon a Parliament of England. For so the matter, says he, at present, stands, and has stood for 400 Years, and upwards; to speak at the lowest: Tho' in the Elder Ages it plainly enough appears, That the *Clergy* came at Once from Both Provinces, and joined Nationally with the Lay Assembly. These are his Words, but I hope they are not his Meaning: Because, according to this Account, we must Conclude, that the *Clergy* of the Other Province, for these 400 Years past, have lost all their Relation

Relation to the *Great Councils* of the *Realm*. For so he tells us in the *Elder Ages*, The SAXON Times.
 the Clergy came from *both Provinces*, and join'd *Nationally* with the *Lay-Assembly*.
 But for 400 Years past, the *Synod* of the *Province* of *CANTERBURY*, has been the
Attendant upon the *Parliament*; for 'tis of *that*, and *that only*, that he here speaks,
 and sets out to Us as the *Subject* of his following Considerations.

How our Brethren on the other side of *Trent* will like this, and a great many
 Other Passages hereafter to be consider'd; in which, I think they have been a
 little hardly dealt withal, I must leave it to them to determine. As for the
 present Period, in which they are, at least allowed to have had an *Equal Right*
 in these Assemblies with *ourselves*; his Assertion is elsewhere, thus: 'That thro'¹ *Rights. p.*
the Piety of our Saxon Ancestors, the Clergy were called to the Great Councils of the 215.
Realm, and made a CONSTANT, and NECESSARY PART of them. That being obliged
so frequently to Attend (for Attendance has, from the Beginning, been the Right
and Privilege of the Clergy) in that Capacity, they had neither Leisure nor
Need, to Observe the set times of their Provincial Assemblies. The ordinary Busi-
ness of these was dispatched at those State-Meetings, which were frequent, and gave the
Clergy the Opportunity of an Easie Recourse to the Civil Power for a Confirmation of
their Decrees. And this, by degrees, brought on a discontinuance of Provincial Sy-
nods, which from thence began to meet only on Great Emergencies, and for Extraor-
inary Occasions. Thus the Matter stood throughout the Saxon Times. But did
not this Gentleman tell us in his First Chapter, That the Canons of the Church,
which required Yearly Provincial Synods, were received here in the Saxon times?
That the 2 *Council of Herudford, held, Anno 673, under Theodore, Archbishop of* 2 *Rights, p.*
Canterbury, took care, not only to Establish the Practise for the future, but also to
Affirm the Antient Usage?

This I am sure was his Assertion, when he argued from the *Canons* of the
Church, and their *Authority*, in this Matter. But now the Case is alter'd; and
 this *Author*,³ after all his Outcry against *Occasional Principles*, gives us some ³ *Ib. p. 217.*
 Reason to think that he is no such Enemy, as he pretends to them. No, nor
 yet to *Occasional Synods* neither: ⁴ For such he Confesses our *Provincial Councils* ⁴ *Ib. p. 215.*
 were. All his Indignation is against *Occasional Convocations*; which for the Ho-
 nour and Liberty of the Church, he would have not to be *Occasionally Assembled*,
 when there is any Business for them to do; but to be *Constant*, and *Necessary*
Attendants, tho' they have nothing to do but to *Attend*: A *Privilege* that I be-
 lieve no other *Body* would *Contend* for; nor if we should get it, ought any to
 Envy it to Us.

But not to insist upon past Assertions: His present Position is this, *That*
in the Saxon Times, the Clergy were called to the Great Councils of the Realm,
and made a CONSTANT, and Necessary Part of them. Will he stand to his Point,
as he now states it? Why truly no: That was a Round and full Assertion, and
very proper for the Fifth Chapter, where he had a particular Use to make of it.
But in the Sixth, he had either been better informed, or he thought himself con-
cern'd to speak more warily to this Matter. And therefore there, it amounts
to no more then this: 'That the Inferior Clergy were then Oftentimes; Called ⁵ *Rights, p.*
to the great Councils of the Realm. Now if they were only Called Oftentimes, 277, 278.
 I think that will imply, that *Sometimes* they were not Called: And this may lead
 on a farther Question, whether they were not *Oftentimes Omitted*, and only
Sometimes Called. But however, if they were but *Oftentimes Called*, even that
 shews that they were no *Constant*, and *Necessary*, part of those *Councils*, as he be-
 fore affirmed them to have been.

Let us hear how this *Author* again explains himself as to this Matter. ⁶ *Not* ⁶ *Rights. p.*
that I believe them (the Inferior Clergy) to have had Place in All, (even the most 285.
Ordinary, and stated) Assemblies, but only in the Greater, and more Extraordinary
Ones. The Wittena-Gemots, and Mycel Synods, the Magna Concilia, and Pleni-
Folcmoti, which are plainly distinguished from the Less Solemn, and Numerous
Councils; and which met together only Ex Arduis contingentibus, & legum Con-
dendarum Gratia, as Sir H. Spelman Observes. What would this Author make
us believe Sir H. Spelman Observes, That the Wittena Gemots, and Folcmots were
all One? Or that the Pleni Folcmoti were Assembled legum Condendarum gratia?
Or that the Inferior Clergy sate in those Greater Assemblies? So it might be mi-
staken; and possibly it was design'd to be so understood.

But

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¹ Spelman.
Glossar. Voca
Gemotum
p. 261. a

But that Learned Gentleman spake not at such a Rate. He absolutely distinguishes between the *Wittena-Gemot*, and the *Folc-mot*: And what he says Relates to the former, as One great thing wherein it differed from the Latter: ¹ A *Wittena-Gemot* (says he) was the same among the *English Saxons* that "*Parliament* is" with us at this Day: and it differed but little from a *Folc-mot*, but that this Latter was *Annual*, and commonly held for *Certain Affairs*; whereas the Other was called at the *Pleasure of the Prince*, *Ex arduis Contingentibus*, & *legum condendarum Gratia*.

² Rights, p.
286.

And now, at least, One would think he should stick by his Assertion, that to these *Wittena-Gemots*, tho' not to the *Less Solemn*, and *Numerous Councils*, the *Inferior Clergy*, were *OFTENTIMES Called*. But how then Does he vouch ² Mr. *Sherringham* for the same Opinion; and affirm his Authority to be "*A strong presumption of the Truth of what he has offered on this Argument*. For Mr. *Sherringham* does not come up to his *OFTENTIMES*; but *Sometimes*, and *very Seldom*, are his Expressions. "*In the Saxon times* (says he) *Laws* were *COMMONLY made* by the "*Approbation*, and *Consent of the Nobles, Arch-Bishops, and Bishops*, in a *Publick Synod, or Parliament*. *SOMETIMES* the *Queen* was present; *SOMETIMES* the *INFERIOR CLERGY*; and *Sometimes* also the *Commons*; but that happened *VERY SELDOM*. So that if this at last should be Dr. *A's* Sense; it will follow that he looks upon the *Inferiour Clergy* to have been a part of these *Councils* only as the *Queen*, and *Commons* were; they Came to them *SOMETIMES*, but *VERY SELDOM*.

And, indeed it must be confes'd, that this agrees much better with his Proofs, than any Other Hypothesis: For thus the *Abbeſſes*, whom he also makes a part of the same *Great Councils*, in the *Subscriptions* to his *Charters*, (and is so kind as to continue in this State till after the time of King *John*) may also have been *SOMETIMES Attendants* upon them. And I do verily believe that he is thus far in the right, that they were both *Equally Members* of them.

³ Rights, p.
35. 296.

The Truth is, this *Author* as he does not very Well know by what Right the *Inferior Clergy* came to these *Great Councils*, so neither is he at all Concern'd in that Particular. Let them but Come, and 'tis all one to him, in what *Capacity*, or for what *Ends* they came to them. Now this has Engaged him in some very Odd Methods of bringing them to these Assemblies. In one Place he calls them thither as *Knights Spiritual*; and tells us that upon this Account they had a Right, no less then the *Knights Temporal*, to Attend upon the *King in Parliament*. And this gives them a Right, not as *Clergy-Men*, but as *Knights*; or, at most, as *Knights Spiritual*: And Entitles only those to a Place there, who had the ³ 4711. *Knights Fees*, which for that End he has vested in our *Parochial Churches*; to whom the *Conquerour* never reached out any such Bounty.

⁴Ib. pag. 290.

In Another Place, ⁴ he brings them there under a *Meaner Capacity*, as the *King's Retinue*; by the same Right that the *Gentleman Ushers* and *Pages*, come *sometimes to Parliament*; and yet, I believe do not Imagine that they are thereby made any Proper Members of it.

That which I insist on (says he) is, that the *Attestations and stile of these Charters* make it manifest, that *MANY of the Lower Clergy* had place in those *Great Councils* which confirmed them: How, or in what *Capacity*, They were summoned thither, Whether as Representing any Part of the *Spirituality*; Or, as the *King's immediate Servants*, and *Dependants*, (his *Hand-Priests*, and hired Clercs, as the *Capellani*, and *Presbyteri Regis*, are in the *Saxon Chronicle*, oddly called) is another Enquiry which it is not very *Easie*, nor very *Necessary* at present to determine. So that this Gentleman does not affirm that the *Inferior Clergy* came either *Always*, *Oftentimes*, or *Sometimes*, to these *Councils*, as *Representatives of any part of the Spirituality*; (that is a Point neither *Easie*, nor *Necessary*, to be determined) all that he affirms, is, That some of them there were present at those *Councils* in which his *Charters* were subscribed: How they came thither, Or what they did there, he neither *Knows*, nor *Cares*. So little a Colour had this *Author*, for what he so *Confidently Asserted* before, that the *Clergy* were called to the *great Councils of the Realm*, and made a *Constant and Necessary Part* of them.

⁵ Rights, p.
285.

But he has not yet done with his Restrictions: For, as if this were not enough to destroy all that he had before been *Establishing*; he proceeds to bring their Interest of *Acting* in those *Great Assemblies* as low, as he has at last done their *Right of Coming* to them. ⁵ Nor do I suppose, says he, that the *Clergy-Men of Lower-Rank* call'd to these full Conventions, treated *Always* as freely, and acted

as Authoritatively, as the Constant and Standing Members did: Treated ALWAYS as freely; That implies however that they sometimes did; and then a Question will arise, how they came to Treat so freely sometimes? Whether by any Right that they had so to do; or only by the Consent or Allowance of the Constant and Standing Members. No, I take them, as to this, to have been much in the same Case with the Inferior Laity, who are said Oftentimes to have been present at such Great Councils; and to have Consented to, and Approved what was done there; but not often to have Deliberated or Determined; just as the Lesser Members of the German Colloquia, or Synods (the Patterns of our English Ones) are represented by Hincmar to have interposed in them.

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The Business therefore of the Inferior Clergy, when they came to these Assemblies, was to Consent and Approve, not to Deliberate or Determine. That was to be done by the constant and standing Members; and all the Others had to do, was but to consent to what had been Resolved by them. But what if they did not Approve, and therefore did not Consent? Could they, by their Dissent, rescind what the Other Members had Determined? That he has not told Us; unless perhaps we may find it in the Account which Hincmarus gives of the German Colloquia, or Synods, the Patterns, as he tells us, of our English ones.

Let us therefore see how he reports Hincmarus's Relation of these Colloquia or Synods; as this Gentleman styles them; (for his Author no where Calls them so, but by their proper Name Placita:) Why first for the Persons; ¹ Generalitas (says he) Universorum, tam Clericorum quam Laicorum, Conveniebat. Seniores (that is the Magnates, whether Counts, or Bishops) propter Consilium Ordinandum: Minores (that is the Lesser Barons, and Inferior, but Qualified, Clergy) propter idem suscipiendum, & interdum pariter tractandum, & non ex potestate, sed ex proprio mentis Intellectu vel Sententia Confirmandum.

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¹ Rights, p. 29, 30.

I wish this Author had told us what Edition of Hincmarus he made use of: For I can hardly persuade my self that he could have been guilty of so wretched a Misrepresentation of that Author, and these Councils, had he not been misled by some very faulty Copy, that utterly spoiled the whole Relation of them. In these great Assemblies, or Placita, Generalitas Universorum tam Clericorum quam Laicorum conveniebat, says Dr. A—— But ² Hincmarus says quite another thing; Generalitas Universorum MAJORUM: The PROCERES, as he calls them, Cap. 34. And more particularly, Cap. 35. where he makes this Division of them; Episcopi, Abbates, vel hujusmodi Honorificentiores Clerici, for the Ecclesiastical; and Comites vel hujusmodi Principes, for the Lay-part, of these Councils. Shall I give it him, more plainly, in the Relation of his own ³ Marca: They consisted then, according to his Epitome of this very Relation, Ex Episcopis & Abbatibus & Comitibus Regni. These were All the Members, who had any part in those Councils.

² Hincmar. Rhem. Oper. vol. 2. num. xiv. pag. 201. &c.

³ De Concord. lib. vi. cap. 25. Sect. 1. &c.

But what then shall we say to ⁴ His Seniores, and Minores? If you will take de Marca's Interpretation, they are the Antiquiores, and Juniores, of these Great Counsellors. ⁵ Arumaus, thinks rather that they were the greater and lesser of the Majores before mentioned: The One, the Prelates and Nobles; the Other, the Judges and Magistrates; whom he also takes in under the General Name of Majores. The Account of Hincmarus will admit of either of these: And 'tis no great matter, as to our present purpose, which of them we pitch upon. ⁶ He tells us that two Solemn Councils were held every Year. One a General Assembly, to which all the Majores, or Great Men, Temporal and Spiritual, were called. The other more select; consisting only Ex senioribus, & precipuis Consiliariis; of the more Aged, and honourable Counsellors. But whether Seniores or Minores, they were still of the Generalitas MAJORUM; no Others were called to these Assemblies; no Others (unless perhaps some of the King's Ministers of State, in the Lesser Council) were admitted to them.

⁴ Ibid.

⁵ De Comitibus cap. 4. num. 5, 6, 7.

⁶ Hincmar. loc. cit.

It is Evident then, that all this Gentleman's Dream of the Inferior Clergy, is not only precarious, but is directly Contrary both to his Own Author, and to his allowed Interpreter of him. The Over-sight, or Omission, of the Principal Word MAJORUM in his Copy of Hincmarus, misled him; and we will suppose his de Marca might not be at hand to set him right.

But to allow for his Mistake in the Persons who came to these Meetings: This, at least, must be agreed, that the Power of these Younger or Lesser Counsellors, is rightly represented by him. They came to Receive what the Others had de-

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¹ Loc. Cit.
Sect. 3.

² Capitular.
Tom. i. coll.
346. 439. 462.
487. 487. &c.
³ Eginb. Vit.
Car. M.

Sect. 17.
⁴ Rights, p.
29. Comp.
Auth. &c.
pag. 155. &c.

⁵ Marc. de
Concord. lib.
6. cap. 25.
Sect. 4.

⁶ Concil. Vern.
Can. iv.

⁷ De concord.
lib. vi. cap.
25. Sect. 5. 6.
⁸ Capitul.
Tom. ii. Col.
1028.

⁹ Rights, p.
30.
¹⁰ Fredegar.
Chron. p. 165.

¹¹ De Concord.
lib. vi. cap.
24. Sect. 5, 6.
¹² Capitul.
Tom. i. Can.
2, 4.

¹³ Abbates
seu Presbyteri.
¹⁴ Rights, &c.
Ibid.

terminated; and were sometimes asked their Opinion about it: And they Confirm'd it, not by way of *Authority*, but by their *concurrent Judgment*, or *Reasons*; ¹ They spake, (says *de Marca*) sometimes but only to give their Opinion, not to Exercise any Right of Voting with the Others. They were first to learn, and be trained up to the Affairs of State; before they were admitted to any *Authoritative share* in them.

This was the Case of the German Polity under Charles the Great, so this Author styles it; but that *Emperour*, who ought the best to know his Own Title, every where calls himself ² King of France and Italy. ³ *Eginhard* the Writer of his Life, and his Contemporary, speaks of him all along, as King of the *Franks*. In the Preamble to his Will, which that Historian has preserved a Copy of, the Date is *Regni ejus in Francia, 43; in Italia, 36; Imperii xi.* In his Epitaph, it is said, that *Regnum Francorum Nobiliter ampliavit, & per Annos 47 feliciter tenuit. Adelmus*, or whoever else Wrote the Lives of *Pepin, Charles the Great, and Ludovicus Pius*, calls his Works the *Annals of the French Kings*: And tho' it is not deny'd, but that his *Empire* reached to the greatest part of Germany at the last, and from the Death of his Brother, took in those parts of it which belonged to the Kingdom of *Austrasia*; yet even that was, in those days, look'd upon as a part of France, and took its denomination from it; as one Province of it Continues to do at this Day. This I was willing to Observe, not as a Matter of any great Consequence, but to justify my Own Expression, in treating of those Councils, from which this Author thought fit to recede; whether for the greater Accuracy of Language, with relation to those times, I shall leave it to the Reader to Judge.

But because this ⁴ Gentleman, tho' he has not thought fit to own from whence he took both his Subject, and the Authors he makes use of in the pursuit of it, has yet been so unusually Obliging as to approve the Method I propos'd of, clearing the nature of our Own *Ancient Government*, by Comparing it with that of the French in those Days; I will thus far endeavour to gratifie his Curiosity, as to set that Matter in a somewhat clearer Light, and shall leave it to him to make what Advantage he can of it, in the present Argument against me.

The first ground of a Settlement of the ⁵ Government in France, was laid by *Pepin*, in the Synod of *Soissons*, as I before observed; but of which this Author has not thought fit to take any notice. He set forth his Statutes, *cum Consilio Episcoporum, & Optimatum Regni*, as *de Marca* Expresses it: To which the last Canon of the Council adds, *Cum aliis Sacerdotibus sive Servis Dei*; which the same Learned Person rightly understands of the Regular Prelates, who were wont to be Called to these Assemblies; and who therefore may reasonably be presumed to have been present at this Council.

What was thus begun in his Parliament at *Soissons*, he much improved a few Years after in the ⁶ Council of *Vernis*: Hither he called almost all the Bishops of France; but that any of the Inferior Clergy were present, it does not appear. And here that provision was made, of which this Author has given us but an imperfect and erroneous Account; not that two National Ecclesiastical Synods should be held every Year, but two Assemblies; One Royal, in the presence of the King; the Other Ecclesiastical, either at *Soissons* (of which he takes no Notice) or at such other Place as the Bishops, at the other Council, should agree. Of this, *de Marca* gives such Proofs, as seem to determine the point; and thus the Learned ⁸ Steph. Baluz. in his Annotations upon this Canon, expounds it from him.

The Former of these Assemblies was appointed to be held on the First of March. ⁹ This was after by *Pepin's Son* (says Dr. A.) appointed to meet on the First of May. I doubt this Gentleman has here again mistaken his Author; who expressly says, that this Change was made not by *Pepin's Son*, but by *Pepin* himself: And to him ¹⁰ *Fredegar* plainly ascribes it, who Ends his *Chronicon* with the Father, and to him ascribes this Change, as *de* ¹¹ *Marca* has rightly observed from him.

To the Second of these ¹² Synods, which was properly Ecclesiastical, Those Bishops whom he had set in the stead of *Metropolitans*, were required to Come; and with them such Other Bishops, Abbots, and Presbyters, (unless we should rather expound it ¹³ Abbots, or Presbyters) as those *Metropolitans* Bishops should appoint to meet with them.

This was the last Establishment of *Pepin*: Where this ¹⁴ Author finds, under that Prince, His other Royal, but Privy Council, consisting only of the Great Ministers

Ministers, and such others as the King thought fit to Call, I am yet to seek: And I doubt he himself will be no less puzzled to inform me.

The next Advance which was made in this Country towards the Settlement of the Government of it, was by *Charles the Great*. Of this, some Account has been given already; but I shall now be more particular, because that *Dr. A.* either knew very little of it, or was not willing that Others should.

And First, as his ¹ Father before had done, he Establish'd two Solemn Meetings every Year. The Former consisted of the Bishops, and Abbots, and Peers of the Realm. In it, all the Political Estate was settled for the Year following. The Latter consisted of the most Antient of these, to whom were joined some of the Prince's Council. In this, they digested and concluded upon such Matters as were to be proposed in the next General Meeting: They Order'd such incidental Affairs, as would not admit of Delay; as Matters of War and Peace; and some others of the like kind.

In these Conventions, but especially in the General One, Constitutions were made both concerning Ecclesiastical, and Civil Affairs. The King proposed the Heads which he would have them to deliberate upon; which having done, the Elder, and more experienced, determined; and the Younger Consented to their Determination. Which being over, the Result of their Debates was laid before the Prince, who finally gave Authority to what he approved of them.

In these Conventions, according as the Matter which was to be treated of required, so a Difference was observed in debating upon it. The Bishops and Abbots, met apart from the Laity. The Lords and Nobles were Divided from the Other Laity, by the Honourable Seats that were prepared for them. Sometimes they voted separately from one another, and sometimes together, as the Nature of the Cause required; whether it were Spiritual, Secular, or of a Mix'd kind.

This is the Account which *de Marca*, out of *Hincmarus*, gives of these General Meetings: Let us see how this agrees with the Observations of Other Learned Men concerning them.

And 1st, For the Persons who met in the Councils, (the main thing in Dispute betwixt us) *de Marca* tells us, they were on the Spiritual Part, Bishops and Abbots; on the Secular, the Comites and Optimates, the Great Men of the Realm. And so ² Monsieur Baluze, a Person excellently well versed in these Matters, tells us after him. They were the Fideles Regis; or, as sometimes they are called, Populus; not, says he, any Common Persons, but the Principes, Optimates, Proceres, and Capita Populi: And whom he meant by these, we may see more expressly a little after; where having alledged some Places out of the Capitulars, in proof of his Assertion, he concludes thus; It is evident therefore, that to these Conventions, there came the Bishops, and other Fideles, that is to say, Abbots, Dukes, Earls, and the like.

To this, as to the Ecclesiastical part, ³ *Arumens* agrees: And his Authorities for it are such, as clearly shew, that neither the Lesser Clergy, nor the Lower Laity, were wont to come to these Assemblies. ⁴ *Eginhard*, a Contemporary, and Exact Author, calls them, *Primores de toto Regno*: Another, *Primores & Comites*. A Third adds, the *Magistratus* to them, and that agreeably to ⁵ *Hincmarus's* Relation; who (in like manner) Entitles the Chief Officers of the Palace, and Council to a part in them. A Fourth makes particular Mention of the Ecclesiasticks; *Convenerant* (says he) *multi Episcopi, Abbates, & Principes, ad Imperialem Synodum Vocati*. But for *Dr. A's* Inferiour, but qualifi'd Clergy-Men, I do not know any one Author, that so much as occasionally takes them into these Meetings.

I might enlarge these Proofs by the Authorities of many other Writers, as well Antient, as Modern: But I shall mention only one more, the Learned ⁶ Monsieur du Fresne, whose Quotations (quite different from the most of those whom I have hitherto alledged) all speak the same thing. *Dagobert* held his *Placitum* with his Sons, *Omnibusque totius Regni Primatibus*. *Charles the Great* his *cum Ducibus*; says the Saxon Poet: Or as another, more fully, *Congregata non minima Coadunatione Episcoporum, summae Autoritatis Virorum, multorum quoque illustrium Procerum, seu quam plurimorum Nobilium*. These were the Persons of whom those Meetings consisted; No others mention'd to have come to them.

But do's not ⁷ *de Marca*, (and that from *Hincmarus*) say, "That in these Councils, the Great Persons, Earls, &c. were distinguished from Those of a

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¹ Marca de Concord. lib. vi. cap. xxv. §. 1, 2, 3.

² Prefat. ad Capitul. Vol. i. Num. 7.

³ De Comitibus. Cap. iv. n. 8. ⁴ Vid. Ibid.

⁵ Ib. num. xiii. pag. 118.

⁶ Glossar. lat. pag. 291. vol. iii. Voce Placitum.

⁷ Rights, P. 30.

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⁸ De Con-
cord. lib. vi.
cap. xxv. Sect.
3.

¹ Ibid. Sect. 1.

² Loc. Citat.

³ Hincmar.
To ii. num.
xiv. cap. 34.

⁴ Ib. cap. 35.

Sect. 19.

⁵ Hincmar.
Ibid. n. 29, 30.

⁶ Lower degree, sitting by themselves, and on honourable Seats. That these only managed the Debates, and formed the Conclusions; the Commoners assenting and sometimes speaking, but so as rather to signify their Opinion, than give a Vote. And may we not suppose this to have been the Method also on the spiritual side? No, ⁸ de Marca says no such thing, but rather the direct contrary. For he says that these Assemblies consisted only of the Optimates: Those he divides into Antiquiores, and Juniores; and of the Juniores, or younger Lords, he speaks what Dr. A. very unfairly applies to his Commoners.

As for their sitting by themselves in these Councils on honourable Seats, and their being distinguished thereby from those of a lower Degree, that too is another Mistake of this Author. That which de Marca says is this; that the Bishops and Abbots Assembled apart from the Laity. That each had their proper Curia, or Council-Chamber prepared for them. That the Lords and Great Men, were distinguished from the Other Laity, *Subsellis honorificabiliter preparatis*. ¹ But who were these Other Laity? Were they Dr. A's Commoners? No, but they were the King's Ministers, and Counsellors; who, he tells us, were admitted to the Second, or Lesser of these Assemblies; but sat below the great Lords in them.

Now this ² Hincmarus more plainly shews: He tells us N. 30. That this *Placitum*, or Great Council, was held, *cum Senioribus* (the Chief of the Majores before mentioned) *et principis Consiliariis*. That these Counsellors were chosen out of either Clergy or Laity, N. 31. That the three Great Officers of the Court, the *Apocrisarius* or *Capellanus*, the *Palatii Custos*, and *Camerarius*, were always present at them. That if any of the Other Officers of the Court, seem'd to be Men of parts, and fit to be taken hereafter into the Council, they were Ordered to be present, and so trained up, to a Capacity and Readiness for Publick Affairs, N. 32.

But indeed if I take the Sense of that ³ Author aright; there is another meaning than what de Marca seems to have understood in his Relation. He says, that the Lords, the *Proceres*, as he calls them, and Chief Counsellors, *primi Senatores Regni*, who were called to these Assemblies, debated one, two, or three days by themselves, or more, if need required; no stranger who was not of the Council coming near, or mixing with them, 'till they had finished their Debates; and made their Report to the Prince.

The Lords and Counsellors thus assembled for Debate, he calls ⁴ *Segregati*, with respect to the many others of all kinds, who had no part in the Assembly, but yet usually came at that time to the Court; and with whom, in the mean while, the Prince passed his Time. Whenever these Lords desired it, the Prince was wont to come to them, to hear the result of their Debates: And when he did so, then, I suppose, that the *Reliqua Multitudo*, which attended upon him, were also admitted into the Assembly. And for this a place was prepared of such Capacity, *ubi et in abundanter segregati semotim, & Cetera Multitudo* (who were wont upon these Occasions, to crowd in) *seperatim residere potuissent*: But 'till then no *Inferiores persone interesse potuissent*.

This I take to have been the true meaning of Hincmarus as to this Matter: Whether herein I am mistaken or not, thus much is evident, that the Members of these two Assemblies were no other than these: The Bishops, Abbots, and Majores of the Laity, of the One; and the Seniores and Consilarii of the Other Council. Only to the Latter, some of the Court Officers were permitted to Come, not as proper Members of the Council, but to hear and learn, and be trained up thereby to become, in time, the more useful Members of it.

Having thus accounted for the Persons of whom these Councils were composed, let us enquire, ^{2dly}, What kind of Affairs were treated of in them, and how they proceeded in the handling of them.

As for the former of these, the Affairs which were treated of in these Conventions; they were, in General, the Great Affairs of the State. ⁵ In the Latter of them, which met in Autumn, the State of the Whole Kingdom was settled for the Year following; and what was then Established, nothing but an Absolute and Extreme Necessity could Change. In the former, held about the Beginning of May, they prepared Matters for the following Assembly; Consider'd what would be proper to be proposed to it, or determined in it. And if any Matters fell out, which required a present Resolution, and could not be Deferr'd to the General Meeting, they here came to a determination concerning them.

In these Assemblies, the ¹ King enquired into the *State* of his *Dominions*; and was inform'd by those who came together from every quarter, what was doing, or what had happened; or whether any thing needed to be considered; or reform'd in any part of them.

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Ib. n. 36.

Of these ² Affairs some were purely *Civil*; Others Meerly *Ecclesiastical*, and others of a *mix'd Nature*; such as indifferently concern'd both the *Church* and *State*. ³ Of the First, the *Laity* alone debated; of the Second, the *Ecclesiasticks*; of the Third, both; first apart, and then together; and the Resolutions which they came to in any of these, were still laid before the Prince, who had the last Judgment of all; and either ratified, or disannulled what they had agreed of.

² Hincmar.
Ib. c. 34, 35.
³ De Marca.
de Concord.
lib. 6. cap. 25.

In debating upon these *Matters*, they usually took this Method: ⁴ First, the Prince laid before them the *Heads* on which they were to *Deliberate*. Then he left them alone to consider of them. This they did so long as they thought necessary: And having given notice to him that they were agreed in their Opinions, he came to their Assembly, and there either Approved, or Disallowed of them.

⁴ Hincmar. Ib.
c. 34, 35.

The General ⁵ Affairs of the *Church* and *State* being dispatched; they finally proceeded to hear such *particular Causes* as were proper for them, and had been reserved by the Prince to their Judgment and Determination.

⁵ Marca de
Concord. lib. 6.
cap. 35. Sect.
5. &c.

But that which I would chiefly Observe, in these Councils is, after what manner, and by what *Authority*, *Ecclesiastical Matters* were transacted in them. Now of that we have a clear Account in the ⁶ Council of *Soissons*, under King *Pepin*, Anno 744. The Articles of which relating to *Ecclesiastical Matters*, are said to have been made ⁷ by Twenty three Bishops, together with other *Priests*, or *Servants* of God (the *Regular Prelates*) with the Consent of the Prince and Counsel of the *Lords*. The Clergy therefore passed them; the *Lords* approved of them; and the King gave the Authority of *Laws* to them.

⁶ Capitular.
Tom. 1. Col.
155. 157.
⁷ Ib. Cap. 2.
Et Col. 160.
cap. x.

The same may be Concluded from the Account we have of the *Capitular* of *Charles the Bald*, Anno 846. The *Metropolitans* and their *Suffragan Bishops*, ⁸ had agreed upon certain *Canons*, which they thought proper for the Reformation of the *Church*; and offer'd them to the Prince, as he had commanded them, to be publickly read in Council before him. But the Prince being raised into a heat against them, and the *Lords* disapproving of some things which they had determined, they removed the *Bishops* out of the Council, and selected out of their *Canons* such only as they approved of, and delivered them in Writing to them; telling them that they had Accepted no more of their *Definitions* but those; and that those, they had agreed with the Prince, to Observe.

⁸ Capitular.
Tom. 2. col. 30.
in villa Spar-
naco.

Thus they concluded in Matters *Ecclesiastical*; ⁹ The *Bishops* first Debated by themselves concerning them: Being come to a Resolution, their *Definitions* were Read before the King and his *Lords*. If the *Lords* Advised, and the King Approved, they became *Capitulars*, or *Laws*; Otherwise they were laid aside, as rejected, and of no Force.

⁹ Vid. Con-
cil. apud Pistas
Capitular. T.
2. Col. 153.
Reges & Epif-
copi qui ante
Nos fuerunt,
dulli Amore,
& Timore di-
vino, cum Ge-
nerorum Fide-
lium Dei Con-
silio atque Con-
sensu plura sta-
tuerunt Capi-
tula. Et de
Marca de Con-
cord. lib. 6.
cap. 25. Sect.
5. &c.

If the Matters were of a *mixed Nature*, then both parts of the Council Debated, or at least Agreed first together concerning them; And by their joint Advice and Consent, they were Established by the Prince. This was the Case of the Convention at ¹⁰ *Quierzy*, about Eleven Years after, under the same Prince: Who therefore calls that Meeting by the double Title, *Synodum venerabilium Episcoporum, ac Conventum fidelium*: And says, that with these he had consulted, among other Affairs relating at once to the Benefit of the Church, and the necessity of the Realm, about the Points which there follow, and with their Advice had Decreed, as we see, concerning them.

¹⁰ Synod. Ca-
rifiaca. Capi-
tul. Tom. 2.
col. 88.

And this may suffice to acquaint us how the *Bishops* and *Prelates* Acted in these Assemblies, as Members of the *Royal Councils*; and in order to the making of *Ecclesiastical Laws* in them. But I must observe farther.

¹¹ Chron.
Hirsaug. ad
Ann. 848.

3dly. That being to meet on these Occasions with the Nobility in Council, they oftentimes laid hold of the Opportunity to Consult together, and to Act, not only as a part of the *State-Convention*; but by their Own Authority, as a proper *Ecclesiastical Synod* too. Such was, for Example, the Synod of *Mentz*, in which *Rabanus* Archbishop of that Place condemned *Goteschallus*; and of which *Triethemius* ¹¹ in his Chronicle reports, that by the Command of *Louis Lotharius* the Emperor, he called a Synod of *Bishops*, and *Abbots*, Anno 848, and therein Condemned a certain Heretick named *Goteschallus*, and Ordained many things to the Honour and Dignity of the Church. But the ¹² *Annals* of *Fulda* are more express.

¹² Annal.
Fuld. ad Ar-
848.

They

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They tell us, that about the 1st of October, Louis the King held a General Council (*placitum*) at Mentz. And so go on to declare First the State Affairs that were transacted there, and then the Conviction of Goteschall in it. And the only Reconciliation that can be made between these different Relations is this; that the Emperour at that time held his Great Council at Mentz; and the Archbishop, at the same time, Summon'd a Synod, by the Emperour's Command, to meet there. The same Persons were Cited by a double Authority, for a double End; by the Emperour to his Civil Council, by the Archbishop to a Church-Synod.

¹ Flodoard.
lib. 4. cap. 33.

This was so strictly Observed, that tho' the Bishops were come together to the State-Council, yet if they wanted their Ecclesiastical Summons, they refused to Act as a proper Church-Synod at such times as they had not been regularly premonish'd so to do. A notable Instance of which we meet with in ¹ Flodoard, in the Dispute between Artaldus and Hugo, concerning the Bishoprick of Rhemes. The two Kings, Louis and Otho, held their Council at the River le Cher. The Cause was brought before the Bishops who were Assembled there upon the Occasion of the Other Meeting. But, says the Historian, because a Synod was not then held, the Controversy could not be Determined; but was deferr'd to a Synod to be held for that purpose, about the Middle of November following.

² Capitular.
Tom. 2. Col.
101. 102.

It is true, it seems to have been the usual Custom for the Bishops to have an Ecclesiastical Summons, as well as a Civil Call to these Meetings; and that the One, issued out from the Metropolitans, almost as regularly as the Other did from the Prince: Insomuch that when ² King Louis sent to the Bishops of the Provinces of Rhemes and Roan, to come to one of these Councils before him, vii. Kal. Decembr. there to treat with him and the rest of the Fideles of those parts, concerning the Restoration of Holy Church, and the State and Welfare of the Christian People; among other Excuses which they made to put off their Attendance, they alledged this as One of the Chief; that it was forbidden by the Canons of the Church, that either the Archbishops, without their Com-Provincial Bishops, or they without their Archbishops, should presume to meddle with any thing, but what belonged to their own proper Diocesses. And that in so short a time as he had named, it was not possible for them to have their Mandatory Letters from their Archbishops to go to that Convention.

This was their Excuse; and tho' 'tis plain, they would otherwise have declined going at that time to the Council, yet this we may Conclude from the Reason here alledged by them in their Defence, that they were wont to have their Archbishops Mandates, as well as their King's Writs, for these Assemblies; and thought they could not Regularly Act as a Synod, on those Occasions, without them.

³ See de Mar-
ea de Concord.
lib. 6. cap. 25.
&c. & Hinc-
mar. Opp. pas-
sim.

I shall add but one thing more, and so have done with these Foreign Councils: That, as in the State-Conventions, 'tis plain that the Inferior Clergy had no place; so neither were they yet Called, to the proper ³ Church-Synods, which consisted only of the Bishops; and (sometimes) of the Regular Prelates; as I have, in part, already shewn, and might further prove, were it needful to insist upon it.

The result of what has been said, upon this Point, is this: That it does not appear that any of the Inferior Clergy were wont to be Called to the Great Councils of the Realm in France; on the contrary, it is plain, that they had not any Place in them, unless it were by Vertue of some Office which they held at Court, upon the Account of which they were allow'd to be present at them. If therefore these Councils were, in effect, of the same Nature with our own Wittena Gemots, so that we may rationally argue from the Constituent Members of the One, to those of the Other; then we must Conclude that the Lower Clergy, were not only not Always, and Necessarily, summon'd to them, as he sometimes affirms; nor yet Oftentimes called, as he elsewhere Discourses; but were not at all Admitted to them as proper Members; tho' possibly they might now and then be there as the Queen, or any Others of the Laity might be; which is all that Mr. Sherringham affirms, or that, I believe, can truly be said in this Case.

⁴ Rights,
pag. 31.

Let us see How Dr. A. applies the History of these Councils, to the Illustrating, if not to the Determining of the Nature of our Own. "Much after the same manner (says ⁴ he) I suppose were the mix'd Meetings, [the Wittena Gemots] of our Saxon Kings held. "They were Called by the same Name: They were Compos'd of the same Persons: The Spiritual and Temporal part of the Convention consulted together, or asunder, as they saw Occasion; were Con-
vened

“vened in like manner twice a Year; and One of those Meetings was fixed to the Calends of May, as it was in Germany: To this all the Proceres Regni, & Miletēs, & Liberi homines Universi totius Regni Britannia resorted; and it was stiled plenus Folcmote; and distinguished from the Other Folcmote, where only the Episcopi, Principes, and Comites were present.

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The Members also of our Saxon Councils were alike distinguished into such as had Right of Suffrage and Subscription, and such as were present, chiefly, in Order to Approve.

The same Distinction, doubtless, there was between their manner of Attending those Great Councils. Which he shews to have been also much the same with that of the Inferior Laities, and Clergy's, Attending the like Conventions abroad.

It cannot be denied, but that if all these Circumstances can be made out, the Antient Gallican Placita, and our Saxon Wittena Gemots, must have been very like to One another. To say nothing to the Names, the least Material of all these Observations; and for which this Author stands accountable to another ¹ Learned Writer. The main point of all is the next; whether they were Composed of the same Persons? Dr. A. Affirms it, and I am clearly of the same Opinion: And do therefore conceive, that as I have plainly shewn the Lower Clergy (as such) not to have been Constituent Members of the One, so neither were they of the Other.

Sect. 12.

¹ Dr. Kennet Eccl. Syn. p. 214, 215.

But Dr. A. is against me in both: And therefore as he before gave his Inferior, but Qualify'd Clergy, a Place, tho' not a Suffrage, in the Great Councils of the Realm of France; so now he is no less liberal in bestowing an Equal Right upon them in our Saxon Gemots. ² He tells us, that there sate the Bishops, Counts, &c. and there Attended the Lesser Thanes, and their Equals, the Priests, &c. And for this we must take his Word; for, at present, he does not so much as offer at any Proof of it. Let us therefore go on.

² Rights, p. 30.

In these Councils, the Spiritual and Temporal part of the Convention Consulted together, or asunder, as they saw occasion: This ³ I have agreed to as to those abroad, and had before offer'd as my Conjecture, with Relation to our Own here at home. I alledged the Council in which Ethelstan made his First Laws, in Proof of it; and had before Produced that of ⁴ Aenham to the same purpose.

³ Authorit. pag. 161, 162. 170.

⁴ lb. p. 159.

But Dr. A. who always affects to be an Original, and not to Write out of any Man's Second-hand Collections, resolved to take his own Method. Instead of the Council of Aenham, which was indeed a State-Council; he pitches on that of Cloveshoe, which was as plainly a Church-Synod: And for Ethelstan's Laws, he refers to Sir Henry Spelman's Glossary; I suppose as a more Authentick Record than either the Laws themselves, or Brompton's Version of them: And for both which I refer him to the ⁵ Censure of a more learned Writer, who has justly call'd him to Account for both.

⁵ Eccles. Syn. p. 212, 213.

These Councils, he says, were call'd twice a Year by a Law of King Alfred's, and One of these Meetings was fix'd (if not in his time, yet afterwards) to the Calends of May, as it was in Germany. That King Alfred appointed Parliaments to meet twice in the Year, is, I confess, reported in the Mirror of Justices; and to him, and to his Authority only, Dr. A. refers us for it. Of what Credit such a Relation ought to be, in a Matter wherein not only the Laws of King Alfred, but all our Antient Historians are silent, it is not difficult to determine. In the mean time, let me ask this Gentleman, with Relation to his own Authority; will he be content to be concluded in this Matter by it? ⁶ If he will, then the Persons who Constituted King Alfred's Parliaments, were only the Great Men of the Realm; Comites Congregari fecit, says Horn, to these two Parliaments; and I see no Reason why his Authority should not be as great for the Persons of which these Councils consisted, in which our Antient Authors are generally of his side; as for the Times of their Assembling, in which, for ought I know, he stands alone, without so much as any One Writer before him to support his Allegation.

⁶ Mir. loc. cit.

It is a happy Talent to be able to improve a Good Hint. The Mirror had found out a Law for two yearly Parliaments in the time of King Alfred; and Dr. A. has discovered the very Day on which one of them was, by Law, to meet. One of these Meetings (says he) was fix'd, if not in Alfred's time, yet afterwards, to the Calends of May, as it was in Germany. Debent Populi omnes & Gentēs Universæ, singulis Annis convenire. scil. in Capite Calendarum Maii; say the Laws of Edward the Confessor. But to what ought they to come together; to a Wittena Gemot, or, National Parliament? So this Gentleman would have it thought; but I will venture to say, he knew the contrary himself: And I shall

leave

This was the state of the Case, when the *Act of Submission* was made; and it plainly shews, what this *Author* has, in part, acknowledged to be most true; that in those days, the *Convocations* of the *Clergy* were under no manner of Obligation either of *Law* or *Custom*, to meet at the same time with the *Parliament*. The King called both at his *Own Pleasure*; and was under no Legal Restriction in the Exercise of his *Royal Prerogative*, in *Assembling* of either.

Sect. 10.

When therefore the *Clergy* agreed that their *Convocations* ought not to be held but in *Obedience* to the *King's Writ*, and the *Parliament Enacted*, that from thenceforth they should not be *Assembled* but by *Vertue* of it; and neither the One Stipulated, nor the other Decreed, that the King should be tied up to any certain times of issuing out his *Writs* for them: We must, in Conformity to the then allow'd *Practice* and *Prerogative* of the *Crown*, conclude, that they both design'd to leave the King to the same free Exercise of his *Authority* in this Particular, that his *Predecessors* Enjoyed; and which himself had as good a Title to, as any that went before him. By Consequence, that King *Henry* the 8th lay under no manner of Obligation, either by *Custom*, *Statute*, or the *Constitution* of our *Government*, either to Call a *Convocation* with every *New Parliament*, or to continue its *Session* as long as any such *Parliament* should sit. And then I shall leave it to the *Gentlemen* of the *Long Robe* to judge, whether the same *Statute*, still continuing in force, shall not convey the same *Authority*, in the same freedom, to his *Successors*; any later *Custom*, which is all that can be alledged to the contrary, in any *Wise* notwithstanding.

I Conclude then: That allowing every part of *Dr. A's* Scheme to be true; yet the *King's Prerogative* is not at all prejudiced, but on the contrary, is Confirmed by it: Because, that from thence it appears plainly, 1st. That the manner of Calling the *Clergy* to *Convocation*, was not by any *Immemorial Custom*, or *fundamental Law* of our *Constitution*, *Setled* and *Established*; but, that by their own *Consent*, and the *Authority* of the *King* and *Parliament*, the whole *Power* of *Calling*, *Proroguing* and *Dissolving* these *Assemblies*, might lawfully be put into the *King's Hands*. And 2dly, That when it was so Granted to him by *Act of Parliament*, it appears both from the *general Words* of the *Statute* of 25 *H. 8.* and the then prevailing *Custom*, and *Practice* in this particular; that the King had not before been limited in the Exercise of this *Authority*, nor was intended, either by the *Clergy*, or *Parliament*, to be any more limited in the Exercise of it for the time to come.

Sect. 11.

Having said thus much in Answer to this *Gentleman's* Second Argument in the general; to prove the *King's Prerogative* not to be at all abridged in this Case by our *Own Laws*, or *Constitutions*, any more then it was by the *Canons* of the *Church*: I shall now proceed here, as I did in the foregoing Chapter, to enquire into the Truth of his *Allegations*, and shew, that there is as little *Fidelity* in his *History*, as I think I have shewn, there is either *Law* or *Consequence*, in his *Reasoning*.

And for this I shall take the same Method, I pursued in my Other Discourse; and consider the Interest which the *Clergy* had in our *Ecclesiastical* or *Civil Assemblies*,

I. In the *Saxon Times*.II. Under our *Norman Princes*, to the Reign of King *Edward* the 1st.III. From the Reign of King *Edward* the First, to that of King *Henry* the Eighth. AndIV. From the Reign of King *Henry* the Eighth, to the present *Parliament*, and *Convocation*.

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Dr. A. having Enquired (as he words it) into the Rights of a Synod of the Province of Canterbury, at large; goes on, in the next place, to Consider It as an Attendant upon a Parliament of England. For so the matter, says he, at present, stands, and has stood for 400 Years, and upwards; to speak at the lowest: Tho' in the Elder Ages it plainly enough appears, That the *Clergy* came at Once from Both Provinces, and joined Nationally with the Lay Assembly. These are his Words, but I hope they are not his Meaning: Because, according to this Account, we must Conclude, that the *Clergy* of the Other Province, for these 400 Years past, have lost all their Relation

Relation to the *Great Councils* of the *Realm*. For so he tells us in the *Elder Ages*, ^{The SAXON Times.} the Clergy came from *both Provinces*, and join'd *Nationally* with the *Lay-Assembly*. But for 400 Years past, the *Synod* of the *Province* of *CANTERBURY*, has been the *Attendant* upon the *Parliament*; for 'tis of *that*, and *that only*, that he here speaks, and sets out to Us as the *Subject* of his following Considerations.

How our Brethren on the other side of *Trent* will like this, and a great many Other Passages hereafter to be consider'd; in which, I think they have been a little hardly dealt withal, I must leave it to them to determine. As for the present Period, in which they are, at least allowed to have had an *Equal Right* in these Assemblies with *ourselves*; his Assertion is elsewhere, thus: ^{1 Rights, p. 215.} *'That thro' the Piety of our Saxon Ancestors, the Clergy were called to the Great Councils of the Realm, and made a CONSTANT, and NECESSARY PART of them. That being obliged so frequently to Attend (for Attendance has, from the Beginning, been the Right and Privilege of the Clergy) in that Capacity, they had neither Leisure nor Need, to Observe the set times of their Provincial Assemblies. The ordinary Business of these was dispatched at those State-Meetings, which were frequent, and gave the Clergy the Opportunity of an Easie Recourse to the Civil Power for a Confirmation of their Decrees. And this, by degrees, brought on a discontinuance of Provincial Synods, which from thence began to meet only on Great Emergencies, and for Extraordinary Occasions. Thus the Matter stood throughout the Saxon Times. But did not this Gentleman tell us in his First Chapter, That the Canons of the Church, which required Yearly Provincial Synods, were received here in the Saxon times? That the 2 Council of Herudford, held, Anno 673, under Theodore, Archbishop of Canterbury, took care, not only to Establish the Practise for the future, but also to 7. Affirm the Antient Usage?*

This I am sure was his Assertion, when he argued from the *Canons* of the *Church*, and their *Authority*, in this Matter. But now the Case is alter'd; and this *Author*, ^{3 Ib. p. 217.} after all his Outcry against *Occasional Principles*, gives us some Reason to think that he is no such Enemy, as he pretends to them. No, nor yet to *Occasional Synods* neither: ^{4 Ib. p. 215.} For such he Confesses our *Provincial Councils* were. All his Indignation is against *Occasional Convocations*; which for the Honour and Liberty of the Church, he would have not to be *Occasionally Assembled*, when there is any Business for them to do; but to be *Constant*, and *Necessary Attendants*, tho' they have nothing to do but to *Attend*: A Privilege that I believe no other *Body* would *Contend* for; nor if we should get it, ought any to *Envy* it to Us.

But not to insist upon past Assertions: His present Position is this, *That in the Saxon Times, the Clergy were called to the Great Councils of the Realm, and made a CONSTANT, and Necessary Part of them.* Will he stand to his Point, as he now states it? Why truly no: That was a Round and full Assertion, and very proper for the *Fifth Chapter*, where he had a particular Use to make of it. But in the *Sixth*, he had either been better informed, or he thought himself concern'd to speak more warily to this Matter. And therefore there, it amounts to no more then this: ^{5 Rights, p. 277, 278.} *'That the Inferior Clergy were then Oftentimes; Called to the great Councils of the Realm. Now if they were only Called Oftentimes, I think that will imply, that Sometimes they were not Called: And this may lead on a farther Question, whether they were not Oftentimes Omitted, and only Sometimes Called. But however, if they were but Oftentimes Called, even that shews that they were no Constant, and Necessary, part of those Councils, as he before affirmed them to have been.*

Let us hear how this *Author* again explains himself as to this Matter. ^{6 Not 6 Rights, p. 285.} *that I believe them (the Inferior Clergy) to have had Place in All, (even the most Ordinary, and stated) Assemblies, but only in the Greater, and more Extraordinary Ones. The Wittena-Gemots, and Mycel Synods, the Magna Concilia, and Pleni-Folcmoti, which are plainly distinguished from the Less Solemn, and Numerous Councils; and which met together only Ex Arduis contingentibus, & legum Condendarum Gratia, as Sir H. Spelman Observes. What would this Author make us believe Sir H. Spelman Observes, That the Wittena Gemots, and Folcmots were all One? Or that the Pleni Folcmoti were Assembled legum Condendarum gratia? Or that the Inferior Clergy sate in those Greater Assemblies? So it might be mistaken; and possibly it was design'd to be so understood.*

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¹ Spelman.
Glossar. Voc.
Gemotum
p. 261. a

But that Learned Gentleman spake not at such a Rate. He absolutely distinguishes between the *Wittena-Gemot*, and the *Folc-mot*: And what he says Relates to the former, as One great thing wherein it differed from the Latter: ¹ A *Wittena-Gemot* (says he) was the same among the *English Saxons* that "*Parliament* is with us at this Day: and it differed but little from a *Folc-mot*, but that this Latter was *Annual*, and commonly held for *Certain Affairs*; whereas the Other was called at the Pleasure of the Prince, *Ex arduis Contingentibus, & legum condendarum Gratia*.

² Rights, p.
286.

And now, at least, One would think he should stick by his Assertion, that to these *Wittena-Gemots*, tho' not to the *Less Solemn*, and *Numerous Councils*, the *Inferior Clergy*, were OFTENTIMES Called. But how then Does he vouch ² Mr. *Sherringham* for the same Opinion; and affirm his Authority to be "*A strong presumption of the Truth of what he has offered on this Argument*. For Mr. *Sherringham* does not come up to his OFTENTIMES; but Sometimes, and very Seldom, are his Expressions. "*In the Saxon times* (says he) *Laws* were COMMONLY made by the "*Approbation, and Consent of the Nobles, Arch-Bishops, and Bishops, in a Publick Synod, or Parliament*. SOMETIMES the *Queen* was present; SOMETIMES the *INFERIOR CLERGY*; and Sometimes also the *Commons*; but that happened VERY SELDOM. So that if this at last should be Dr. *A's* Sense; it will follow that he looks upon the *Inferiour Clergy* to have been a part of these *Councils* only as the *Queen, and Commons* were; they Came to them SOMETIMES, but VERY SELDOM.

And, indeed it must be confess'd, that this agrees much better with his Proofs, than any Other Hypothesis: For thus the *Abbesses*, whom he also makes a part of the same *Great Councils*, in the *Subscriptions* to his *Charters*, (and is so kind as to continue in this State till after the time of King *John*) may also have been SOMETIMES *Attendants* upon them. And I do verily believe that he is thus far in the right, that they were both *Equally Members* of them.

³ Rights, p.
35. 296.

The Truth is, this *Author* as he does not very Well know by what Right the *Inferior Clergy* came to these *Great Councils*, so neither is he at all Concern'd in that Particular. Let them but Come, and 'tis all one to him, in what *Capacity*, or for what *Ends* they came to them. Now this has Engaged him in some very Odd Methods of bringing them to these Assemblies. In one Place he calls them thither as *Knights Spiritual*; and tells us that upon this Account they had a Right, no less then the *Knights Temporal*, to Attend upon the *King in Parliament*. And this gives them a Right, not as *Clergy-Men*, but as *Knights*; or, at most, as *Knights Spiritual*: And Entitles only those to a Place there, who had the ³ 4711. *Knights Fees*, which for that End he has vested in our *Parochial Churches*; to whom the *Conquerour* never reached out any such Bounty.

⁴ Ib. pag. 290.

In Another Place, ⁴ he brings them there under a *Meaner Capacity*, as the *King's Retinue*; by the same Right that the *Gentleman Ushers* and *Pages*, come sometimes to *Parliament*; and yet, I believe do not Imagine that they are thereby made any Proper Members of it.

That which I insist on (says he) is, that the *Attestations and stile* of these *Charters* make it manifest, that MANY of the *Lower Clergy* had place in those *Great Councils* which confirmed them: How, or in what *Capacity*, They were summoned thither, Whether as Representing any Part of the *Spirituality*; Or, as the *King's immediate Servants, and Dependants*, (his *Hand-Priests, and hired Clercs, as the Capellani, and Presbyteri Regis, are in the Saxon Chronicle, oddly called*) is another Enquiry which it is not very *Easie, nor very Necessary* at present to determine. So that this Gentleman does not affirm that the *Inferior Clergy* came either *Always, Oftentimes, or Sometimes*, to these *Councils*, as *Representatives* of any part of the *Spirituality*; (that is a Point neither *Easie, nor Necessary, to be determined*) all that he affirms, is, That some of them there were present at those *Councils* in which his *Charters* were subscribed: How they came thither, Or what they did there, he neither *Knows, nor Cares*. So little a Colour had this *Author*, for what he so Confidently Asserted before, that the *Clergy* were called to the *great Councils* of the *Realm*, and made a *Constant and Necessary Part* of them.

⁵ Rights, p.
285.

But he has not yet done with his Restrictions: For, as if this were not enough to destroy all that he had before been *Establishing*; he proceeds to bring their Interest of *Acting* in those *Great Assemblies* as low, as he has at last done their *Right of Coming* to them. ⁵ Nor do I suppose, says he, that the *Clergy-Men* of *Lower-Rank* call'd to these full Conventions, treated *Always* as freely, and acted

as Authoritatively, as the Constant and Standing Members did: Treated ALWAYS as freely; That implies however that they sometimes did; and then a Question will arise, how they came to Treat so freely sometimes? Whether by any Right that they had so to do; or only by the Consent or Allowance of the Constant and Standing Members. No, I take them, as to this, to have been much in the same Case with the Inferior Laity, who are said Oftentimes to have been present at such Great Councils; and to have Consented to, and Approved what was done there; but not often to have Deliberated or Determined; just as the Lesser Members of the German Colloquia, or Synods (the Patterns of our English Ones) are represented by Hincmar to have interposed in them.

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The Business therefore of the Inferior Clergy, when they came to these Assemblies, was to Consent and Approve, not to Deliberate or Determine. That was to be done by the constant and standing Members; and all the Others had to do, was but to consent to what had been Resolved by them. But what if they did not Approve, and therefore did not Consent? Could they, by their Dissent, rescind what the Other Members had Determined? That he has not told Us; unless perhaps we may find it in the Account which Hincmarus gives of the German Colloquia, or Synods, the Patterns, as he tells us, of our English ones.

Let us therefore see how he reports Hincmarus's Relation of these Colloquia or Synods; as this Gentleman styles them; (for his Author no where Calls them so, but by their proper Name Placita:) Why first for the Persons; ¹ Generalitas (says he) *Univerſorum, tam Clericorum quam Laicorum, Conveniebat. Seniores* (that is the Magnates, whether Counts, or Bishops) *propter Conſilium Ordinandum: Minores* (that is the Lesser Barons, and Inferior, but Qualified, Clergy) *propter idem ſuſcipiendum, & interdum pariter tractandum, & non ex poteſtate, ſed ex proprio mentis Intellectu vel Sententia Conſirmandum.*

Señ. 16.

¹ Rights, p. 29, 30.

I wish this Author had told us what Edition of Hincmarus he made use of: For I can hardly persuade my self that he could have been guilty of so wretched a Misrepresentation of that Author, and these Councils, had he not been misled by some very faulty Copy, that utterly spoiled the whole Relation of them. In these great Assemblies, or Placita, *Generalitas Univerſorum tam Clericorum quam Laicorum conveniebat*, says Dr. A—— But ² Hincmarus says quite another thing; *Generalitas Univerſorum MAJORUM: The PROCERES*, as he calls them, *Cap. 34.* And more particularly, *Cap. 35.* where he makes this Division of them; *Episcopi, Abbates, vel hujusmodi Honorificentiores Clerici*, for the Ecclesiastical; and *Comites vel hujusmodi Principes*, for the Lay-part, of these Councils. Shall I give it him, more plainly, in the Relation of his own ³ Marca: They consisted then, according to his Epitome of this very Relation, *Ex Episcopis & Abbatibus & Comitibus Regni.* These were All the Members, who had any part in those Councils.

² Hincmar. Rhem. Oper. vol. 2. num. xiv. pag. 201. &c.

³ De Concord. lib. vi. cap. 25. Señ. 1. &c.

But what then shall we say to ⁴ His Seniores, and Minores? If you will take *de Marca's* Interpretation, they are the Antiquiores, and Juniores, of these Great Counsellors. ⁵ Arumans, thinks rather that they were the greater and lesser of the Majores before mentioned: The One, the Prelates and Nobles; the Other, the Judges and Magistrates; whom he also takes in under the General Name of Majores. The Account of Hincmarus will admit of either of these: And 'tis no great matter, as to our present purpose, which of them we pitch upon. ⁶ He tells us that two Solemn Councils were held every Year. One a General Assembly, to which all the Majores, or Great Men, Temporal and Spiritual, were called. The other more select; consisting only *Ex senioribus, & principibus Consiliariis*; of the more Aged, and honourable Counsellors. But whether Seniores or Minores, they were still of the Generalitas MAJORUM; no Others were called to these Assemblies; no Others (unless perhaps some of the King's Ministers of State, in the Lesser Council) were admitted to them.

⁴ Ibid.

⁵ De Comitibus cap. 4. num. 5, 6, 7.

⁶ Hincmar. loc. cit.

It is Evident then, that all this Gentleman's Dream of the Inferior Clergy, is not only precarious, but is directly Contrary both to his Own Author, and to his allowed Interpreter of him. The Over-sight, or Omission, of the Principal Word MAJORUM in his Copy of Hincmarus, misled him; and we will suppose his *de Marca* might not be at hand to set him right.

But to allow for his Mistake in the Persons who came to these Meetings: This, at least, must be agreed, that the Power of these Younger or Lesser Counsellors, is rightly represented by him. They came to Receive what the Others had de-

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1 Loc. Cit.
Sect. 3.

terminated; and were sometimes asked their Opinion about it: And they Confirmed it, not by way of Authority, but by their concurrent Judgment, or Reasons; They spake, (says de Marca) sometimes but only to give their Opinion, not to Exercise any Right of Voting with the Others. They were first to learn, and be trained up to the Affairs of State; before they were admitted to any Authoritative share in them.

2 Capitular.
Tom. i. coll.
346. 439. 462.
481. 487. &c.
3 Eginh. Vit.
Car. M.

This was the Case of the German Polity under Charles the Great, so this Author styles it; but that Emperour, who ought the best to know his Own Title, every where calls himself King of France and Italy. 3 Eginhard the Writer of his Life, and his Contemporary, speaks of him all along, as King of the Franks. In the Preamble to his Will, which that Historian has preserved a Copy of, the Date is *Regni ejus in Francia, 43; in Italia, 36; Imperii xi.* In his Epitaph, it is said, that *Regnum Francorum Nobiliter ampliavit, & per Annos 47 feliciter tenuit. Adelmus*, or whoever else Wrote the Lives of Pepin, Charles the Great, and Ludovicus Pius, calls his Works the *Annals of the French Kings*: And tho' it is not deny'd, but that his Empire reached to the greatest part of Germany at the last, and from the Death of his Brother, took in those parts of it which belonged to the Kingdom of *Austrasia*; yet even that was, in those days, look'd upon as a part of France, and took its denomination from it; as one Province of it Continues to do at this Day. This I was willing to Observe, not as a Matter of any great Consequence, but to justify my Own Expression, in treating of those Councils, from which this Author thought fit to recede; whether for the greater Accuracy of Language, with relation to those times, I shall leave it to the Reader to Judge.

Sect. 17.
4 Rights, p.
29. Comp.
Auth. &c.
pag. 155. &c.

But because this 4 Gentleman, tho' he has not thought fit to own from whence he took both his Subject, and the Authors he makes use of in the pursuit of it, has yet been so unusually Obliging as to approve the Method I proposed of, clearing the nature of our Own Ancient Government, by Comparing it with that of the French in those Days; I will thus far endeavour to gratifie his Curiosity, as to set that Matter in a somewhat clearer Light, and shall leave it to him to make what Advantage he can of it, in the present Argument against me.

5 Marc. de
Concord. lib.
6. cap. 25.
Sect. 4.

The first ground of a Settlement of the 5 Government in France, was laid by Pepin, in the Synod of Soissons, as I before observed; but of which this Author has not thought fit to take any notice. He set forth his Statutes, *cum Consilio Episcoporum, & Optimatum Regni*, as de Marca Expresses it: To which the last Canon of the Council adds, *Cum aliis Sacerdotibus sive Servis Dei*; which the same Learned Person rightly understands of the Regular Prelates, who were wont to be Called to these Assemblies; and who therefore may reasonably be presumed to have been present at this Council.

6 Concil. Vern.
Can. iv.

What was thus begun in his Parliament at Soissons, he much improved a few Years after in the 6 Council of Vernis: Hither he called almost all the Bishops of France; but that any of the Inferior Clergy were present, it does not appear. And here that provision was made, of which this Author has given us but an imperfect and erroneous Account; not that two National Ecclesiastical Synods should be held every Year, but two Assemblies; One Royal, in the presence of the King; the Other Ecclesiastical, either at Soissons (of which he takes no Notice) or at such other Place as the Bishops, at the other Council, should agree. Of this, de 7 Marca gives such Proofs, as seem to determine the point; and thus the Learned 8 Steph. Baluz. in his Annotations upon this Canon, expounds it from him.

7 De concord.
lib. vi. cap.
25. Sect. 5. 6.
8 Capitul.

Tom. ii. Col.
1028.

9 Rights, p.

30.

10 Fredegar.

Chron. p. 165.

11 De Concord.

lib. vi. cap.

24. Sect. 5, 6.

12 Capitul.

Tom. i. Can.

2, 4.

13 Abbates

seu Presbyteri.

14 Rights, &c.

Ibid.

The Former of these Assemblies was appointed to be held on the First of March. 9 This was after by Pepin's Son (says Dr. A.) appointed to meet on the First of May. I doubt this Gentleman has here again mistaken his Author; who expressly says, that this Change was made not by Pepin's Son, but by Pepin himself: And to him 10 Fredegarus plainly ascribes it, who Ends his *Chronicon* with the Father, and to him ascribes this Change, as de 11 Marca has rightly observed from him.

To the Second of these 12 Synods, which was properly Ecclesiastical, Those Bishops whom he had set in the stead of Metropolitans, were required to Come; and with them such Other Bishops, Abbots, and Presbyters, (unless we should rather expound it 13 Abbots, or Presbyters) as those Metropolitans should appoint to meet with them.

This was the last Establishment of Pepin: Where this 14 Author finds, under that Prince, His other Royal, but Privy Council, consisting only of the Great Ministers

Ministers, and such others as the King thought fit to Call, I am yet to seek: And I doubt he himself will be no less puzzled to inform me.

The next Advance which was made in this Country towards the Settlement of the Government of it, was by *Charles the Great*. Of this, some Account has been given already; but I shall now be more particular, because that *Dr. A.* either knew very little of it, or was not willing that Others should.

And First, as his ¹ Father before had done, he Establish'd two Solemn Meetings every Year. The Former consisted of the Bishops, and Abbots, and Peers of the Realm. In it, all the Political Estate was settled for the Year following. The Latter consisted of the most Antient of these, to whom were joined some of the Prince's Council. In this, they digested and concluded upon such Matters as were to be proposed in the next General Meeting: They Order'd such incidental Affairs, as would not admit of Delay; as Matters of War and Peace; and some others of the like kind.

In these Conventions, but especially in the General One, Constitutions were made both concerning Ecclesiastical, and Civil Affairs. The King proposed the Heads which he would have them to deliberate upon; which having done, the Elder, and more experienced, determined; and the Younger Consented to their Determination. Which being over, the Result of their Debates was laid before the Prince, who finally gave Authority to what he approved of them.

In these Conventions, according as the Matter which was to be treated of required, so a Difference was observed in debating upon it. The Bishops and Abbots, met apart from the Laity. The Lords and Nobles were Divided from the Other Laity, by the Honourable Seats that were prepared for them. Sometimes they voted separately from one another, and sometimes together, as the Nature of the Cause required; whether it were Spiritual, Secular, or of a Mix'd kind.

This is the Account which *de Marca*, out of *Hincmarus*, gives of these General Meetings: Let us see how this agrees with the Observations of Other Learned Men concerning them.

And 1st, For the Persons who met in the Councils, (the main thing in Dispute betwixt us) *de Marca* tells us, they were on the Spiritual Part, Bishops and Abbots; on the Secular, the Comites and Optimates, the Great Men of the Realm. And so ² Monsieur Baluze, a Person excellently well versed in these Matters, tells us after him. They were the Fideles Regis; or, as sometimes they are called, Populus; not, says he, any Common Persons, but the Principes, Optimates, Proceres, and Capita Populi: And whom he meant by these, we may see more expressly a little after; where having alledged some Places out of the Capitulars, in proof of his Assertion, he concludes thus; It is evident therefore, that to these Conventions, there came the Bishops, and other Fideles, that is to say, Abbots, Dukes, Earls, and the like.

To this, as to the Ecclesiastical part, ³ *Arumens* agrees: And his Authorities for it are such, as clearly shew, that neither the Lesser Clergy, nor the Lower Laity, were wont to come to these Assemblies. ⁴ *Eginhard*, a Contemporary, and Exact Author, calls them, *Primores de toto Regno*: Another, *Primores & Comites*. A Third adds, the *Magistratus* to them, and that agreeably to ⁵ *Hincmarus's* Relation; who (in like manner) Entitles the Chief Officers of the Palace, and Council to a part in them. A Fourth makes particular Mention of the Ecclesiasticks; *Convenerant* (says he) *multi Episcopi, Abbates, & Principes, ad Imperialem Synodum Vocati*. But for *Dr. A's* Inferiour, but qualifi'd Clergy-Men, I do not know any one Author, that so much as occasionally takes them into these Meetings.

I might enlarge these Proofs by the Authorities of many other Writers, as well Antient, as Modern: But I shall mention only one more, the Learned ⁶ Monsieur du Fresne, whose Quotations (quite different from the most of those whom I have hitherto alledged) all speak the same thing. *Dagobert* held his Placitum with his Sons, *Omniбусque totius Regni Primatibus*. *Charles the Great* his cum Ducibus; says the Saxon Poet: Or as another, more fully, *Congregata non minima Coadunatione Episcoporum, summa Autoritatis Virorum, multorum quoque illustrium Procerum, seu quam plurimorum Nobilium*. These were the Persons of whom those Meetings consisted; No others mention'd to have come to them.

But do's not ⁷ *de Marca*, (and that from *Hincmarus*) say, "That in these Councils, the Great Persons, Earls, &c. were distinguished from Those of a

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¹ Marca de Concord. lib.vi.cap.xxv. §. 1, 2, 3.

² Prefat. ad Capitul. Vol. I. Num. 7.

³ De Comitibus. Cap. iv. n. 8. ⁴ Vid. Ibid.

⁵ Ib. num. xiii. pag. 118.

⁶ Glossar. lat. pag. 291. vol. iii. Voce Placitum.

⁷ Rights, P. 30.

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“Lower degree, sitting by themselves, and on honourable Seats. That these only managed the *Debates*, and formed the *Conclusions*; the *Commoners* assenting and sometimes speaking, but so as rather to signify their *Opinion*, than give a *Vote*. And may we not suppose this to have been the Method also on the *spiritual side*? No, ⁸ *de Marca* says no such thing, but rather the direct contrary. For he says that these *Assemblies* consisted only of the *Optimates*: Those he divides into *Antiquiores*, and *Juniores*; and of the *Juniores*, or younger Lords, he speaks what Dr. A. very unfairly applies to his *Commoners*.

⁸ De Concord. lib. vi. cap. xxv. Sect. 3.

As for their sitting by themselves in these *Councils* on honourable Seats, and their being distinguished thereby from those of a lower Degree, that too is another Mistake of this Author. That which *de Marca* says is this; that the *Bishops* and *Abbots* Assembled apart from the *Laity*. That each had their proper *Curia*, or *Council-Chamber* prepared for them. That the *Lords* and *Great Men*, were distinguished from the *Other Laity*, *Subsellis honorificabiliter preparatis*. ¹ But who were these *Other Laity*? Were they Dr. A's *Commoners*? No, but they were the *King's Ministers*, and *Counsellors*; who, he tells us, were admitted to the *Second*, or *Lesser* of these *Assemblies*; but sat below the *great Lords* in them.

¹ Ibid. Sect. 1.

² Loc. Citat.

Now this ² *Hincmarus* more plainly shews: He tells us N. 30. That this *Placitum*, or *Great Council*, was held, cum *Senioribus* (the Chief of the *Majores* before mentioned) et *præcipuis Consiliariis*. That these *Counsellors* were chosen out of either *Clergy* or *Laity*, N. 31. That the three *Great Officers* of the *Court*, the *Apocrisiarius* or *Capellanus*, the *Palatii Custos*, and *Camerarius*, were always present at them. That if any of the *Other Officers* of the *Court*, seem'd to be Men of parts, and fit to be taken hereafter into the *Council*, they were Ordered to be present, and so trained up, to a Capacity and Readiness for Publick Affairs, N. 32.

³ Hincmar. To ii. num. xiv. cap. 34.

But indeed if I take the Sense of that ³ Author aright; there is another meaning than what *de Marca* seems to have understood in his Relation. He says, that the *Lords*, the *Proceres*, as he calls them, and *Chief Counsellors*, *primi Senatores Regni*, who were called to these *Assemblies*, debated one, two, or three days by themselves, or more, if need required; no stranger who was not of the *Council* coming near, or mixing with them, 'till they had finished their *Debates*; and made their Report to the *Prince*.

⁴ Ib. cap. 35.

The *Lords* and *Counsellors* thus assembled for Debate, he calls ⁴ *Segregati*, with respect to the many others of all kinds, who had no part in the *Assembly*, but yet usually came at that time to the *Court*; and with whom, in the mean while, the *Prince* passed his Time. Whenever these *Lords* desired it, the *Prince* was wont to come to them, to hear the result of their *Debates*: And when he did so, then, I suppose, that the *Reliqua Multitudo*, which attended upon him, were also admitted into the *Assembly*. And for this a place was prepared of such Capacity, *ubi et in abundanter segregati semotim, & Cetera Multitudo* (who were wont upon these Occasions, to croud in) *seperatim residere potuissent*: But 'till then no *Inferiores persone interesse potuissent*.

This I take to have been the true meaning of *Hincmarus* as to this Matter: Whether herein I am mistaken or not, thus much is evident, that the *Members* of these two *Assemblies* were no other than these: The *Bishops*, *Abbots*, and *Majores* of the *Laity*, of the One; and the *Seniores* and *Consilarii* of the *Other Council*. Only to the *Latter*, some of the *Court Officers* were permitted to Come, not as proper *Members* of the *Council*, but to hear and learn, and be trained up thereby to become, in time, the more useful *Members* of it.

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Having thus accounted for the Persons of whom these *Councils* were composed, let us enquire, 2dly, What kind of *Affairs* were treated of in them, and how they proceeded in the handling of them.

⁵ Hincmar. Ibid. n. 29, 30.

As for the former of these, the *Affairs* which were treated of in these *Conventions*; they were, in General, the *Great Affairs* of the *State*. ⁵ In the *Latter* of them, which met in *Autumn*, the *State* of the *Whole Kingdom* was settled for the Year following; and what was then Established, nothing but an *Absolute* and *Extreme Necessity* could Change. In the former, held about the Beginning of *May*, they prepared Matters for the following *Assembly*; Consider'd what would be proper to be proposed to it, or determined in it. And if any Matters fell out, which required a present Resolution, and could not be Deferr'd to the *General Meeting*, they here came to a determination concerning them.

In

In these Assemblies, the ¹ King enquired into the *State* of his *Dominions*; and was inform'd by those who came together from every quarter, what was doing, or what had happened; or whether any thing needed to be considered; or reform'd in any part of them.

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Ib. n. 36.

Of these ² Affairs some were purely *Civil*; Others Meerly *Ecclesiastical*, and others of a *mix'd Nature*; such as indifferently concern'd both the *Church* and *State*. ³ Of the First, the *Laity* alone debated; of the Second, the *Ecclesiasticks*; of the Third, both; first apart, and then together; and the Resolutions which they came to in any of these, were still laid before the Prince, who had the last Judgment of all; and either ratified, or disannulled what they had agreed of.

² Hincmar. Ib. c. 34, 35.

³ De Marca. de Concord. lib. 6. cap. 25.

In debating upon these *Matters*, they usually took this Method: ⁴ First, the Prince laid before them the *Heads* on which they were to *Deliberate*. Then he left them alone to consider of them. This they did so long as they thought necessary: And having given notice to him that they were agreed in their Opinions, he came to their Assembly, and there either Approved, or Disallowed of them.

⁴ Hincmar. Ib. c. 34, 35.

The General ⁵ Affairs of the *Church* and *State* being dispatched; they finally proceeded to hear such *particular Causes* as were proper for them, and had been reserved by the Prince to their Judgment and Determination.

⁵ Marca de Concord. lib. 6. cap. 35. Sect. 5. &c.

But that which I would chiefly Observe, in these Councils is, after what manner, and by what *Authority*, *Ecclesiastical Matters* were transacted in them. Now of that we have a clear Account in the ⁶ Council of *Soissons*, under King *Pepin*, Anno 744. The Articles of which relating to *Ecclesiastical Matters*, are said to have been made ⁷ by Twenty three Bishops, together with other *Priests*, or *Servants* of God (the *Regular Prelates*) with the Consent of the Prince and *Counsel* of the *Lords*. The *Clergy* therefore passed them; the *Lords* approved of them; and the *King* gave the *Authority* of *Laws* to them.

⁶ Capitular. Tom. 1. Col. 155, 157.
⁷ Ib. Cap. 2. Et Col. 160. cap. x.

The same may be Concluded from the Account we have of the *Capitular* of *Charles the Bald*, Anno 846. The *Metropolitans* and their *Suffragan Bishops*, ⁸ had agreed upon certain *Canons*, which they thought proper for the Reformation of the *Church*; and offer'd them to the Prince, as he had commanded them, to be publickly read in *Council* before him. But the Prince being raised into a heat against them, and the *Lords* disapproving of some things which they had determined, they removed the *Bishops* out of the *Council*, and selected out of their *Canons* such only as they approved of, and delivered them in Writing to them; telling them that they had Accepted no more of their *Definitions* but those; and that those, they had agreed with the Prince, to Observe.

⁸ Capitular. Tom. 2. col. 30. in villa Sparnac.

Thus they concluded in *Matters Ecclesiastical*; ⁹ The *Bishops* first Debated by themselves concerning them: Being come to a Resolution, their *Definitions* were Read before the *King* and his *Lords*. If the *Lords* Advised, and the *King* Approved, they became *Capitulars*, or *Laws*; Otherwise they were laid aside, as rejected, and of no Force.

⁹ Vid. Concil. apud Pistas Capitular. T. 2. Col. 153. Reges & Episcopi qui ante Nos fuerunt, ducti Amore, & Timore divino, cum Ceterorum Fidelium Dei Consilio atque Consensu plura statuerunt Capitula. Et de Marca de Concord. lib. 6. cap. 25. Sect. 5. &c.

If the *Matters* were of a *mixed Nature*, then both parts of the *Council* Debated, or at least Agreed first together concerning them; And by their joint Advice and Consent, they were *Established* by the Prince. This was the Case of the *Convention* at ¹⁰ *Quierzy*, about Eleven Years after, under the same Prince: Who therefore calls that Meeting by the double Title, *Synodum venerabilium Episcoporum, ac Conventum fidelium*: And says, that with these he had consulted, among other Affairs relating at once to the *Benefit* of the *Church*, and the necessity of the *Realm*, about the Points which there follow, and with their Advice had Decreed, as we see, concerning them.

And this may suffice to acquaint us how the *Bishops* and *Prelates* Acted in these *Assemblies*, as Members of the *Royal Councils*; and in order to the making of *Ecclesiastical Laws* in them. But I must observe farther.

¹⁰ Synod. Carisiaca. Capitul. Tom. 2. col. 88.

3dly. That being to meet on these Occasions with the *Nobility* in *Council*, they oftentimes laid hold of the Opportunity to Consult together, and to Act, not only as a part of the *State-Convention*; but by their *Own Authority*, as a proper *Ecclesiastical Synod* too. Such was, for Example, the *Synod* of *Mentz*, in which *Rabanus* Archbishop of that Place condemned *Goteschallus*; and of which *Triethemius* ¹¹ in his Chronicle reports, that by the Command of *Louis Lotharius* the Emperor, he called a *Synod* of *Bishops*, and *Abbots*, Anno 848, and therein Condemned a certain *Heretick* named *Goteschallus*, and Ordained many things to the Honour and Dignity of the *Church*. But the ¹² *Annals* of *Fulde* are more express.

¹¹ Chron. Hirsau. ad Ann. 848.

¹² Annal. Fuld. ad Ar. 848.

They

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They tell us, that about the 1st of October, Louis the King held a General Council (placitum) at Mentz. And so go on to declare First the State Affairs that were transacted there, and then the Conviction of Goteschall in it. And the only Reconciliation that can be made between these different Relations is this; that the Emperour at that time held his Great Council at Mentz; and the Archbishop, at the same time, Summon'd a Synod, by the Emperour's Command, to meet there. The same Persons were Cited by a double Authority, for a double End; by the Emperor to his Civil Council, by the Archbishop to a Church-Synod.

¹ Flodoard.
lib. 4. cap. 33.

This was so strictly Observed, that tho' the Bishops were come together to the State-Council, yet if they wanted their Ecclesiastical Summons, they refused to Act as a proper Church-Synod at such times as they had not been regularly premonish'd so to do. A notable Instance of which we meet with in ¹ Flodoard, in the Dispute between Artaldus and Hugo, concerning the Bishoprick of Rhemes. The two Kings, Louis and Otho, held their Council at the River le Cher. The Cause was brought before the Bishops who were Assembled there upon the Occasion of the Other Meeting. But, says the Historian, because a Synod was not then held, the Controversy could not be Determined; but was deferr'd to a Synod to be held for that purpose, about the Middle of November following.

² Capitular.
Tom. 2. Col.
101. 102.

It is true, it seems to have been the usual Custom for the Bishops to have an Ecclesiastical Summons, as well as a Civil Call to these Meetings; and that the One, issued out from the Metropolitans, almost as regularly as the Other did from the Prince: Insomuch that when ² King Louis sent to the Bishops of the Provinces of Rhemes and Roan, to come to one of these Councils before him, vii. Kal. Decembr. there to treat with him and the rest of the Fideles of those parts, concerning the Restoration of Holy Church, and the State and Welfare of the Christian People; among other Excuses which they made to put off their Attendance, they alledged this as One of the Chief; that it was forbidden by the Canons of the Church, that either the Archbishops, without their Com-Provincial Bishops, or they without their Archbishops, should presume to meddle with any thing, but what belonged to their own proper Diocesses. And that in so short a time as he had named, it was not possible for them to have their Mandatory Letters from their Archbishops to go to that Convention.

This was their Excuse; and tho' 'tis plain, they would otherwise have declined going at that time to the Council, yet this we may Conclude from the Reason here alledged by them in their Defence, that they were wont to have their Archbishops Mandates, as well as their King's Writs, for these Assemblies; and thought they could not Regularly Act as a Synod, on those Occasions, without them.

³ See de Mar-
ca de Concord.
lib. 6. cap. 25.
Sec. & Hinc-
mar. Opp. pas-
sim.

I shall add but one thing more, and so have done with these Foreign Councils: That, as in the State-Conventions, 'tis plain that the Inferior Clergy had no place; so neither were they yet Called, to the proper ³ Church-Synods, which consisted only of the Bishops; and (sometimes) of the Regular Prelates; as I have, in part, already shewn, and might further prove, were it needful to insist upon it.

The result of what has been said, upon this Point, is this: That it does not appear that any of the Inferior Clergy were wont to be Called to the Great Councils of the Realm in France; on the contrary, it is plain, that they had not any Place in them, unless it were by Vertue of some Office which they held at Court, upon the Account of which they were allow'd to be present at them. If therefore these Councils were, in effect, of the same Nature with our own Wittena Gemots, so that we may rationally argue from the Constituent Members of the One, to those of the Other; then we must Conclude that the Lower Clergy, were not only not Always, and Necessarily, summon'd to them, as he sometimes affirms; nor yet Oftentimes called, as he elsewhere Discourses; but were not at all Admitted to them as proper Members; tho' possibly they might now and then be there as the Queen, or any Others of the Laity might be; which is all that Mr. Sherringham affirms, or that, I believe, can truly be said in this Case.

⁴ Rights,
pag. 31.

Let us see How Dr. A. applies the History of these Councils, to the Illustrating, if not to the Determining of the Nature of our Own. "Much after the same manner (says ⁴ he) I suppose were the mix'd Meetings, [the Wittena Gemots] of our Saxon Kings held. "They were Called by the same Name: They were Compos'd of the same Persons: The Spiritual and Temporal part of the Convention consulted together, or asunder, as they saw Occasion; were Con-
"vened

"vened in like manner twice a Year; and One of those Meetings was fixed to the Calends of May, as it was in Germany: To this all the Proceres Regni, & Milites, & Liberi homines Universi totius Regni Britannia resorted; and it was stiled plenus Folcmote; and distinguished from the Other Folcmote, where only the Episcopi, Principes, and Comites were present. The SAXON Times.

The Members also of our Saxon Councils were alike distinguished into such as had Right of Suffrage and Subscription, and such as were present, chiefly, in Order to Approve.

The same Distinction, doubtless, there was between their manner of Attending those Great Councils. Which he shews to have been also much the same with that of the Inferior Laities, and Clergy's, Attending the like Conventions abroad.

It cannot be denied, but that if all these Circumstances can be made out, the Antient Gallican Platita, and our Saxon Wittena Gemots, must have been very like to One another. To say nothing to the Names, the least Material of all these Observations; and for which this Author stands accountable to another ¹ Learned Writer. The main point of all is the next; whether they were Composed of the same Persons? Dr. A. Affirms it, and I am clearly of the same Opinion: And do therefore conceive, that as I have plainly shewn the Lower Clergy (as such) not to have been Constituent Members of the One, so neither were they of the Other. Sect. 12.

But Dr. A. is against me in both: And therefore as he before gave his Inferior, but Qualify'd Clergy, a Place, tho' not a Suffrage, in the Great Councils of the Realm of France; so now he is no less liberal in bestowing an Equal Right upon them in our Saxon Gemots. ² He tells us, that there sat the Bishops, Counts, &c. and there Attended the Lesser Thanes, and their Equals, the Priests, &c. And for this we must take his Word; for, at present, he does not so much as offer at any Proof of it. Let us therefore go on. ¹ Dr. Kennet Eccl. Syn. p. 214, 215.

In these Councils, the Spiritual and Temporal part of the Convention Consulted together, or asunder, as they saw occasion: This ³ I have agreed to as to those abroad, and had before offer'd as my Conjecture, with Relation to our Own here at home. I alledged the Council in which Ethelstan made his First Laws, in Proof of it; and had before Produced that of ⁴ Enham to the same purpose. ³ Authorit. pag. 161, 162. 170. ⁴ lb. p. 159.

But Dr. A. who always affects to be an Original, and not to Write out of any Man's Second-hand Collections, resolved to take his own Method. Instead of the Council of Enham, which was indeed a State-Council; he pitches on that of Cloveshoe, which was as plainly a Church-Synod: And for Ethelstan's Laws, he refers to Sir Henry Spelman's Glossary; I suppose as a more Authentick Record than either the Laws themselves, or Brompton's Version of them: And for both which I refer him to the ⁵ Censure of a more learned Writer, who has justly call'd him to Account for both. ⁵ Eccles. Syn. p. 212, 213.

These Councils, he says, were call'd twice a Year by a Law of King Alfred's, and One of these Meetings was fix'd (if not in his time, yet afterwards) to the Calends of May, as it was in Germany. That King Alfred appointed Parliaments to meet twice in the Year, is, I confess, reported in the Mirror of Justices; and to him, and to his Authority only, Dr. A. refers us for it. Of what Credit such a Relation ought to be, in a Matter wherein not only the Laws of King Alfred, but all our Antient Historians are silent, it is not difficult to determine. In the mean time, let me ask this Gentleman, with Relation to his own Authority; will he be content to be concluded in this Matter by it? ⁶ If he will, then the Persons who Constituted King Alfred's Parliaments, were only the Great Men of the Realm; Comites Congregari fecit, says Horn, to these two Parliaments; and I see no Reason why his Authority should not be as great for the Persons of which these Councils consisted, in which our Antient Authors are generally of his side; as for the Times of their Assembling, in which, for ought I know, he stands alone, without so much as any One Writer before him to support his Allegation. ⁶ Mir. loc. cit.

It is a happy Talent to be able to improve a Good Hint. The Mirrour had found out a Law for two yearly Parliaments in the time of King Alfred; and Dr. A. has discovered the very Day on which one of them was, by Law, to meet. One of these Meetings (says he) was fix'd, if not in Alfred's time, yet afterwards, to the Calends of May, as it was in Germany. Debent Populi omnes & Gentes Universæ, singulis Annis convenire. scil. in Capite Calendarum Maii; say the Laws of Edward the Confessor. But to what ought they to come together; to a Wittena Gemot, or, National Parliament? So this Gentleman would have it thought; but I will venture to say, he knew the contrary himself: And I shall leave

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leave the Reader to judge, whether I am too Uncharitable in my Opinion, when he has Consider'd the Law to which we are referr'd.

The Subject of that part of the Law, which this Author refers to, is to shew what Power the Aldermen had within their respective Cities, or Walled Towns. It declares that they ought to have the same Power and Dignity, that the Heads of Hundreds, and Wapentakes enjoy'd within their Bailiwicks, under the King's Sheriffs, throughout the Kingdom. Having fix'd this first Point, it next declares what their Duty is, by vertue of their Place, and the Power thus given to them. That upon any suddain Danger, they ought to ring the *Motbel*, and call the People together, whose Assembly is stiled (says the Law) *Folcmote*, i. e. *Vocatio, & Congregatio Populorum & Gentium Omnium*, an Assembly of the whole People of that Town, or City, from the highest to the lowest; *quia ibi Omnes convenire debent*.

What was thus to be done by the Alderman upon any suddain Occasions, was Once every Year, upon the Calends of May, to be stately and of Course done by him. *Statutum est enim quod ibi* (at the like Meeting as before) *debent Populi omnes, & Gentes Univerſe, ſingulis Annis ſemel in Anno ſcilicet Convenire; Scil. in Capite Calendarum Maii*, and there ſwear to the Defence of the Kingdom, and renew their Fidelity to the Prince.

This was the Meeting which Dr. A. puts upon us for a Parliament of the Kingdom: A Common Court, or Meeting of a Town or City under its Alderman; whether by a real Miſtake, or with a Knowledge of his own Miſrepresentation of it, let the Equitable Reader Judge.

'Tis true, there is in the ſame Law (tho' not in the ſame part of it) an Account of another, and a larger Folcmote, which, we are told, was to meet at the ſame time, and after the ſame manner. What the Aldermen were to do in their Cities and Burgh Towns; the ſame the Earls or Sheriffs were to do in their Counties. And to theſe County Meetings all the Proceres, Milites, & Liberi homines univerſi totius Regni, were to come, as the Populus, or Citizens were to the Other: And there in pleno Folcmoto, in the full Assembly of the County, they were to renew their Oath of Fealty to the King, in preſence of the Biſhops, who ſate together with the Civil Magiſtrates in thoſe Aſſemblies. But then this too is as far from being a Wittena Gemot, or Parliament, as the Other. The former was no more than a General Aſſembly of a City or Town; the latter was the like Aſſembly of a Whole County. Indeed, if this Law be Authentick, they met together after this manner, over all the Kingdom at the ſame time, both in the Counties, and Towns; but then they met diſtinctly before the Aldermen, and Earls, in ſo many ſeveral Town and County Aſſemblies; not before the King, in one General and National Council.

¹ Biſhop. Stil-
lingfleet Orig.
Britan. pag.

23.

² Spelm. Gloſ.
Voc. Balliva.
pag. 57. b.

³ Lambard.
p. 136.

⁴ Spelm. Gloſ.
l. c.

After what has been ſaid, to ſhew the little Importance of the Law to the purpoſe for which it has been alledged, I ſhall be leſs concern'd in the Doubt which has been raiſed by ¹ Learned Men; whether theſe Additions to King Edward's Laws be Genuine or not; a Scruple which ² Sir Henry Spelman would not undertake to determine. The Learned ³ Editor of them tells us, that in the more Antient, and Authentick Copy of them, all theſe Acceſſions were wanting: And this, if it does no more, yet, at leaſt, gives us a juſt ground of Suſpicion againſt them. In the very Law before us, ⁴ Ballivus is a Word of Norman deſcent; and, to Conclude this Matter, with the Cenſure of the Learned Antiquary before mention'd; *Et hoc, & alia plura ibidem Vocabula, Eo ſeculo haud recepta apud nos Cenſeo; Ipſaſque adeo leges a recentiore vel auctas, vel ad Normanicum Idiotiſma redactas ſuſpico*. So little Credit is there in the Authority to which this Gentleman refers us, for his New Opinion; and ſo unfairly does he Reſent, what that Authority (weak as it is) ſays with relation to theſe Aſſemblies.

For the reſt of the Miſtakes (if indeed they were but Miſtakes) concerning the Saxon Folcmotes, I ſhall leave him to the Correction of a more ⁵ Able Pen; who has already undertaken him upon that Point.

⁵ Eccleſ. ſyn.
p. 219. 235.
&c.

The next Congruity he offers between the Gallican, and Saxon Councils, is, that the Members of them were alike diſtinguiſhed into ſuch as had right of Suffrage, and Subscription, and ſuch as were preſent, Chiefly, in order to Approve. Whether there was any ſuch diſtinction in the Members of our Saxon Councils, I very much

much doubt. That many may have been occasionally admitted to them, at the solemn Opening or Closing of them; or at other Extraordinary Seasons when Laws were to be Publish'd, or (it may be) Charters to be Confirmed, I do not deny. It is upon these Occasions, that not only the People, but our Queens; not only the Clergy, but Abbesses, are sometimes spoken of as being present there: Of whom yet I believe this Gentleman will not affirm that they were proper, constituent Members, even for Approbation, of these Meetings. That being Occasionally present, they might sometimes subscribe as Witnesses; or give some token of their Assent, or Liking, to what had been done by the King and his Council, I can also allow. But that any besides our Great Men and Prelates were wont to be called to these Councils, as the proper Members of them; or that the Members so called were ever distinguished into such as had right of Suffrage and Subscription, and such as were present Chiefly in order to Approve, I am yet to learn; nor does this Gentleman's Proofs at all convince me that they were.

In the passing of King Ina's Laws, I find none but Bishops, Aldermen, Witen, and Servants of God, or Regular Prelates, to have been present; and all these, I conceive, had a full Right of Suffrage in them, as well as of Summons to them.

His Charter, here Recited, I look upon as clearly spurious: Sexburg the Queen advises it, at the Beginning, and Edelburgh the Queen subscribes at the End of it. Now, of these, the latter indeed was his Queen; and so continued to the time that he left his Crown for a Monastick Retirement: But the other never was, but Wife to Cenwalh King of the West Saxons, and dead many Years before Ina came to the Throne. The Year, and the Indiction, are irreconcilable with one another: And what is at last, *Cum presentia populationis*? Did those Four last Witnesses Subscribe for the People? Or did they need the Peoples leave to set their hands to that Charter? But, the truth is, whatever the rest be, yet that part of the Charter is certainly false. The Copy of Malmesbury does not only want it, but concludes directly contrary to this Author's Interest; whilst to the Archbishop's Subscription, it adds only this, *Et Magnates quamplures alii*.

¹ See Bishop Stillings. Orig. Brit. p. 17, &c.

² Lib. V. de Pontif. Edit. Oxon. p. 312.

Of his last Charter we have three Copies remaining: In two of them, these Subscriptions are intirely wanting, In the Third, if they prove any thing, it is more than he would have. The Subscribers are Archbishops, Bishops, and two Kings, Beorrede King of Mercia, and Edmund, King of the East-Angles: With an Infinite Multitude of Abbots, Abbesses, Dukes, Earls, and Nobles of the whole Land, and Other Fideles; Who all Commended or Approved the King's Charter: *Dignitates vero sua nomina subscripserunt*. How shall we here discover whom these Dignitates include? None below Bishops are said to have subscribed. All the rest are joined in an equal and opposite Class of Approvers. And if we take it thus, then the Nobles, and Regular Prelates, no less than the People, are Excluded from all right of Suffrage and Subscription.

If, to avoid this, he shall think fit to carry it farther, and take in all but the Fideles, it will then be another Question, Whether Fideles, doe there denote the Common People? Especially when join'd to the Great Lords, with such a Relative as it there is, *Ducum, Comitum, Procerumque totius terræ, ALIORUMQUE FIDELIUM*. Or if this too should be granted, yet still the greatest Difficulty of all will remain, how to prove that these Fideles, whoever they be, were all proper Members of this Council; which, at this rate, must have been a very Large Assembly indeed; *Infinita fidelium multitudine*, says the Subscription: An Expression that can hardly be reconciled to the proportion of an Ordinary State-Council, or to the Constant Members of such an One.

But what if we should suppose this to have been a more than Ordinary Convention? And that this pious King designing so great and general a Priviledge to the Church; as to assure to it the Tenths of all his Dominions for ever; to free it from all Secular Service; from all Tributes and Taxes; even from the *trinitoda necessitas*, of Expeditions, building of Bridges, and fortifying of Castles, (which were wont to be reserved in those Cases where Lands were granted in the most free manner to the Clergy) should call all the Landed Men of his Kingdom to it; that so what was to concern All, might be consented to by All? What if this Charter, made in Council, and agreed upon there, were, (as it is most probable) afterwards Publish'd and Subscrib'd, in a general Assembly of both Lords, Prelates, Clergy, and People, in the Great Church at Winchester, which indeed, I

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take to have been the Case; and shall hereafter give some farther Reasons for it? I do not see but that in any of these Suppositions, we may very well allow the *Fideles*, even in its lowest sense, to have been present at this Assembly, without being ever the more Intituled thereby to any Constant Place, or Right of Consent, in the Other Ordinary Councils of the Realm.

¹ Rights, p.
33.

For the Application which this ¹ Author makes of this, to the Following Rights of the Commons in Parliament; both as to their Right of Suffrage, and manner of Attendance; I shall not need to say any thing more than this; that from the time that the Commons were called to Parliament, their Approbation was so necessary, that nothing pass'd in the Legislative way without it. But indeed, the difference between the Commons, as they have been since King Edward the First's Time, when they were (as I suppose) first made one of the Three Estates of the Realm in Parliament, from what it was in those days of which we are now speaking, is so great, that no one can reasonably argue from the Interest they have had in the Great Councils of the Realm since, to prove either what they were Allow'd, or, of Right, ought to have Enjoy'd two or three Hundred Years before.

² Ecclef. Synods, pag. 232.
233.

There is yet another far-fetch'd Fancy of this Author, taken from a Conjecture of Mr. Seldens, and made worse by his own Improvement of it, which might be consider'd; of a certain Correspondence, not only between the State-Assemblies of our Own Country, and those of our Neighbours in France, but between the Set times of our Wittena Gemots, and the Eastern Churches-Synods, by the Canons of the Antient Greek Church: But this being nothing to the Point under debate, and having been ² already more fully examined than it deserved, I shall not give it the Countenance of a farther Refutation.

¹ Rights, p.
278.

Hitherto, I think, I may venture to say, there has been nothing alledged to give the least Colour to his Pretence, that the Inferiour Clergy were, in any Respect, Constituent Members of the Saxon Councils. Let us see whether his Historical Allegations be any more to the purpose, and how far they may serve to Clear ³ the Antient Rights and Priviledges of the Commons Spiritual in this Particular.

The first Instance he offers, is the Preface to the Laws of Ina: That those Laws were Publish'd in a great Council, is on all hands agreed; and the Persons who are Enumerated as present there, viz. Bishops Aldermen, and Witen, sufficiently shew it. But how does it appear that the Lower Clergy were there too? Why yes, 'tis added, *Multaque Congregatione SERVORUM DEI*. Now that these were Clergy, is (he says) no doubt: And that the Words are farther to be understood chiefly of the Inferior Orders of the Clergy, appears both from their Numbers (for the West Saxon Bishops, and Abbots were but few) and from the like use of the Phrase in other Places.

As for the Numbers that is not Considerable: The *Servi Dei* may be said to be there in a great Congregation, in respect of the Bishops; which were but two: Or of the whole Number of the Regular Prelates of that Kingdom, if either all, or the greater part of them, were present at the passing of these Laws. The only question is, how it does appear, that these *Servi Dei*, were Inferior Clergy men, such as this Author is now pleading for, and would from hence, prove to have been Members of this Great Council.

Why, for this, two Passages are alledged: One from the Council of Cloveshoe, Anno 824. where the *Servi Dei* then present, are thus in the next Words explain'd, *Presbyteri, Diaconi & plurimi Monachi*: So this Author understands it; but he will excuse me if I take the Liberty to say, that I look upon him to have utterly mistaken the sense of it.

The great Business of that Council, was to determine a Controversie between Heabert Bishop of Worcester, and the Religious of Berclea, concerning the Monastery of Westburg. The Agreement was, that the Bishop who had the Land, and the Books, *Cum Juramento Dei Servorum, Presbyterorum, Diaconorum, & plurimorum Monachorum, sibi in propriam possessionem terram illam cum adjuratione adjurasset*. Here (says Dr. A.) the *Dei servorum* are Explain'd by *Presbyterorum, Diaconorum, & Monachorum*. But how does that appear? By what Note does he collect, that the latter Ranks of Priests, Deacons, and Monks, were intended for the several Orders of those who were before, in General, called *Servorum Dei*? Till this be shewn, he will give me leave to think, that *Dei Servorum*, are here of themselves a particular Order of Men; and were intended to De-

note those *Abbots*, who accordingly were present at the making of this Oath; as the *Acts* themselves tell us: *Juramento illi assiterunt & idem prestiterunt.* * *Friomund Abbas.* * *Eadberht Abbas.* * *Ecgerht Abbas.* And my Reason is this; because 'tis evident that these *Abbots* were then present; and 'tis as evident; that if they are not meant by these words, there is no other proper Title under which they are included.

'Tis true, these *Prelates* were *Priests* too: And therefore in the *Saxon Catalogue*, which speaks only with Relation to their *Ecclesiastical Order*, they are all called by the Common Name of *mæsse preohta*. But in the *Acts* of the *Synod*, where they were ranked under their several *Characters*; the Title of *servi Dei* was used to distinguish the *Regular Priests*, from the *Secular*: And for the same Reason they were set in the first Place; because that tho' by their *Order*, they were no more than *Other Priests*, yet, in *Dignity*, they were above them, and so were to be ranked according to their *Degree* before them.

But his other Passage is yet more clearly against him: In a *Charter* of *Mildred Bishop of Worcester*, *Anno Domini*, 774. He makes his Grant, *cum Licentia SERVORUM DEI qui sub meo Regimine, Dei Providentia, Constituuntur*, i. e. says *Dr. A.* of all the *Clergy* of his *Diocese*: But, as I conceive, of the *Prior* and *Convent* of his *Cathedral Church of Worcester*.

It would, I believe, be difficult for *Dr. A.* to tell us how a *Bishop* should need the *License* of *All the Clergy* of his *Diocese*, to grant an *Estate* belonging to his *Bishoprick*. But, on the other side the Matter is plain. ¹ King *Ethelred* grants an *Estate* to *Dunnan*, to build a *Religious House* upon it. *Dunnan* grants both the *Monastery* and *Land* to her Daughter *Hrothware*: Upon some endeavours to deprive whom of it, *Nothelm*, *Archbishop of Canterbury* in his *Provincial Synod*, adjudges the *Estate* to *Hrothware* for her *Life*; and afterwards to go to the *Episcopal See* of *Worcester*. This *Land*, *Mildred*, *Bishop of Worcester*, Grants to *Ethelburg* Daughter of *Elfred*, for her *Life*; after which it was to return to the *Church of Worcester* again. And this Grant he makes, *cum Licentia Servorum Dei*, &c. with the *Consent* and *Allowance* of his *Cathedral Prior*, and *Convent*, who by the *Tenure* of the *Estate* had an *Interest*, in right of the *Church*, in it. This was the *Case*; and I shall leave it to any *Impartial Person* to say who these *Servi Dei* were: Whether the *Prior* and *Convent* of *Worcester*; or *All the Clergy* of that *Large Diocese*, who had no particular *Interest*, or *Concern*; no *Power*, or *Authority*, in that Matter.

The *Case* was, ² he says, the same in *Athelstan's Laws*, which were made *Consilio Wolfelini Archiepiscopi mei, & Omnium Episcoporum, & DEI MINISTRORUM*, that is, according to his *Account*, the *Inferior Clergy*. I agree it was: All the difference is, that I still affirm, these *MINISTRI DEI* to have been the *Religious Prelates*; and why I do affirm it, I come now to shew.

That the *Greater Abbots* were allow'd to be *Members* of these *Assemblies*, is, I suppose, a *Point* on all *Hands* agreed. They are often particularly *Mention'd* as such; and I do not know that there have been any *Exceptions* to *Exclude* them from a *Part* in them. If therefore these *Prelates* had any *Part* in those *Councils*, in which King *Ina* first, and then King *Athelstan*, made their *Laws*; They must be express'd under the *Character* of *Godeþeopena, SERVI DEI*, or they are not mention'd in them at all. *Episcopi, Senatores, Sapientes, Servi Dei*; are all the *Words* in King *Ina's Laws*: *Archiepiscopi, Episcopi, Servi Dei*, are all in King *Athelstan's*. Let any equal *Person* Judge, whether be the more just *Account*, and more agreeable to the *Nature* of these *Assemblies*, to interpret them; *Bishops, Lords, and Religious Prelates*; or to say, *Bishops, Lords, and Inferior Clergy-men*; and so totally to *Exclude* the *Religious Prelates*, from their *Place* and *Right* in them.

As for the *Language* it self, it agrees to this *Account*, much better than to any other. In the *Pœnitential* of our Own ³ *Theodore*, *Accedere ad SERVITUTEM DEI in MONASTERIO*, is the *Phrase* used to become a *Religious*: And *Servi Dei* are not only in Our ⁴ *Histories*, but even in our *Conciliary Constitutions* too, often set for the *Religious*, as distinguish'd from the *Secular Clergy*.

In the *Synod* of ⁵ *Clouisho*, *Anno* 747, the 29th *Canon* is, *Ut nullus SERVORUM DEI inter laicos habitet*. *Malmesbury*, in his *Epitome*, calls them plainly *Monachi*, and the *Canon* shews that *Monachi & Sanctimoniales*, are the *Clerici* which the *Antient Inscription* means by *Servi Dei*.

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¹ *Monasticum.*
Angl. Vol. 7.
pag. 121, 122.

² *Rights, p.*
279.

³ *Theodor. Pœ-*
nitent. cap. xi.
pag. 10.

⁴ See *Ingul-*
fus pag. 2. 5. 7.
18. 43. &c.

⁵ *Spelm. Con-*
cil. Tom. 1.
p. 254.

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¹ Spelm. ibid.
p. 349.

² Glossar. lat.
Vol. iii. pag.
841.

³ Marca de
Concord. lib. 6.
cap. 25. §. 3.

⁴ Rights. p.
180. &c.

⁵ Ibid. pag.
281.

In the Synod of Winchester, Anno 855, in which Ethelwolf Granted those Liberties to the Church, I before took notice of; ¹ *Placuit Episcopo cum suis Abbatibus, & Servis Dei, Consilium, inire* to command the *Frates*, and *Sorores*, as well as *Presbyters*, to say such a Number of *Psalms*, and *Prayers*, and *Masses*, for the King, who gave them; and for all his *Great Men* who Consented unto them. Where if the *Servi Dei* were not the *Priors* of such Religious Houses as had not *Abbots* over them, (as yet I conceive they were) 'tis plain, they must be understood of such of the *Religious* as had Power to make such an *Oraer*, and to Oblige the *Monks* and *Nuns*, to a performance of it.

In an Antient Charter, cited by du^r Fresne, *Montanus*, an *Abbot*, with his *Convent*, doubles the Character, and call themselves *Servi Servorum Dei*. And *de Marca*, an Author much approved of by Dr. A. doubts not to give the same Account of this Expression; where the *Members* of the *Councils* of *France* being Enumerated in the very same terms, with those of which we are now speaking, ³ *Episcopi cum aliis Sacerdotibus, sive SERVIS DEI* (an Explication which had this Gentleman met with in our *Laws*, he would have thought it a decisive Interpretation of the *Servi Dei* to his Sense; and have told us, it was plain that they were *Sacerdotes*, or *Parish-Priests*) Yet that Learned Writer doubts not roundly to add this Comment to it, *hoc est Abbatibus*.

Having given this Account of the Reasons which induce me to interpret the *Servi Dei*, not *Rural Priests*, or *Deacons*, as Dr. A. would have them; but as both the tenour of the *Laws* require, and the *Customary Usage* of that Phrase on other Occasions, warrants me to do, of the *Religious Prelates*, who had a Constant Place in these *Councils*; I now go on to another Instance which this Author thinks a decisive Proof; but which, being Examined, will appear to be a meer Delusion. It is the Council of *Becanceld*, Anno, 694. ⁴ Where, together with the *Duces*, or *Satrapæ*, *Abbat*, *Abbatissa*, there met also *Presbyters*, and *Deacons*; who are there said in *Unum Glomerati de statu Ecclesiarum Dei pariter tractare*. And accordingly in the *Subscriptions* of that Council yet remaining, there are the Names of Eight *Presbyters* to be seen.

This is the Story; and I must beg leave to insist a little more largely upon it than it deserves, because I have formerly incur'd this Gentleman's Displeasure, by intimating some suspicion of this Council, without declaring for what Reasons I doubted of it. And indeed (says he) I cannot imagine what Ground there can be to suspect the Truth of it: There are no Marks of Imposture in it; nothing that disagrees with the Story, or Manners of that time. This is boldly said, how truly, we will now Enquire.

And, First; It is suspicious that so famous a Council should be held, and not one of all our Antient Historians take the least notice of it. Let *Bede*, *Malmesbury*, *Huntingdon*, *M. Westminster*, *Brompton*, *Gervase*, be Examined; and let this Author tell me, if he can, where These, or any Other of our *Historians*, do give so much as a hint of it?

But to this he has an Answer ready: ⁵ For, In the Antient Saxon Chronicle, there is at the Year 694, a very large and particular Account of this Council: So indeed he tells us; but that too is, like all the rest, a meer Imposition upon his Reader. The Antient Saxon Chronicle has not one Word of this Council: One Copy of it there is, (and but One) which has been miserably interpolated, and that has, among many Others, this goodly Story inserted into it. But it is the Only Copy that I can yet find which has it, and that one of the Latest, and least Authentick of any.

The most Antient Copy of that Chronicle, from whence *Wheelock* Printed it, has no mention of this Matter. In another, wrote about the time of King *Edward*, in the Cotton Library, there are no Footsteps of it. In two other Copies in the same Noble Treasury of Learning, this pretended Council is omitted. So it is in that of *Archbishop Laud* at Oxford. *Florence of Worcester*, who closely follows the same Chronicle, is silent in the Case. Only this one manifestly depraved Copy inserts it into this Year; and that, with Dr. A., must pass for an Antient Authority upon us: In the Antient Saxon Chronicle, says he, there is a very Large and particular Account of this Council; when all the while the truly Antient Saxon Chronicle has not a Tittle of it; nor is it any where to be found, but in One corrupted Copy of that Chronicle.

To make this the more apparent, I must observe that this Copy of the *Saxon Chronicle* was written about the time of King William the Conqueror, the very Age in which most of these Forgeries were made. It contains the *Annals* of that *Chronicle* first in *Saxon*, and then in *Latin*. Now the Interpolation of this place, as I am assured by those who are well acquainted with that *Language*, is a later kind of *Saxon*, than what was usual in the Age in which that part of this *Chronicle* was wrote. But that I am no competent Judge of: The *Latin*, which I must insist upon, is not only no *Translation* of the *Saxon* (as in the Other Parts of that Book) but is a long forged story of what the *Monks* of *Canterbury* had been hammering out for the Honour and Interest of themselves first, and then of all the Other *Monasteries* of *Kent*. I will not say that the very Original *Invention* of it was due to the Writer of this Copy, of which we are now speaking; But 'tis plain, that in this MS. we have One of the first Draughts of it.

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This the *Corrections* and *Rasures* in the MS. it self; the *Collation* of it with the first Copy of Sir Henry Spelman; (which seems to have been the *Second Edition* of this *Synod*) and then the Comparison both of This, and That, with his *Third Copy*, which was that, I suppose, they finally resolved to stick by, sufficiently shews: And that the Reader may be himself the Judge of it, I shall present him in the *Appendix*, with the Acts of this goodly *Council*, exactly taken from this *Saxon Chronicle*, with all the *Rasures* and *Corrections* of it; and shall leave it to him to Compare it with the Other Copies, which were afterwards drawn with greater Exactness, upon the Design, and Model, of this Original.

Appendix
ad Ann. 694.

But Dr. A. Goes on. *Sir Henry Spelman Printed it from five good MSS, and One of them near as Old as the Saxon Age.* He should also have Added, that all these MSs. came from One and the same place, the *Church* of *Canterbury*, by whose *Monks* the whole Story was invented. That the only Other Copy we have besides, of it (if it were Another) is in the *Evidentie Cantuarienses*, which still renders the Matter the more suspicious.

Rights, &c.
p. 281.

For, 2dly. It is plain that the whole History of that *Council* was design'd to give Credit to a *Charter*, for the Benefit of that *Church*. The Original is order'd to be laid up there; and the Copies of it, have all come from thence. And yet, which is no good sign, *W. Thorn*, in his *Chronicle* of the *Monastery* of *Canterbury*, takes no manner of notice of it. Now I need not say how Notorious, or rather Infamous, the *Monks* of *Canterbury* have been for Forgeries of this Nature. *Gervase* of *Canterbury* gives a sufficient account of it; and to him I refer for the reasonableness of my suspicion in this Case.

Ad Ann.
1181. Col.
1458. See *W. Thorn. Chron.*
cap. xiv. Sect.
3 Bp. *Stillingfleet* Orig Brit.
pag. 18.
Spelm. Concil. Vol. 1.
pag. 125.

3dly. They who speak most in favour of this *Charter*, allow it to be the first *Authentick Instrument* of this kind, and tell us that 'till then, the *Church* of *Canterbury* enjoy'd all its *Liberties*, and *Customs*, without any *Written Charters* or *Muniments*. But how does it appear that the Antient Custom was now Changed? The only Authority that I can perceive for it, is the MS. of *Canterbury*, from whence this *Charter* is taken; which how far it shall be allow'd to be a good Evidence in its own Case, let the Circumstances of this *Charter*, now to be examined, determine.

If either the *Acts* of this *Synod*; the *Evidences* of the *Church* of *Canterbury*; or the *Saxon Chronicle*, be to be relyed upon, they all agree to fix this *Council* to the Year 694. Let us see how the Relation will agree to the *Persons*, *Characters*, and *Customs* of that Time.

Among the *Laity* who were present at this pretended *Council*, the *Satrapa* bring up the Rear: I will not undertake to affirm, that that Word was never used in that Age, in the sense which there it must have. But I believe upon Enquiry, it will be found to be of a later Date, and that for near two Hundred Years after this time, no *Authentick Proof* can be produced for the Use that is there made of it.

In the *Subscriptions*, the King Subscribes for himself, and for *Werburgh* his Queen: But in his *Charter* granted the very next Year, his Queen appears to have been *Kynigyth*, and which of these we are to give the more Credit to, I would be Glad to be inform'd.

Spelm. Concil. Vol. 1. p.
192.

He subscribes not only for Himself, and his Queen, but for *Ailrick* his Son: This is Extraordinary, and will be yet more so, when we shall consider that this

Ailrick

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¹ Malmesbur.
fol. 5.

² Fl. Wigorn.
ad Ann. 695.

³ Baluz. Ann.
in Agobard.
vol. ii. p. 73.

⁴ Ad An. 86.

⁵ Spelm. Con-
cil. Tom. i.
pag. 198.

Ailrick was his youngest Son of *Three*; and why the King should pass by the two *Elder*, and *Subscribe* for the *Youngest*; or what need there was of that *Young Prince's* *Confirming* it at all, would deserve to be considered.

¹ *Ethelbert*, his *Second Son*, *Subscribes* for himself, and his *Elder Brother Eadberht*. This, again, is very odd: If *Eadberht* were not there, the proper Method, one should have thought, would have been for the *King* to have *Subscribed* for himself, and his *Eldest Son*, and to have left the *Second*, if it must be so, to do it for the *Youngest*.

Dr. A— takes some pains to prove, that I ought not to be offended at the *Subscriptions* of the *Abbesses* to this *Charter*. I am not offended at all at it: I agree with him, that as *Witnesses* on these *Occasions* they might be, and were admitted to this *Privilege*. But yet one thing sticks with me, in which I still need satisfaction in this Particular; That two (at least) of these *Abbesses* ² *Mildred*, and *Etheldride*, were dead, the One 15 Years before this pretended *Synod*, the other probably yet more: And how they could then be present at this *Council*, and *Subscribe* to it, I cannot understand.

What *Bishop Botred* was I should be glad to know: In the *Kingdom of Kent* there were but two *Bishopricks*, *Canterbury* and *Rochester*, and of both those we had the *Bishops Subscriptions* before. How comes another *Bishop* to be present at this meeting? Or being present, how come three *Presbyters* to *Subscribe* before him? It is true, we are told, that ³ *Abbots* who had the *Supreme Authority* over their several *Houses*, did sometimes take place of *Bishops* in the *Subscriptions* of *Synods*. But then methinks if those *Three* had been such, they should have *Subscribed* before the *Abbesses* too; and not have been so Ceremonious on such an *Occasion*, as to allow the *Ladies* to take place of them.

In three of the *Manuscript Copies* of this *Synod*, and in the *Evidences* of the *Church of Canterbury*, they are said to have met together to consider, *de statu Ecclesiarum Dei in Anglia*, and that was the last *Correction* of it. I shall not now enquire by what *Authority* the *King of Kent* undertook to deliberate of the *State of Churches* within the *Dominions* of other *Princes*: But because the same word Occurs again in the *End* of the *Charter*, I would gladly know, by what *Authentick* proof it can be made appear, that *Anglia* was at all used for the *Name* of our *Country* in those *Days*. *Bede* wrote the *Ecclesiastical History Gentis Anglorum*; He runs it through all the *Parts* of the *Nation*: Yet in all his *History*, he does not once call this Land *Anglia*; nor was that *Title* yet applied to it. I know ⁴ *M. Westminster* has a story of a meeting of the *Saxon Kings*, to settle the *Limits* of their *Dominions*, above one *Hundred Years* before this. Which being done, they resolved utterly to deface the *Name* of *Britain*, and so agreed together that the *Island* should no longer be called *Britain* from *Brute*, but *ab Anglis Anglia*. Let the *Historian* answer for the *Authority* of this *Relation*; I meddle not with the *Truth* or *Falshood* of it. But that any *Writers* in the *Age* of which we are now disputing, called this *Country* by that *New Name*, I am yet to learn; let this *Author* shew, if he can, that they did.

Let me add yet more; that had such *Privileges* been granted to the *Church*, as this *Charter* pretends, and been so solemnly *Confirmed* by all the *Estates* of the *Kingdom*, *Spiritual* and *Temporal*; I cannot see what need there would have been to have had them again renew'd within six *Years* after, as yet they are said to have been; and that in a less full and solemn manner than before. In that latter *Charter*, the ⁵ *King* takes notice of his own *Ignorance*, that he was not able to *Write* his *Name*, and therefore set only a *Cross* ✕ in *Confirmation* of it. But in the other before, he *Subscribed* for himself, for his *Wife* and *Son*, without any such *Excuse*, or *Acknowledgment* made by him. Had the *Order* been inverted, We might have thought that in six *Years* time he might have learnt to write his *Name*. But how a *King* should be able to *Subscribe* to the *Acts* of a *Council* in 694, and not be able to *Write* his *Name* in 700, will be a more difficult matter to discover.

One of the first *Uses* that was made of this *Invention*, was to give *Countenance* to a *Second*, in the *Council of Cloveshoe*, *Anno* 742: In which *Ethelbald*, *King of the Mercians*, is made to *Read*, *Approve*, and *Confirm* the *Privileges* granted in this *Synod of Becanceld*. Now for that too Dr. A— may (if he please) refer us to the same *Saxon Chronicle*. There it stands, and yet more

more plainly bespeaks its own Forgery. The Insertion being made, and by consequence the *Story Invented* after that very *Copy* was written; and the Acts of Three Years rased out, to make Room for it. They had not, it seems, Contrived this New *Charter* when that *Copy* was wrote; and therefore probably they took this Method to insert the one, at the same time they made those *Corrections*, and *Interlineations*, of which I before spake, in the Other.

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And thus have I offer'd to the *World*, and to this *Author*, some of those Reasons which move me still to suspend my Belief of the whole *Story* of this Council of *Becanceld*: Let him now, in his turn, shew, that in all these there are no marks of *Imposture*; nothing that disagrees with the *Story* or manners of that time; as he has very confidently, and, I think, no less rashly affirm'd.

In the mean time, allowing for the truth of it; how does it appear, that this was a *Parliamentary Council* of the *Kingdom* of *Kent*, and not an *Extraordinary Assembly*, called upon a singular, and *Extraordinary Occasion*? The *Saxon Chronicle* styles it not by the Usual Title of *Wittena Gemot*, nor of *Mycel Synod*; but by a Phrase which I know not whether it Occurs again in the whole Book, *Mycel Concilium*. In this *Concilium*, the *King*, the *Archbishop*, and *Bishop* of *Rocheſter* presided: A Circumſtance not very agreeable to an *Ordinary State-meeting*. These treated altogether with the *Abbots*, *Abbeſſes*, *Priests*, *Deacons*, *Dukes* and *Lords*; a Confuſion which will not ſuffer it to be accounted a proper *Church Synod*. It muſt therefore be look'd upon as an *Extraordinary Assembly*; not as the common Model of the *Great Councils* of that *Kingdom*.

But to ſuppoſe even that too: What will this *Author* at laſt infer from it? That all who are here mention'd, were, in the *Saxon Times*, *Conſtituent Members* of the *Wittena Gemots*, or *Parliaments* of the *Realm*? This would be ſtrange indeed: Yet this, *Dr. A*— makes no ſcruple to affirm. 'Nor, ſays he, can this be matter of Surprize to any one in the leaſt acquainted with the ſtate of thoſe Times; when it was not unuſual for Women to aſſiſt at their Synods and Great Councils. We are told indeed, that among the Old Germans, and Gauls, they came to their Publick Councils; debated of Peace and War; and ſo among the Antient Saxons abroad too. But yet for our own Country, in the Times we are now ſpeaking of, I believe *Dr. A*— is the Firſt that made Uſe of the few Examples of ſome Women being preſent, upon extraordinary Occaſions, in ſuch Aſſemblies, to infer a Right in them to be reckon'd among the Members of our Great Councils of State. Now this he muſt ſay, or he muſt allow that this Inſtance proves nothing to the purpoſe for which he alledges it. For however he is ſometimes forced to mince the matter; yet, I preſume, he would have it thought that his Inferiour Clergy had a Right to come to them, and were not only now and then, by accident, permitted to be preſent at them.

Rights, p.
281.

Arumans
de Comitibus.
cap. iv. n. 84.

But let us conſider his Authorities: ' *Ælfled* was an *Abbeſs*, and the *King's* Daughter: She was admitted into an *Extraordinary Meeting* called by the *Pope's Order*, Communicated by *Berthwald*, *Archbiſhop* of *Canterbury* to the *Notability* and *Clergy* of *Northumberland*, for reſtoring of *Wilfred* to his See, from whence he had been too rigidly Expell'd. Her Buſineſs there was, to bear Witneſs to the Company what *Alfrith*, the Father of their preſent *King*, had declared in her Preſence upon his Death-bed, concerning his Intentions to have Reſtored *Wilfred*; and had Commanded his Son, by her, to do. This was the *Assembly*, and this the Occaſion of *Ælfled's* being preſent at it. The *Assembly* was no *Parliament*; and the *Abbeſs* was preſent upon an extraordinary Occaſion at it; as a Witneſs of the late *King's* Order, not as a Member of the *Convention*.

Edd. Vic.
Wilfrid. cap.
58.

His next Inſtance, is alſo of a Meeting of an *Extraordinary Nature*: Neither a *State-Council*, nor a proper *Church-Synod*; but a ſolemn Conference between two different Parties about the Celebration of *Eaſter*. The Meeting was appointed to be held in the Monastery of *Streaneſhalch*, and *Hilda*, being at that time the *Abbeſs* of it, and a Party in the Contention; was allow'd to be preſent at the Debate.

As for the *Charter* out of *Ingulphum*, I have already accounted for it. All that the *Abbeſſes* there did, was to *Subscribe* as Witneſſes among the reſt; but it does not appear that they were any part of the *Assembly*; which was again no *Ordinary Council*, but rather an Irregular mix'd *Assembly*, for the Extraordinary

The SAXON ordinary Business of Granting the *Liberties and Privileges* there mentioned to the Church.

¹ Rights, p. 281, 282.

But this Gentleman does not stop here: The *Abbeſſes* were not only *Members* of the *Saxon Councils*, but, if we may believe him, of the *Norman* too; for ſo he goes on. ¹ And there is Reason to believe, that this *Practiſe* was not confined to the *Times* before the *Conqueſt*, but continued long after it; if at leaſt an *Expression* in *M. Paris* may be relied on, who tells us that in the Year 1210, *Venerunt ad Generalem Vocationem* [*Regis*] *Abbates, Priores, Abbatiffæ*.

It is one part of the *Artifice* which this *Author* uſes upon all *Occaſions*, to Confound *Extraordinary*, and *Irregular Aſſemblies*, with the *Stated Councils* of the *Realm*, and proper *Synods* of the *Church*: And from what paſſed in the *One*, to raiſe a *Preſident* for the *Eſtabliſh'd Rights*, and *Customs*, of the *Other*. He is now to ſhew that *Abbeſſes* were ordinarily *Members* of our *Antient Parliamentary Councils*. He has already produced *Three Inſtances*, two of which were evidently *Extraordinary Meetings*, that cannot properly be reduced to either *Great Councils*, or *Synods*; and I think the laſt was ſo too. He here purſues the ſame *practiſe*, in another *Convention*, which has no manner of *Relation* to either the *One*, or the *Other*.

King *John* was newly return'd from *Ireland*; he wanted *Money*, and he reſolved to raiſe it upon the *Religious* of his *Realm*. The *Biſhops* were generally fled out of the *Kingdom*, upon the *Quarrels* between the *King* and the *Pope*; inſomuch that none but the *Biſhop of Wincheſter* remain'd behind; and he was in the *King's* *Interſt*, and *Employ'd* about his *Affairs*.

² M. Paris, p. 230.

In this *Juncture*, as ² *M. Paris*, relates it, he cauſed all the *Prelates* of *England* to *Aſſemble* before him: *Abbots, Abbeſſes, Templars*, and the *Keepers* of the *Lands* of the *Order of Cluny*; and of other *Foreign Convents*, of whatever *Order*, or *Degree*, and *Extorted* an *immense Sum* of *Money* from them. And this, ſays another ³ *Historian*, was eaſie to be done, conſidering what *Circumſtances* they were in; and that they were glad, upon any *Terms*, to enjoy but a *ſhort Peace*, and not ſuffer yet more by their *Refuſal*.

³ Walt. Co-ventre Mf. ad Ann.

This is the *Instance*, which this *Author* puts upon *Us*, to prove that the *Abbeſſes* continued, even after the *Conqueſt*, to come to our *State-Councils*. An *Aſſembly* called by the *Prince* alone without a *Biſhop*, or *Secular Priest* of any kind, ſummon'd to come to it, therefore no *Regular Synod*. An *Aſſembly* only of *Prelates*, and *Heads of Religious Houſes*, no *Lay-men* at it; therefore no *English Parliament*. Let the *Reader* judge what *Fallacies* are put upon him; when ſuch *Conventions* as theſe are *Urged* for *Stated Councils*; and not the leaſt *Intimation* given, of their being *Extraordinary*, and *irregular Aſſemblies*; which prove nothing but the *Infincerity* of the *Writer*, and the *Weakneſs* of the *Cauſe*, that muſt be defended by ſuch *Allegations*.

⁴ Rights, p. 282.

But he goes on: ⁴ In the year 697, the *Conſtitutions* of *Withred* were made by the *Biſhops*, & *Cæteri Ordines Eccleſiaſtici* illius *Gentis*, in which ſeveral of the *Clergy*, under *Abbots*, muſt be included.

⁵ f. þær þær geramnas eadigra geheatenlicpa ymb cýnne.

Dr. A— ſtill proceeds upon ſuſpected *Inſtances*, and upon dark *Paſſages*, of which nothing certain can be determined. “Theſe *Conſtitutions* (he ſays) were made by the *Biſhops*, et *cæteri Ordines Eccleſiaſtici*; that is not ſo:

Ubi Congregationi erant illuſtriores & poſtiores inter Nationem.

They were made by *Them*, and the *Laiety* there preſent; *Communi Omnium Aſſenſu*, ſay the *Acts*: And I hope this *Author* is not ſo *Warm* in his *Defence* of the *Clergy*, as to bring the whole *Right* of *Suffrage* and *Authority*, even in *Parliament*, within the *Pale* of the *Church*; and make the *Other Eſtates*, but meer *Aſſenters* to what the *Clergy* do.

⁶ f. 7 þær þær anpæbe of this Meeting,

But what if theſe *Cæteri Ordines Eccleſiaſtici*, were, after all, no *Members* of this *Meeting*, but only admitted, with the *People*, to be preſent there; ælc hæb ci-to Hear, and *Aſſent*, to what the *Prelates*, and *Great Men* of the *Laiety*, did? This I take to be the *Truth*; and I appeal to the *Acts* themſelves, when pe mægþe truly *Render'd*, for proof of it. “In the *Fifth Year* of *Withred King* of *Kent* (ſay they) in a place which is called *Berghamſtede* þær þær geramnas

Et omnis Ordo Eccleſie iſtius Gentis cum auſcultante Populo Concors & Unanimis erat.

“eadigra geheatenlic ymcýme; there was aſſembled an *Illuſtrious Council* of the *Great Men*: There was *Brightwald*, *Chief Biſhop* of the *Britains*; and the *King* before mention'd, and *Gibmund Biſhop* of *Rocheſter*, 7 þær þær 7 cpæþ ælc hæb cipicean þære mægþe ac moðlice. There the ſaid *Great Men* with the *Conſent* of *All*, *Eſtabliſhed* theſe *Laws*. This is the true

Account

account, as far as I can give it, of the Introduction to this Council: And it evidently shews who were the *Authoritative Members* of it. They were the *Eadignas*, the *Nobles*, or *Great Men*. Thus much is plain; but for the rest, the *Acts* are too *Corrupt*, and *Obscure*, to suffer us clearly to Understand them; much less to build any Opinion upon the *Authority* of them.

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There is therefore but little use to be made of this *Precedent* to the Purpose for which Dr. A. produces it, supposing these *Acts* to be *Genuine*, and *Authentick*. But, indeed, that is what I must beg leave very much to doubt of. For, First, Our Historians here again are absolutely silent in this Case: Not One, that I know of, makes any mention of such a *Synod*.

These *Acts* tell us that it was held in the *Fifth* year of King *Withred*, the *First Indiction*. But the *Fifth* year of that King falls in with the *Tenth Indiction*; and how this can be reconciled, I cannot conceive.

They call *Brightwald* not *Archbishop* of *Canterbury*, but by an odd Expression ¹ *Sax. Chron.* *Bretone Heah-biscop*; *Chief Bishop* of the *Britains*; a Phrase which in those ² *An. 692.* times would hardly have been made use of; and especially with relation to one of whom it is particularly taken Notice in our *Saxon Annals* that he was the first of all the *Bishops* of *Englince*, the *English Archbishops* of *Canterbury*.

They add that *Gybmund* was then *Bishop* of *Rocheſter*: But it is certain that *Gybmund* had been dead ³ Five years before; and that *Tobias* was now in the ⁴ *Anno 693.* *Chron. Sax.* *Fifth* year of his *Government* of that *Church*.

How far these Exceptions shall be thought sufficient to take off from all Credit of this *Synod*, I cannot tell: But thus much is plain, that we cannot much depend upon the accuracy of those *Acts* in which we find such Palpable Mistakes; nor determine a Cause of this Moment by an Obscure Expression, in such an erroneous, and unaccurate Relation.

His next ⁵ Proof is from the *Synod* of *Cloveshoe* *Anno 747*. This in the First ⁶ *Right. p. 282.* Chapter was a proper *Church Synod*: Now it is turn'd into a *State Council*. ⁷ *Be-Comp. p. 13.* fore it was a good Evidence of the Right of the *Inferiour Clergy* to sit in *Ecclesiastical Synods*; Now it is as good an Argument to prove the Right of the same *Clergy* to sit in *Parliament*: And what he will next take Occasion to prove by it, I cannot tell. But the truth is, it behoves an *Author*, in this Case, to be a good Husband of his Instances; and to apply them to as many Purposes as he can. There are not many that even Art it self can so far disguise, as to make them look like Authorities either for the *One*, or *Other*, of his *Affertions*; and therefore he ought not to be blamed for his Careful management of them.

But then as the Presence of the *King*, and his *Lay Lords*, sufficiently shews that All are not to be look'd upon as the proper *Members* of *Church Synods*, who have sometimes been permitted, or reported, to have been present at them: So this Meeting being evidently an *Ecclesiastical Assembly*, and Convened upon an *Ecclesiastical Account*; proves nothing but the disingenuity of the *Author*, who against his own knowledge, testified by his former Right Application of it, produced it for that, which he was sensible, at the same time, it had no manner of Relation to.

The next ⁸ Instance he calls the *Synod* at *Calcyth*, and mentions a *Legate* being ⁹ *Right. p. 282.* present at it. One would think that these were tokens sufficient to have shewn that it was no *Wittena Gemot*; but what the ¹⁰ *Learn'd* Editor of our *Councils* ¹¹ *Spelm. Concil.* styles it, *Concilium Calcutheſe Legatinum*. The Occasion of it was to receive the ¹² *Tom. 1. p. 292.* *Pope's* Admonitions, and they All relate to matters of *Faith*, or *Discipline*; that is, to the Business of a *Church Synod*, not of a *State Assembly*. But however let us hear what he says of it. "In the *Legates* Relation to *Pope Adrian*---- ¹³ *It is said* ¹⁴ *ib. p. 300.* "that every thing was done in *Concilio publico coram Rege Ælfuualdo & Archiepiscopo Eanbaldo, & omnibus Episcopis & Abbatibus Regionis, seu Senatoribus & Ducibus & Populo Terræ*. Well! and under which of these does he rank his *Inferiour Clergy*? Here are All that were present in this Publick Council; and not one word of any *Inferiour Clergy* there?

For that therefore we must go yet further: ¹⁵ "And at the close of the *Sub-* ¹⁶ *Rights, ib.* *scriptions* we find these Words, *Illis quoq; saluberrimis Ammonitionibus, Presbyteri, Diaconi Ecclesiarum, & Abbates Monasteriorum, Judices, Optimates, & Nobiles, unopere uno Ore Consentimus & Subscripsimus*. Let it be allow'd; After the Decrees were publish'd, and agreed to in the Council; *Presbyters* and *Deacons*, as well as *Others*, Subscribed to them? How does this make them *Members* of it?

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But has this Author forgot what he had said before? Or does he think that no Body else will attend to it? These things being proposed in the Council, to the Bishops, Abbots, and Lords or Senators, were Consented to by them, and (which he has omitted) Confirmed with the Sign of the Holy Cross. The Abbots, Senators, and Lords therefore who were in the Council, had before Subscribed? Who are these other Abbots, Judges, and Nobles, that come in after with the *His quoque*? Either these must be some Others who were not present at the Meeting; or rather, as 'tis most probable, all these Subscriptions must have been meer Forgeries, and of no Authority.

For, give me leave to ask this Disputer, how comes *Dilberchus Augustadensis presul*, (or rather *Gilbertus*, or *Tilbertus*, *Augustaldensis*, as it should have been) to Subscribe before the Archbishop of York? He was both Consecrated in time after him; and of a See Inferiour to him. Who is the *Ædilberchus Candensis Casæ*? But especially who is *Adulphus Myiensis*, and *Æthilwinus*, Subscribing by his Legates?

Let us therefore leave the Subscriptions, and Recur to that which is of much more Authority, to the Acts of the Synod; and there we shall clearly see who were the Constituent Members of it. Upon the Arrival of the Popes Legates here, *Offa* King of the Mercians, (or rather *Britricus*; for the other was now Dead,) *Chunulphus* King of the West-Saxons, cum Pontificibus & Senioribus terra, advised the Separation of the Legates, and that *Georgius* should go to the North, and *Theophylact*, to the parts of Mercia.

George being come to Northumberland to King *Oswald*, and the Archbishop of York; the day of the Council was appointed; *Ad quem Convenerunt Omnes Principes Regionis, tam Ecclesiastici quam Sæculares.*

This Council being over, the Legate return'd to his Companion, and brought the Decrees of it to the Council of the Mercians, *Ubi gloriosus Rex Offa, cum Senatoribus terræ, una cum Archiepiscopo--- S. Ecclesiæ Dorovernensis, & Cæteris Episcopis Regionum Convenerat.* These also agreed to the Constitutions: And then *tam Rex, quam Principes sui, Archiepiscopus, cum Sociis suis*, Subscribed to them.

Here now is the whole Account of both these Councils as to this Matter. Where does this Author find his Inferiour Clergy in them? Let them, if you will, have afterwards Agreed with them; let them have Subscribed in their Places to what their Governours had done before them: Tho' I have no value for the Subscriptions, yet I insist not upon the Spuriousness of them. But let not this Author pretend to blind our Eyes, and bring his Subscribing Clergy into the Council, as Members of it, against the direct (and therefore I doubt by him suppress'd) Words of its Own Acts to the Contrary.

But this last Quotation furnishes Another in the same Terms: For those same Words, he says, Occur in a Charter of the Year 996. Granted to the Dean of Wolverhampton in a Great Council of the Realm. But he is here again at the same foul Play; and imposes upon us in his Representation of this Matter. Those Words do not Occur in that Charter, but are a Note added to the Bottom of all the Subscriptions to it, if one could tell how to make Sense of it: *His quoq; saluberrimis Ammonitionibus, Presbyteris, Diaconibus & Abbatibus Monasteriorum*, (for in this New Order they are ranked, first Priests and Deacons, and then the Prelates) *Judices, Optimates, & Nobiles, uno Ore consentimus, & subscripsimus.* But the Body of the Charter (which ought not to have been dissembled) makes directly against his Pretensions. *Hæc namq; decreta Segerich Archiepiscopus, in Placito coram Rege Ethelredo, & Eboracensi Archiepiscopo, & Omnibus Episcopis, Abbatibus Regionis Britannicæ, seu Senatoribus, Ducibus & Populo Terræ, proposuimus;* and they subscribed to it. These were the Members of that Council, as that very Charter recounts them; let this Author tell us where his Inferiour Clergy are to be found among them.

In a second Synod at Calcyth Anno 816, we find the King, Cum suis Principibus, Ducibus, & Optimatibus, tum undiq; Sacri—Ordinis Præsides, cum Abbatibus, Presbyteris, Diaconibus, pariter tractantes de necessariis, & Utilitatibus Ecclesiarum. This is his next Instance, and it is like most of the Others, unfairly Represented, and nothing to the Purpose. The Meeting is a proper Provincial Synod: *Wulfred*, the Archbishop, presided: The other Bishops of his Province were his Assessors. The King, attended with his Great Men, was (after the manner of those

those times) present at it; *Dum undiq; Sacri, &c.* "Whilst the Holy Orders there present, the Bishops, with the Abbots, Priests and Deacons, Treated together of such Matters as were necessary or profitable to the Church. The SAXON Times.

This is the whole of the Matter; and how this proves any Right in the Priests and Deacons to be Members of State Councils, I shall leave it to this Author, at his better Leisure, to Inform us.

In the mean time, he will give me leave here again to put him in mind, that the Acts of these Synods, are too often very faulty, in what relates to the Circumstances of them; so that 'tis hard to found any good Argument upon them. Of this Synod, for Example, I do not know any one of our Historians that makes the least mention. Whence the Acts of it were taken, Sir Henry Spelman informs us not. But the faults of the Introduction, are beyond Number, and without Excuse. Beornmode Bishop of Rochester, is made a Member of it, Twelve years after his Death. Sibbanus and Tidfrithus mention'd as Bishops of the East Angles; where at this time Weremund sat. Wulfheard Bishop of Hereford, where Beonna had been seated Seven years before. And, on the contrary, Alnoth Bishop of London, advanced to that Dignity, almost Twenty years before his time.

These are some of the Errors of those Acts: And from whence tho' I would not take Occasion utterly to deny all Credit to them; yet are they sufficient to shew the Unaccuracy of them in these Circumstances; and to convince any impartial Judge, how little stress we can lay upon their Expressions to prove an Assertion of such moment, as this Author is pleas'd to found upon them. But let him make the best he can of his Argument: The Synod, as 'tis there Represented, was plainly an Ecclesiastical Council; and to such, tho' I deny that any besides Bishops had Right to Come, yet I do not doubt, but that others of a Lower Order, were oftentimes admitted, as I have before shewn, to be present at them.

But if the Inferiour Clergy had not a Right to come to Parliament, yet at least they had to come to a Coronation. For, "At the Coronation of King Edgar, Anno 973, the Saxon Chronicle tells us, *Convenerat Sacerdotum Cœtus, Monachorum turba, Sapientumq; Concilium.* This Concilium is a dangerous Word; and may be thought, as it there stands, to imply no less than a Wittenagemot. To remove that difficulty, let it be observed that the Saxon has no such Apposite Signification: It is a piece of Poetry, and in the proper Translation of it, which I am forced here to be exact in, runs thus; *Ibi, Quemadmodum ego Accepi, Ingens Doctorum Sacerdotum Cœtus, Monachorumq; Gnavorum Magna Turba Convenit.* "At this Solemnity, a great number of Priests and Monks were gathered together; What Priests and Monks the Poet defines not; nor is it any great Matter of what kind they were. Sect. 36.
Right. p. 283.

However let us see how one of the most exact followers of the Saxon Chronicle, Florence of Worcester, relates the Matter, in the very Solemnity under Debate. "King Edgar, says he, was Blessed, and Consecrated with great Honour and Glory, Quinto Id. Maii, on the day of Pentecost, by the Blessed Prelates, *Dustan and Oswald, & à Cateris totius Angliæ Antistitibus.* ³ M. Westminster is yet more distinct: *Præsentibus Præsulibus Dunstano, Oswaldo, Cæterisq; totius Angliæ Pontificibus, ac Magnatibus Universis.* These are the Persons of whom the Saxon Chronicle spake; which never intended to thrust out the Bishops, from this Great Solemnity, and to bring D. A—'s Inferiour Priests, into the Place, and Office, of them. Flor. Wig. ad Ann. 973.
M. Westminster ad Ann.

But it may be, I mistake his Meaning; and they are not the Sacerdotes or Monachi, but Sapientes, that he would have to Represent his Inferiour Clergy in this place. For so he reads the Adjective gleappa, for a Substantive; and makes a new sort of Persons to have been Summon'd there, the piten or Sapientes. To allow for his mistake in a Language which he professes not to understand; That even in such a Case Sapientes should have denoted his Inferiour Clergy, would have been very strange, because then he must exclude the Lay Nobility; and make us a State Council only of the Clergy. Now this he was himself aware of; and therefore gives such an Account of them, as I think renders his Proof but very little to his Purpose. "By the Sapientes here mentioned, the Laity are chiefly to be understood. But in other places, where the Lower Clergy are not distinctly Named, the Word comprehends them also, and is design'd to Express them. So that wherever then we meet with Sapientes, we must understand by it, the Parliamentary Nobles, and the Inferiour Clergy. Is that what he would have?

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have? I cannot think any thing more Extravagant could possibly have been suggested by him: Nor of which it was more impossible to give an Example. Let this Author try his Skill, and see if he can produce any one Passage relating to the Members of the *Saxon State-Councils* in which *Sapientes* absolutely put, without any Other Word to determine the signification of it, Denotes the *Inferiour Clergy*; and bespeaks them, as well as the *Lay Nobles*, to be *Members* of them.

As for the Passage which he offers in proof of it, 'tis so very foreign to his Pretence, that one would wonder what he meant by the Citation of it. *Simeon Dunelm.* speaking of the Synod of *Finchale*, says, *In diebus Justorum Regum, & Ducum Bonorum, atq; S. S. Episcoporum, Aliorumq; Sapientium, Monachorum Scil. atq; Clericorum*: But does he speak of these as Members of a *Wittena Gemot*? By no means. He only says that the Council there met, debated about several good Orders, which heretofore in the time of the *Just Kings*, and *Dukes*, and of the *Holy Bishops*, and other *Wise Men*, as well *Regulars*, as *Seculars*, had been *Establish'd*.

Again, is *Sapientes* there put Absolutely, without any Relative to determine the Sense of it? Not so neither. But on the contrary it is limited on both sides; and refers to the *Just Kings*, *Good Dukes*, and *Holy Bishops*, which went before; and to the *Monks and Clergy*, which follow after. All which are here set forth to have been *Wise*, as well as *Good Men*: And therefore such whose *Constitutions*, upon both those Accounts, deserved to be Enquired into.

But what is it therefore that this Author would prove to Us? That *Sapientes* is a Common Character, and is not so restrain'd to the *Great Men* of the *Realm*, but that it may be, and oftentimes is, Applied to Others also? I know no Body that Opposes him herein. I can easily allow that his *Inferiour Clergy* may deserve the Title of *Wise* as well as *Good Men*? Nor am I an Enemy to their being *Call'd* so. That which I want is some Passage to shew, that any Ancient Authors that wrote Correctly of these things, speaking of the *Saxon Councils*, and the *Sapientes*, as Members of them; have used that Word Absolutely, without any Relative to determine the Sense of it, for the *Lower Clergy* in *Parliament*; which he would here insinuate, but I am pretty Confident will never be able to prove.

Seft. 37.
Right. p. 283.

He concludes his Induction with an Instance fit to bring up the Rear of such sort of Allegations; an Example neither fairly represented, nor at all to the purpose, in these Words; "At the Great Council of *Westminster* Convened, Anno 1066, by *Edward the Confessor*, upon the Consecration and Endowment of that Abbey, there was *Generalis totius fere Nobilitatis Angliæ Conventus*: And on the Church Part, *Episcopi & Abbates totius Angliæ, & Monachi, & Clerici*; Who went aside to *Excommunicate* the *Infringers* of the Priviledges then granted. This was a large Parliament indeed; almost all the *Nobility* of *England*; and All the *Bishops* and *Abbots*, and *Monks* and *Clergy*. But yet it had One terrible Defect, according to this Author's Hypothesis, that large as it was, his *Lay Commons* were not Called to it; nor, for what appears by the Relation, were they at all present at it.

² Hist. Ramsf.
ens. cap. 20.
p. 461.

With what strange Security do some Men Write? And how much do they depend either upon the Ignorance, or Carelesness, of their Readers? "At the Great Council of *Westminster*, Convened by King *Edward the Confessor* upon the Consecration and Endowment of that Abbey, there was *Generalis totius fere Nobilitatis Angliæ Conventus*: Does the *Ramsley History* indeed say this? Or does this Author only say it, the better to Accommodate it to his own design? Let the Reader be his own Judge. "Dehinc Rex *Edwardus*, in die *Natalis Domini*, facta *Londoniæ Generali totius fere Nobilitatis Angliæ Conventu, cum Gloria & Honore Regio Coronatus est*. Here is nothing of *Westminster Abbey*; nothing of any great Council Convened at *Westminster*. It only takes notice that according to the Custom of those times, King *Edward the Confessor* was solemnly Crown'd at *London* upon *Christmas-day*, and that for this there was a General *Conventus*, or *Assembly*, of almost all the *Nobility* of *England*.

³ Rights, Ib.

⁴ Spelm. Conc.
Tom. I. p. 629.

³ And "On the Church part (at this Great Council) *Episcopi, & Abbates totius Angliæ, & Monachi & Clerici*. Does ⁴ Sir *Henry Spelman* tell us that? Just as the *Ramsley History* did the other. The History thus wretchedly Disguised, and Confounded by this Writer, was plainly this. King *Edward* having solemnly kept his *Christmas* with his *Nobility*, and finding his Health decay, hasten'd to the *Dedication* of the Church of *Westminster*; which he had just then finish'd

finish'd the Building of. Accordingly three days after, upon *Innocents-day*, Cum *The SAXON Times.*
gaudio celebri, & apparatu solemniori, fecit dedicari; says his own Historian.

To this *Dedication* not only his *Great Lords*, who had kept their *Christmas* with him, but a mighty Confluence of Persons from all parts Came. The *Regular Prelates* were in great Numbers present: The King's *Charter* to this *Abbey* was solemnly *Sign'd*, and *Ratified*; And that being done, all the *Clergy* who were there gathered together, *Bishops, Abbots, Monks, and Clerks, Excommunicated* (not going aside, as this Author would have it, but) in the presence of *All the Laity* those who should infringe it, or suffer it to be infringed.

This is the Sum of the Matter; and this the Assembly which this Author turns into a *Parliament*. But least this Gentleman should tell us that this *Charter* would not have been Valid without the Consent of *Parliament*; we will Enquire who they were that did concur with the King to the Making, and Establishing, of it.

First, the King being under a Vow to go to *Rome*; his *Optimates* were much troubled at it; and *Communi habito Concilio*, desired him to desist from any such Intention. The *Pope* thereupon Absolved him from this Vow, and Commanded him to Expend the Charges he should have been at in that Journey, on Works of Charity. ^{1 Spelm. lib. pag. 628.}

Having received this Dispensation, and determined to Repair and Endow this *Abbey*; and to Grant some extraordinary *Privileges* to it; We are, in the next Place, told by what Advice and Authority he did it: ^{2 Ibid. pag. 634.} Cum *Concilio, & Decreto Archiepiscoporum, Episcoporum, Comitum, Aliorumque Omnium Optimatum.*

In a ^{3 Charta Antiquae. vol. ii. U. i.} MS. Copy of this *Charter* it is said, that having not only done all this himself; but Renew'd all the *Privileges* which had before been granted to that Place; he again Confirm'd his Grant, *Cum consensu atque Consultu Primatum suorum.*

And Lastly, Upon the Day of this solemn Dedication; he commanded this his *Charter* to be Recited, *coram Episcopis, Abbatibus, Comitibus, et Omnibus Optimatibus Anglie*: Which being done, *Omni Populo audiente et Vidente*, in the Presence and hearing of all the People, he caused the *Excommunication*, of which this ^{4 Spelm. lib. pag. 635.} Author speaks, and for which he carries the *Clergy* aside by themselves, to be publish'd.

The *Subscriptions* to this *Charter*, must also be taken notice of; tho' I do not pretend, with this Author, to prove any thing One way or Other by them. First the *King*, then the *Queen*, subscribe it. After them the *Archbishops, Bishops, and Abbots*, with three of the *Capellani Regis*; who (I presume) had Places of *Dignity* in the *King's Court* and *Chappel*, as we are told, they had in the *Court of France*; the Custom of which *King Edward* very much follow'd. After these, we have only the *Laity*; with whom our Argument being not concern'd, neither shall I take any farther Notice of them.

I shall Conclude this whole Passage with the Ingenuous Note of our Learned ^{5 Ibid. pag. 636.} Spelman, upon this Meeting: *This Convention* (says he) *I do not call either a Council, or a Synod; because tho' it has the Appearance of a Council or Synod, yet I do not find it so named by the Antient Authors, but a Conventus.* And indeed a *Conventus* only it was; neither a *Parliament*, nor *Synod*: As, by the whole process of the History before touch'd, does evidently appear.

This therefore may be added to all the rest, to shew not only the Weakness of the Allegation, but the Disingenuity of this Author, in the Alledging of it: Who tho' he saw this Remark before him, and could not but be sensible of the Justice of it, yet nevertheless produced such an Assembly for a true and proper *Council*, which he had been told, no Antient Author had ever thought fit so much as to Call by the Name of a *Council*; as knowing that indeed it was not any Regular *State-meeting*, but an Extraordinary *Convention*, upon the *Dedication* of that Antient and Venerable Church.

And thus have I Examined his Historical Allegations to prove the *Lower Clergy* to have been Members of the *Saxon Wittena Gemots, or Parliaments*; and may presume to say, have shewn that there is not One that comes up to what he pretends; and scarcely any that so much as belongs to the Business for which he produced them. And yet as if his Instances had been clear, even to Demonstration, he Triumphantly Concludes: ^{6 Rights. p. 284.} *These Instances are so plain, as to need no Comment, and to admit no fair Reply.* 'Tis a great Felicity which some Men

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Men Enjoy, always to think well of their Own Performances. That his Instances needed a *Comment*, I am very sure; and accordingly I have endeavour'd to give some Historical Light to them. Whether my Reply to them be fair, or No, neither this Gentleman, nor I must judge. We have made a publick Appeal to the World in this Case, and to that we must now Leave it to judge between Us.

¹ Rights, p.
286.

But he has yet ¹ *Another Clear proof of the Lower Clergies Assisting frequently at those Great Councils, drawn from the Subscriptions of Charters, where we frequently meet with Capellani, and Presbyteri; and sometimes with simple Deacons among the other Witnesses.* I cannot but remark the several odd Expressions which this Author makes use of in his Prosecution of this Argument. Sometimes his *Lower Clergy Attend at those Councils*; sometimes they are *present* at them; and here they are *Assistant* at them: Words of a *Large Sense*, and which may agree to those who were by no means the *Proper Members* of such *Conventions*. But the true State of the Question, would he deal fairly and Openly with Us, is this; whether the *Lower Clergy*, in the *Saxon times*, were by the *Constitution* of our *Government* in those days, *proper Members* of the *State Councils*, as the *Great Men* and *Bishops* were? If not, as indeed he dares not (at last) himself affirm, that they were; then what kind of *Members* they were? What *Right* they had to be Called to Them? And at what *Times*, and upon what *Occasions*, they came to them in Consequence of that *Right*?

² Rights, p.
215. 277. 285.
286.

This would be plain dealing: But to talk of them sometimes as a ² *Constant and necessary Part of our Great Councils*; Sometimes as coming *Oftentimes only*, "and distinguish'd from the *Constant and Standing Members*: In one place as *Obliged to Attend in that Capacity*; in Others, as coming there only *Sometimes* like the *Queens*, and *Lay-Commons*; nay, or like the *Common Croud* of the *Court*, in waiting upon the *King*, is to perplex, not to clear this *Matter*; and seems to have been design'd only as a ground for an *Evasion*, if he should chance to be call'd to Account for his *Assertions*.

Sec. 39.

However let us consider this *Argument* too: *Presbyters*, and *Deacons* are sometimes found, he says, among the *Subscribers* to the *Saxon Charters*. To make this a good *Argument*; we must add; That all these *Charters* were made in their *Wittena Gemots*; and all that *Subscribed* as *Witnesses* to them, were *proper Members* of those *Councils*; and therefore the *Presbyters*, and *Deacons*, were *proper Members* of them. Now how will this *Author* ever make out either of these *Two Assertions* to Us? The *latter*, he does not so much as attempt: For the *former* he offers One, and but One, *Reason*; that if they were not made in *Parliament*, (give me leave to anticipate the Use of that Word) they were not *Valid* and *Binding*.

Now this, indeed, if it be true, may be a good Reason why those to whom such *Charters* were made, should have got them Confirm'd some time or other, by *Act of Parliament*; but it does not necessarily infer, that all such *Charters* must Originally have been made there. And true it is, that in Case the King did by his *Charter* grant any *Priviledges* which were contrary to *Common Right*; or dispose of such *Lands*, which he had not, alone, the Power to *Alienate*; it was necessary in such Cases that the *Great Councils* should *Consent*; and if they did not; we find they did often come with *Acts of Resumption*, and take them back again to the *Crown*. But was it necessary that the *Lower Clergy* should *Consent* in such Cases, where the *Charter* was pass'd in the *Great Council*, or Confirm'd by it? So far from it, that even in the times after the *Conquest*, when we all allow the *Commons*, and *Clergy*, to have been *proper Members* of our *Parliaments*, yet the *King* and his *Lords* only Determined these *Matters*. They were the *Council* which, even then, *Consented* and *Agreed* to them; and if the *Consent* of the *Clergy* was not thought needful to be taken then, this *Author* will find it hard to persuade any reasonable Man that it was either *Required* or taken before.

³ Regist. Eli-
ens. penes E-
pisc. Norwic.
fol. xxvii. Sec.

Let me, in Proof of this, give one Instance from an ³ *Antient and Authentick Record*, relating to the Church of *Ely*. 'Tis in a large *Charter* of the 1st of *King Richard* the 2d, and comes up very near to the times for which I alledge it. In the Recital of a *Charter* of *King Edward* the 2d, we find an intire Grant of *King Edgar's* repeated by an *Inspeximus* to that Church, *Anno 970*. In this the *Authority* by which that *King's Charter* was *Confirmed*, is thus deliver'd, *Scientibus totius Regni mei Primatibus, quorum quaedam nomina hic infra inferi, ad testimonium*

stimonium in posterum mandamus. And again, In hijs igitur testibus & alijs com- The SAXON
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pluribus, de omnibus Dignitatibus, & Primatibus Regni mei, hac constituta & per-
acta noscuntur. These are the *Persons* who joyn'd with that Prince; none o-
ther mentioned to have concurr'd with him in his Grant.

King *Edward* the 2d, (for to him, I think it refers, and not to King *Edward* the 3d) Confirms this *Charter, de Assensu Prælatorum, Comitum, Baronum, & Aliorum Procerum regni nostri, in Parlamento nostro apud Ebor. Convocato existentium, Anno Regni, xii.*

By another *Inspeximus* there is recited another *Charter* granted to the same Church by *Edward* the Confessor: It recites the *Charter* of *Edgar*, as made *sancto Dunstano alacriter Mandante, Cunctisque Primatibus Regni, Privilegio firmatum.* And then himself Confirms it *suorum consensu fidelium*; which perhaps Dr. A— will tell us, were his *Commons* and *Clergy*.

To prevent any such Misapplication; he may please to know, that in another ¹ *Charter* of King *William* the Conqueror to the Church of *Fischam*, there is ¹ *Charta An-*
the very same Expression; He ratify'd it with the Assent of his *Queen, Children* ^{tique S. 1.}
and *Lords*; & *Manibus FIDELIUM meorum* (says he) *corrobandum trado.* Yet a-
mong all these *FIDELIS* in the Subscription, there is not One besides the Royal
Family, *Bishops*, and *Barons*; so that we are in no Danger, I think, on that side.

After another recital of *William* the Conquerors *Charter* to the same Church;
the same King *Edward* the 2d, comes again to ratifie these *Charters*, as he had
done the fore-going; And he does it, as before; *De Assensu Prælatorum, Comi-*
tum, Baronum, & aliorum Procerum Regni Nostri in Parlamento nostro apud Ebor.
Convocato Existentium.

Thus were these *Charters* Ratified in *Parliament* after the acknowledged ad-
mission of the *Clergy* to that *Great Council*. And I shall leave it to any one to con-
sider, what probability there is, that the Concurrence of the *Inferior Clergy*
should have been required to make such *Grants* valid, in the *Saxon times*; when
it is yet to be proved, that they were at all *Members* of our *State-Conventions*;
whose *Consent* was not required in those following times, when 'tis not doubted
but that they were truly *Members* of our *English Parliaments*.

To make this the more evident, let us take the only Instance he alledges in Sect. 40.
Proof of what he assents; and which, even in his Own short Quotation of it,
speaks against him. ² King *Baldred* had given some Lands to the Church of *Can-* ² *Rights, p.*
terbury, sed quia non fuit de Consensu MAGNATUM Regni, the Gift was not held to 288.
be valid. Where is the *Consent* of his *Inferior Clergy* required? The *Consensus*
Magnatum was thought necessary: But for any others, it is not mention'd; nor
was it taken upon the New Ratification of this very Grant.

The History of it, in the Place to which he refers, is this. ³ ⁴ In the Year ³ *Evident.*
⁴ 828, a *Council* was called at *Kingestune*; King *Egbert* and his Son *Athulph* præ- ^{Cant. apud}
⁴ siding in it, with *Ceolnoth* the *Archbishop*, and the rest of the *Bishops*, and *Nobles* ^{Script. X. col.}
⁴ of *England*. Here we have a plain Account of the *Members* of this *Great Coun-* 2218.
cil: Let us now proceed to the History of it. Among other things which were
said and done there, *Ceolnoth* the *Archbishop* shew'd before the whole *Council*,
how that King *Egbert*, and his Son *Athulph*, had given to the Church of *Canter-*
bury, the Mannor of *Mellinges* in *Sussex*, free from all *Secular Service*, and *Royal*
Tribute; Except that of *Expeditions*, and the Building of *Bridges*, and *Castles*.
The *Charter* therefore by which this Grant was made, did not pass Originally in
Council, (as this *Author* supposes them all to have done) but being granted by
the *King*, was now brought to be Confirm'd by the *Council*. And so it seems
King *Baldred* had done before: He had granted the same *Estate* to that Church;
but his *Princes* being not well pleased with him, they refus'd to Confirm his
Gift. Wherefore King *Edgar* and his Son, at the *Archbishop's* Request, made
good the Grant; and now it was moved that the *Council* would do like-
wise.

The result of this matter seems therefore to be this: Our *Kings* made their
Charters either in, or out of *Council*, indifferently. But if the Gift were of such
a Nature as required the *Consent* of the *Lords*, as well as the *Kings*; in that Case,
they commonly obtain'd the *Council's* Ratification of them; which was what I
before observed, and is, I believe, the whole Truth of this Matter.

Let me add, that even when it was so ratified, yet was it a very common
thing for the *Religious* to desire, and to obtain, New Confirmations of their
Charters,

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Charters, almost under every Reign. So that it is no new thing for the Church of *Canterbury* to get such a reiterated *Grant* from King *Edgar* in this Case, but a Matter of Customary Practice, and of which it were easie to give a great Number of Examples.

But still the main point is to be proved ; how it appears that all who *subscribed* to such *Charters*, when *passed*, or *ratifi'd*, in the *State-Council*, were the proper *Members* of that *Assembly* ? This therefore must be left to some future Proof ; and 'till then, I might dismiss his *Instances* too, without Enquiring any farther into them.

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¹ Rights, p.
291.

There is yet one thing more to be consider'd, whether the *Charters* which he alledges be *Authentick* or not ? To that he Answers, it is no great Matter, whether they be *Genuine* or *Not* : ' For supposing them *Forged*, they must be allow'd, at least, to be well Counterfeited, or else they would not have pass'd upon knowing Men when first produced. The Monks who Coin'd them were no Bunglers ; but understood very well the State of those Times, to which they adjusted these Instruments, and drew them, no doubt, according to *Authentick Forms* and *Patterns*. But this too, is contrary to the Best Accounts we have of these Matters, and shews how little this Author understood what he wrote in this Particular.

The time in which most of these *Charters* were forged, was in the Reign of the *Conqueror*, or in those which immediately follow'd. The Priviledges granted by him to *Battle-Abbey*, were both the Occasion of them, and the great Pattern by which they drew them. Now the *Normans*, who forged them, were not only utterly unacquainted with our *Saxon History*, but could not so much as Read the *Saxon Letters*. The Men upon which they pass'd them, were not at all more knowing than the *Inventors* ; and therefore might easily enough be imposed upon by them. And yet this Author either does, or I am sure ought to know, that these *Charters* did not pass so currently neither, but that great Quarrels were raised by means of Them, and abundance of Knavery was discovered in relation to them. And therefore these forged *Charters* are not so much to be depended upon, as he supposes ; but rather are to be as little valued for *History* Now, as they were accounted of for *Matters of Rights* and *Priviledges* heretofore.

Sect. 42.

But if false *Charters* be of so Good Authority in this Case, what does this Author think of *True Ones* ? If we must determine in the present point by *Charters*, why should we not rather take those which are allow'd to be *Authentic*, than such as we are sure are not ? I will make him a fair Offer : Let the Matter be referr'd to the *Saxon Charters* of *Ingulfus* ; and let our Cause stand, or fall by Them. He Collected them in the time of the *Conqueror* : Or rather he found the Greatest part of them Collected to his Hand, by *Contemporary Authors*, before : He understood the *Saxon Antiquities* excellently Well ; and this Author himself agrees with me in allowing of his Authority.

² Ingulf. Edit.
Oxon. pag. 2.

² His First Charter is that of *Ethelbald*, Anno 716 ; how it was Confirm'd, the Historian tells us ; and it is, full to our purpose, *Chartam suam in presentia Episcoporum, Procerum que regni sui Secutam statuit*. Yet to this One *Ingulphus* a *Presbyter*, was a Witness ; * *Ego Ingulfus Presbyter, & humilis Minister vocatus audivi*. It is probable, he drew the Charter, and therefore, as in other Cases, was a Witness to it.

³ Ib. pag. 6.

Of this we have a more plain instance in the ³ Charter of *Offa*, Anno 793. In which the only *Presbyter* which subscribes, is *Tilhere*, one of the King's Priests, who also wrote the *Grant*.

⁴ Ib. pag. 7.

The same was the Case of ⁴ *Sigga*, in the Charter of *Kenulph*, Anno 806. But in the great Charter of *Witlaff*, Anno 833, Swithin the King's Priest subscribed, and *Bosa* drew the Charter : But by whose Authority was it Confirm'd ? 'Tis a remarkable Passage, and the rather to be taken notice of, because this Charter was actually granted in such a *State-Council* as we are now discoursing of. *Istud Chirographum meum* (says the King) *Domino Siwardo Abbati, &c. Quondam promissum, in presentia Dominorum meorum, Egberti Regis Westsaxonix, et Athelwlf, filii ejus, coram Pontificibus, & Proceribus Majoribus totius Angliæ, in Civitate Londonia (ubi Omnes Congregati fuimus pro Consilio capiando contra Danicos Piratas littora Angliæ assidue infestante) signo sanctæ Crucis Confirmavi*.

Such were the Persons of whom the *Saxon Councils* consisted ; and so plainly does it from hence appear, that this *Presbyter*, tho' a Subscriber to the Charter,

was

was yet (as such) no *Member* of the *Gemot*, in which it was pass'd; unless by some special Call, or *Office* at the *Court*, he was required to come to it. The SAXON Times.

What this Charter of *Withlaff* plainly enough shews, the next of ¹ *Bertulph* his Successor, will put out of all reasonable doubt. One of their *Monks* had made Application to the *King* in his *Council* for some farther Confirmation and Enlargement of their Priviledges. Let us hear, who were the Members of the Council; *coram Pralatis, & Proceribus totius Regni mei Mercia, apud Beningdon ultimo Congregatis.* Ib. p. 12.

The *King* accordingly granted what was desired, ² *Cum Communi Consilio totius regni mei.* And of whom did that Council Consist? It follows as before, *Consentientibus omnibus Pralatis, & Proceribus meis.* Ib. p. 13.

But the *King* went farther yet; He granted them yet more: And still with the same Consent; *Cum Communi Consilio, gratuitoque Consensu Omnium Magnatum Regni mei.*

And finally to close all, ³ *Cum unanimi Consensu totius presentis Concilii hic apud Kyngesberi Anno Incarnationis Christi Domini, 851. in hebdomada pasche pro Regni Negotiis Congregati,* he subscribed to it. The Form of the Subscription is remarkable; and it is this. * *Ego Bertulphus Rex Merciorum, palam omnibus Pralatis & Proceribus Regni mei, divinam deprecor Majestatem, &c.* Ib. p. 15.

Here we have the Members of two *Saxon Gemots* plainly represented to us; The *Prelates* and *Nobles* only are mentioned: They Consent; they Confirm with the *King*; and by so doing sufficiently shew of whom those *Councils* in those times Consisted.

The next ⁴ Charter is that of *King Ethelwolf Anno 851.* which this Author has before produced in proof of the Right of the *Lower Clergy* to be present at, and approve of what was done in, the *State Councils* of those times. But this both *Ingulfus*, and the Charter it self, apparently Contradict. The *Historian* says, he made it, "*Omnium Pralatorum ac Principum suorum gratuito Consensu*:" The Charter, that he pass'd it, "*Cum Consilio Episcoporum ac Principum meorum.*" The latter declares who were the Members of the Council; The former shews whose Consent was requisite to the Passing of it. Ib. p. 17.

After this, I shall not Dispute with this Author who the *Fideles*, and *Dignitates*, spoken of in the Subscription were. The Charter was Made and Confirmed in Council. That being done, it was Sign'd, and Offer'd to God, before the *High Altar* in the Church of *Winchester*. And upon so solemn an Occasion, it is not to be wondred if a vast Confluence appear'd in the Church, and Approv'd of the Piety and Munificence of the *King*, and his Council; tho' only the *Dignitates* Subscribed. The *Infinita multitudo*, was present at the One, but it does by no Means thence follow that they were also Members of the Other.

The Charter of ⁵ *Beorred* not being made in Council, I shall take no Advantage of it, tho' not one *Priest*, or *Deacon*, Subscribed to it. But hasten to the next of *King Edred* made in Council at *London, Anno 948.* and which is another plain Evidence against the new Model of this Author. Ib. p. 18.

In the Feast of the *Nativity* of the Blessed *Mary* (they are the Words of ⁶ *Ingulfus*) "*Cum Universi Magnates Regni per Regium Edictum Summoniti, tam Archiepiscopi, & Episcopi, ac Abbates, quam Cæteri totius Regni Proceres, & Optimates, Londoniis Convenissent ad Tractandum de Negotiis publicis totius Regni;*" *Turkettle* the *Abbot* obtain'd this Charter of the *King*. These were the Members of that Great Assembly, by the *Historians* Account; let us see how the Charter agrees with it. ⁷ "*Ista donaria, says the King, prædictis monachis stabilivi in Anno 948. in Præsentia Archiepiscoporum, Episcoporum, & Procerum regni mei Subscriptorum.*" Yet here we meet with several of this ⁸ Authors *Ministri* among the Subscribers; who, I am pretty sure, were no Members of the Council; or if they were, they must have been other kind of *Ministri*, then he would have them to be. Ib. p. 32.

We now come to *King Edgars Charters*; and those too made in his Council at *London*. Let us Enquire who were present at the Making of them. "*Sancitum est hoc Chirographum meum in Anno 966. præsentibus Archiepiscopis, Episcopis, Abbatibus, & Optimatibus regni mei Subnotatis.*" And yet here again we have more of the *Ministri* in the Subscriptions; and are not at all concern'd at the sight of them. Ib. p. 33.

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This Charter being thus pass'd by the King, was corroborated by the Archbishop, with Ecclesiastical Censures denounced against the Infringers of it. And their Decree, pass'd at the same time, was made, in like manner; ¹ "in præsentia Regis Edgari, Prelatorum, Procerumq; suorum — apud London. Collectorium, in the Church of St. Paul's, upon the Octaves of Pentecost; where yet I suppose this Gentleman will hardly affirm the State Council to have been held.

² Ib. p. 46, 47. The other ² Charters of this King to the Monasteries of Medeshampsted, and Malmesbury, do not appear to have been made in Council, and therefore I shall not insist upon them; as neither that of ³ Knute Anno 1032. Whether that of King Edward the Confessor was made at his Easter Council, then attending at his Court, I am not able to say; but do think it most probable that it was. If so, we shall there have another Instance for what we have been observing: The Subscription being thus; ⁴ "Testibus Egitha Regina mea, says he, Edsio & Alfrico

⁵ Ib. p. 58. "Archiopiscopis; Godwino, Leofrico, & Siwardo Comitibus; cum Cæteris Optimatibus meis qui assunt in Curia mea multis.

⁶ Ib. p. 64. And thus have I run thro' all such Charters of Ingulfus as I can find by any Marks to have been Pass'd, or Confirm'd, in the Great Councils of the Realm. And, I think, it is plain from every one of them, not only that the Inferiour Clergy had nothing to do in those Synods, but that the Constituent Members of them were the Prelates, and Great Men; as thro' the whole Course of that Antient, and Exact History, does evidently appear.

I might, to these add several other Charters out of the *Charta Antiquæ*, relating to those times; but I shall, for Example sake, take only some of the lowest; and of which the least Mention has yet been made; Granted by King Edward the Confessor; and upon the Credit of which we may the best rely.

⁷ In his Charter to St. Edmunds, the sanction runs thus: Hyt ic ge redd habbe pid mine Ercebiscopes 7 Biscopes, 7 Abbodes, 7 Eorles, 7 pid calle mine Thegnés.

⁸ *Charta Antiquæ* P. 1.

⁹ *Meldunense* Ib. Q. 1.

¹⁰ In that to the Monastery of Malmesbury, *Cum Consensu Episcoporum, Optimatumq; meorum.*

¹¹ Ib. T. 10.

¹² In that to the Abbot and Monks of Gant; "Sub astipulatione Primatum quorum nomina Caraxata videntur.

¹³ li. 2.

¹⁴ In that to the Church of Eli, "Sancto Dunstano Mandante, cunctisq; Primatibus Regni.

To conclude this Matter: That this was the true Saxon Form, we have not only the most Authentick Charters themselves to Witness, but our Venerable Bede, to prove to us, in his Epistle to Archbishop Egbert; where speaking of some who abused these kind of Grants to wicked Purposes, he makes his Complaint of Them in these Remarkable Words, ¹⁵ *Ipsas quoque literas Privilegiorum suorum quasi veraciter Deo dignas, Pontificum, Abbatum, & Potestatum sæculi, Obrinent subscriptione Confirmari.* This was the Authority by which our Saxon Ancestors Confirmed their Charters; and therefore if this Author's Charters be ratified by any Others, we may look upon that alone to be a fair Ground to conclude that they are Counterfeit, and of no Worth.

¹⁶ *Bed. Epistola ad Arch. Egbertum* Dublin. 8vo. p. 76.

Having said thus much in Answer to his Argument drawn from the Saxon Charters to shew, that the truly Antient, and Authentic Charters which were pass'd in the Great Councils of those Times, or Confirm'd by them, are all against the new Pretences of this Author; and the rest spurious, and of no Authority; I shall now briefly Examine such of them as Occur to Me; and by the insignificance of those, shew what Account is to be made of the rest.

¹⁷ *Rights*, p. 286.

¹⁸ That of King Edgar, or Ethelred, to St. Paul's, has among the Subscriptions; two Persons noted *Pr.* whether *Presbyteri*, or *Præfecti*, or *Præpositi*, I cannot tell. But in the Body of the Charter, bad as it is, there is thus much of the Old Form stuck to, that the Grant is said to have been made *cum Consilio atque Consensu Episcoporum meorum, & Sapientum meorum*; Which I think sufficiently excludes the Lower Clergy from giving any Force, or Authority to it.

¹⁹ Ib. p. 287.

The ²⁰ Other of the same King, has no manner of Note to prove that it was made in Council, or at the time of any such Meeting, and is indeed so evidently Counterfeit, that no more needs to be said of it.

²¹ Ib. p. 287.

The ²² Charter of the Church of Peterburgh is next alledged; a Forgery so notorious, that it even surpasses the Council of Becanceld in the fallity of it. And, to Observe that too by the Way; the only Copy of the Saxon Chronicle, which

has this *Charter* in it, is that of Archbishop *Laud*, which formerly belong'd to the Monastery of *Peterburgh*, as the Other of Sir *John Cotton*, no doubt, did to that of *Canterbury*. The SAXON Times.

But however, let us examine this too a little; lest Dr. *A.* again demand my Reasons for Rejecting of it. This *Charter* (as we are told) was made by King *Wolfere*, Anno, 656. In this Monastery therefore, we will suppose it to have been carefully laid up with the Other of King *Ethelred*, and Pope *Agatho's Bull*, for two hundred Years, 'till the *Danish* irruption, Anno 870. And what became of them then, let *Ingulphus* tell us. The *Danes* invading that Monastery, *Tubba* the Brother of *Hulba*, the Chief Commander, was accidentally slain in the Assault. This so enraged *Hulba*, that he utterly destroy'd the whole Place. He slew all the *Monks* with his own Hands; his Souldiers butcher'd all the others who had for security fled thither. The Barbarous Army dug up all their *Altars*, broke their *Monuments* to Pieces, burnt their *Library*; tore in pieces their *Charters*, pull'd down their very *Walls*; burnt their *Church* and all their *Offices*, and spent Fifteen Days in utterly ruining of that Place. Ingulf. Hist. p. 23.

The Monastery being thus totally rased, *Beorred* seized the Lands which belong'd to it, and gave them to his Souldiers; and so put a final end to that foundation. In this desolate Estate it continued for an hundred Years; at which time *Ethelwold* Bishop of *Winchester* set himself to the restoring of it. And here the *Saxon Chronicle* helps us out to a Wonder: For being at Work upon this Design, they found in a piece of an *Old Wall* these *Charters* still preserved, and by that means Discovered what *Lands*, and *Priviledges*, had so many hundred Years before, been Granted to them. Chron. Sax. ad An. 963.

This is the *Legend* of these *Charters*; which after all, were they never so Authentick, are nothing to his Purpose: For the Meeting of which his *Charter* speaks, was not a *Great Council*, but only a solemn *Assembly*, for the *Dedication* of a *Monastery*; at which no Body denies but that the *Inferiour Clergy*, as well as Others, might be present.

In the Relation of the *Charter* of *Ramsay*, this Author deals more artificially, than fairly. The truth of the matter, which he has Studiously disguis'd, is this. At *Christmas*, ^{287.} "Cum omnes Majores totius Regni — tam Ecclesiasticæ Personæ, quam Sæculares, ad Curiam meam Convenissent, says the King; at the Request of the Archbishops, he Confirmed all the Lands, &c. which had been given to that place, Coram tota CURIA sua. Who that *Curia* was, we before heard; It consisted of the *Majores totius Regni*, as well *Spiritual* as *Secular*. And accordingly it follows again, to the same purpose, "Favore, & Consensu, Primatum & Optimum meorum, prænominate Ecclesiæ — Concessi & Confirmavi. This *Charter* being thus made by the King, and his *Great Lords*, (no *Presbyters*, no other *Clergy*, besides *Prelates*, concern'd in it) All the *Bishops*, *Abbots*, and *Presbyters*, who that day were there in great Numbers, *Excommunicated* all such as should break the Establishment, or Cause it to be broken. This was the first Occasion upon which the *Presbyters* were mentioned. Rights, p. 287. Monasticon. Tom. I. p. 235.

The Account of this *Excommunication* being, in rei memoriam, added to the end of the *Charter*, the King proceeds to the *Subscription* of it. The *Prelates*, and *Lords*, Subscribe after the King: And then in the End come Six *Presbyters*, as *Witnesses* of the *Ecclesiastical* part of it, the *Excommunication*. * "Ego Ethelfi Presbyter, cum supradictis & aliis quamplurimis Presbyteris, infractores hujus firmitatis Excommunicavi, says the last of them. This was the other Occasion of the *Presbyters* being mention'd in it.

And now what is there in all this to prove the Right of the *Inferiour Clergy* to be Members of the *Saxon Councils*? The Business of the *Council* was over; the King had Granted, and his *Lords* had Assented to the *Priviledges* conferr'd upon that Monastery. The *Charter* of them was drawn; and none but the King, his *Prelates*, and *Nobles*, were concern'd in it. When this was done, and the Grant finish'd, the *Bishops* then joyn their *Presbyters* with them in an *Ecclesiastical Act*, of *Excommunicating* the *Infringers* of the *Charter*, which the King and his Council had made. And all this, both of the *Passing* of the *Charter*, and the *Excommunication*, being to be Attested; Six *Presbyters*, in the Close, set their hands to it; and distinctly tell us what they intended by it; namely, to testify thereby that themselves, together with a great many others of the same Rank, had Assisted at the *Excommunication* recorded in the Close of that *Charter*. This was the whole of

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that matter; let this Author, upon the True State of it, make what Advantage he can from it.

I have now attended Dr. A. thro' this *first Period*; and shewn, that he has not yet produced so much as One single Testimony in proof of the supposed Right of his *Inferiour Clergy* to sit in the *Great Councils* of the *Realm*, that Comes up to the Point; and but few but what shew the quite Contrary. If it shall be ask'd what then, upon the whole, I take the *Politie* of the *Saxon times* to have been? I will freely offer my Opinion; and shall submit it to those of better Skill in these Matters, to Judge as they please of it.

For *Civil Affairs*, they had their *Wittena Gemot*, or *Parliament*: To this the *Great Men*, and *Prelates* alone were Called: None else, as far as I can observe, were ever accounted any proper *Part*, or *Members* of it.

In this *Council* they treated of the *Great Affairs* both of the *Church* and *State*: And made *Laws* for the *Outward Peace*, and *Government* of both. The *Laws* which they pass'd here, were oftentimes prepared before by the *King's Counsellors*, and only proposed in this *Assembly*, and *Confirmed* by it. The *Bishops* and *Prelates* who met at these *Councils*, sometimes acted at the same time a-part by themselves, in a *Synodical manner*; and came to such *Resolutions* as they thought needful for the *Edification* of the *Church*. These were sometimes agreed to by the *Great Council*, as well as pass'd by the *Synod*; and so came forth at once both as *Laws* of the *Land*, and *Canons* of the *Church*.

But then there was, besides these, other proper *Church Councils* appointed by our *Metropolitans*, and held by them with his *Suffragan-Bishops*, and *Prelates*, when no *State Council* was *Summon'd*. To these very often the *Kings*, attended by their *Great Men*, Came: And were not only present at their *Debates*, but if they approved of what was done, gave their own *Assent*, and *Authority* to them. And tho' I know Dr. A. will have all these to have been *Mix'd Councils*, in which most of the *Antient Canons* of the *Church* were framed; yet the *Nature* of the *Assemblies*; the *Authority* by which they met; the *Persons* who acted in them; the *work* which they did; and all the *Other Circumstances* of them, plainly shew them to have been true *Ecclesiastical Synods*; and not at all the less so, because of the *Laities* Appearing at them. Unless Dr. A. will suppose, that the provision made for the Admission of the *Laity*, to the most *Early Synods* of the *Church*, and Continued down in the following *Ages* of it, changed the *Nature* of those *Assemblies*, and made them also *mix'd Meetings*, not true *Ecclesiastical Councils*.

These were the great settled *Conventions* both of the *Church* and *State* heretofore, as they are with us now. But then upon any *extraordinary Occasion*, such as the *Dedication* of a *Church*, or *Abbey*; the *Publishing* of some solemn *Charter*, or *Privilege* to the *Clergy* in general, or to any *Particular Body*; there were also, of course, *Extraordinary Meetings*. For tho' these might oftentimes be so managed, as to be join'd in timewith the *Regular State-Councils*, yet the *Assemblies* were different: And all that came, and could be receiv'd into the Place, were freely admitted into the *One*; tho' they were far from becoming thereby any part of the *Other*.

King *Edward the Confessor*, kept his *Court*, and *Christmas* with his *Lords*, the last Year of his Life. Three Days after he dedicated *Westminster-Abbey*: His *Lords* were call'd to it; but besides them, a vast Confluence of all sorts of People, especially of the *Clergy*, came thither also; and were Spectators, and Witnesses, of the *Grant*; which nevertheless the *King* only with his *Council* Ratified.

In other Cases, *Charters* of *Privilege* were pass'd by the *King* and his *Great Men*. But that being done, they were publish'd and signed in the *Churches*, at the *High Altars*, for the greater *Piety*, and Solemnity of the *Act*: And many were thereby present at the Signing, and Confirmation of these kind of *Grants*, who had nothing to do in the *Councils* by which they were Confirm'd.

As for any *Constant* or *Set-times* of holding either the *State-Councils*, or *Church-Synods*, there seem to have been none at the beginning. The first Settlement that I have observed of that kind, was founded upon the Solemnity with which our Princes came afterwards, to keep the Three great *Festivals* of the *Church*; and to require the Attendance of their *Prelates* and *Lords* at them.

This I take to have been the true *State* of our *Saxon Government* in these Cases. To enter upon a particular Proof of all these Matters from *Antient History*,

History, would be to deviate too far from the Business in hand. I shall only add some few Instances more, to those I have already offer'd, to Confirm my main Assertion, as to the *Members* of their *State-Councils*, and so conclude this Period. The SAXON Times.

How far that Expression of ¹ *Bede* concerning the Practice of *Ethelbert*, will be thought an Evidence in this Case, I cannot tell: That he made his Laws *cum Consilio Sapientium*. But as the Use of that Word, in those Times, was, in great Measure, appropriated to the *Members* of these *Councils*; so whom this Author meant by them, we may, in part, conclude from another Passage, in the same Book, where ² he again employs it to the like purpose. *Paulinus* having preach'd the Faith in the Northern Parts; and perswaded the King to embrace it; the King resolved to hold a *Council* with his *Great Men* concerning that Matter. The Words of the Historian are these; *Cum amicis Principalibus, & Consiliariis*; or, as in Other Copies, *cum Amicis, Principibus, & Consiliariis suis, sese do hec Collaturum esse dicebat*. In the Title of the Chapter, 'tis *cum Optimatibus*: And these are all in the next Sentence, comprehended under the same general Word *Sapientes*; *Habito cum Sapientibus Consilio*. Hist. Ecclef. Lib. 2. Cap. 5.

But we will look a little farther into this *Meeting*; and see if we can find yet more exactly of what Persons it consisted. And first, we find there *Coisti* his *Chief-Priest*; who spake in Favour of the *Christian Faith*. To him *Alinus Optimatum Regis*, gave his Assent. After which *Ceteri Majores natu ac Regis Consiliarii*, did likewise. The *Saxon* Version calls them plainly *pitum* and *Ealsopmen*. And both the One and the Other seem evidently to refer to those of Highest Rank and Dignity, and to Exclude the Common Ordinary People. Ib. Cap. 13.

What he here says of the *State Councils*, ³ he elsewhere intimates of the *Church* ³ *Bede* *Epist. Synods*. He speaks of the *Bishops* only as the *Members* of them; and to them, in P. 47. Conjunction with the King, ascribes the *Authority* of what was done in Them.

If from our *Saxon* *Historians*, we proceed to the *Remains* of our *Saxon* *Laws*; they will yet more plainly speak the same thing to us. I have already accounted for those of *Ina*, and *Ethelstan*: The only Difficulty that can be made in them is, that the *Servi Dei* are added (not to *Prelati*, but) to *Archiepiscopi*, and *Episcopi*: And I think it is so plain both from the Omission of the *Regular Prelates*, in both those places, and the Ordinary Use of the Phrase its self to the same purpose, that those must be meant by it, that it is in reality no Difficulty at all.

King *Ælfred* made his *Laws*,⁴ *Consilio Sapientum suorum*: He communicated the Collection which he had gathered out of the *Laws* of *Ina*, *Offa*, and *Ethelbert*, *Omnibus Sapientibus suis*; who approved of Them, and answer'd, that it pleas'd them that they should be observed. And till it can be shewn that the *Inferior Clergy* have ever been rank'd among these *Sapientes*, I must beg Leave to Conclude, that only Those are meant by them, who are elsewhere expressly said to fall under that Character. 4 Brompt. Col. 820.

⁵ *Edmund*, assembled his *mýcelne Synoth* at *London*, at the Feast of *Easter*. The *Ecclesiastical Members* were *Odo* and *Wulstan*, *Arch-Bishops*, with many Other *Bishops*; no Others of that Order named. Another Council he held at *Culinton*. The Members were, *Rex, & Episcopi sui, cum Sapientibus suis*: which, I think, determines the Sense of what follows, with relation to another of these *Councils*; where the *Laws* are said to have been made by the King, *cum Sapientibus, Clericis, & Laicis*: that is, his *Great Men* of both kinds. 5 Brompt. Col. 858, 859. Sleges Saxon. Lamb. p. 57. 6 Ib. Brompt. Col. 860, 871, 893, 895, 899. 7 Leges Saxon. p. 97.

⁶ The same is the Language of *Edgar* and *Ethelred*: They made their *Laws* *Consilio sapientum suorum*; the meaning of which was in those times sufficiently understood, and needed no farther Explication. The *Laws* of the next King *Cnut*, will afford us an Antient and Venerable Testimony in Proof of what I am now asserting. ⁷ He made them, says the *Saxon*, with the Advice of his *pitena*: Says the Old Latin of *Brompton*, *sapientum*. And who these were, let the ⁸ *Textus Roffensis* determine; *Hæc est Constitutio quam Cnud Rex, cum Consilio Principum suorum Sapientum, made*. And again, speaking of his *Secular Laws*, which he made with the Advice of his *pitenan*. ⁹ *Sapientum*; the same ¹⁰ *Text. Roffensis* gives this farther Interpretation to the same purpose. *Hæc est Institutio secularis quam Ego per Consilium & Consensum Optimatum meorum servare per totum Regnum meum statui*. 8 Text. Roffensis. fol. 58. n. 24. 9 Leges Sax. p. 107. 10 Text. Roffensis. fol. 63. n. 25.

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¹ See Somner
Gloss. Sax.

Brady's Introd.
Gloss. p. 66.

² Spelm. Con-
cil. Tom. 1.
p. 513.

³ Ibid. p. 525.

⁴ Apud Lamb.
ad fin. Bed.
p. 150, 158.

It were an easy matter to Confirm this Interpretation with many ¹ other Authorities; but I shall offer but one more to the same purpose, and with Relation to a Council held in the same times under King *Ethelred*; the ² Council of *Ænham*. In the *Saxon* Ms. of this Council, the *Laws* are called *Decreta Sapientum*. *Eruditi tulerunt*, says the Introduction; and in several of the *Constitutions* it is expressly repeated, *Decernunt Sapientes*. Now, who those were, the Antient *Latin Interpretation*, expressly declares; ³ *Regis Æthelredi Edicto concrepante, Archipræsulumq; Ælfeah & Wulfstan hortatu Instigante, Universi Anglorum Optimates, die Sancto Pentecostes — acciti sunt Convenire.*

Thus did these Kings make their *Laws*; As for *Edward the Confessor*, the ⁴ *Litchfield Chronicle* tells us, that he renew'd the *Laws* of his Predecessors, *Consilio Baronum Angliæ*; and the Authority seems to be the greater, for that we find the self same Account inserted into one of his *Laws*; and that in the more Antient and Faithful Copy of them.

From what hath been said, it appears, upon what slender Grounds Dr. A. has laid his Foundation, in his Deduction of the supposed *Rights* of the *Inferiour Clergy*, viz. that in the *Saxon* ⁵ times, "They were called to the *Great Councils* of the *Realm*, and made a *Constant* and *Necessary* part of them. 'Tis true he has afterwards very much qualified his Assertion; and from being *Constant* and *Necessary* parts of these *Councils*, comes only to say, "That the *Inferiour Clergy*, as well as *Laity*, were then *Oftentimes* Called to the *Great Councils* of the *Realm*; ⁶ And "Opposes them to those who were the *constant* and *standing* Members of them. But neither thus will his Account hold true: For, indeed, they were not *Called Oftentimes* to these *Conventions*, tho' some of them might happen to be *Oftentimes* there. And even when they were *Occasionally* at them, yet they acted not as *Members* of them; Nor were they *Called*, that is *Summoned*, to Come, in any such Capacity to them.

But if this therefore be a meer Mistake of the Nature of those *State Councils*, as in Truth it is, then it will follow that all the rest of his Imaginary Scheme which he builds upon it, must be an Empty Hypothesis; and the issue only of his own Conceit. "That the *Clergy* being Obligated so frequently to *Attend* in that (their *Civil*) Capacity; they had neither Leisure, nor need to Observe the "Set-times of their *Provincial Assemblies*. The *Ordinary Business* of these was dis- patch'd at those *State-Meetings*, which were frequent; and gave the *Clergy* an "easy Recourse to the *Civil Power* for a Confirmation of their *Decrees*. And this, "by degrees, brought on a discontinuance of *Provincial Synods* — Thus the Mat- ter stood throughout the *Saxon Times*. Now all this, as to what concerns the *Inferiour Clergy*, to whom he applies it, is pure Invention. They were no Mem- bers of the *State Councils*; they had no *Summons* to come to them; nor were they ever *Called* so much as to give their *Approbation*, under the Character of *Inferiour Clergy-men*, in them.

They came, indeed, sometimes, to the *Provincial Synods*, in Attendance upon their *Prelates*; Or to be *Witnesses* of what was done; or, it may be, to Consent to it. But neither were they any proper *Members* of those *Conventions*, any more then of the Other: They were not *Ordinarily Summoned* to them; nor did they Sit, by *Authority*, but only by *Permission*, in them. And so the *Deacons*, nay, and even the *Laity* themselves did, as well as the *Presbyters*: Nor do I know any Right which the One can pretend to in this Case, that may not with as good Reason be alledged in favour of the other.

Let this then be the Result of what I have here been discoursing: 1. That sup- posing Dr. A's Argument to be true in every part of it; That the *Convocation* had been wont heretofore to *Attend* upon the *Parliament*, after the manner that he pretends; yet the Statute of the 25th of *Henry the Eighth*, C. 19 has made such a Change in this Matter, that from thenceforth the *King* became intituled to a *Legal Power* to Call, *Prorogue*, and *Dissolve* it, whenever he pleases; and that with- out any respect to any such Attendance for the future. If therefore the *Custom* of *Calling* it at the time of the *Parliaments Sitting*, since the making of that *Act*, has not limited his *Prerogative*; 'tis certain that nothing else has: And whether that has done it, shall hereafter be Enquired.

2. That as far as Concerns the *Saxon* times, his Allegation is utterly false. The *Clergy* were not, then, any Part of the *Great Councils* of the *Realm*; nor did they, as such, *Attend* upon them. The *Bishops* and *Prelates* only, of all the *Ecclesiasti- cal*

cial State, had a Right to come to them; that Right they Enjoy'd throughout all the following Changes and Revolutions, only with some Limitation of the Latter, as long as there were any Regular Prelates left among us; and our Bishops continue, at this day, to Enjoy it. The Piety of our present times, is not at all less, in this respect, then was that of our Saxon Ancestors: Their Prelates only were Called to their Great Councils then; and Ours are, in like manner, Call'd to our Parliaments now.

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CHAP. VI.

The History of the Clergy, and Church of England, continued from the Reign of King William the Conqueror, to the xxiiiid of Edward the First: In all which time it does not appear that the Lower Clergy were either wont to be Called to Parliament; or were accounted any Proper, or Necessary Members of our Provincial Councils. Dr. A's Allegations to the Contrary, Consider'd, and Answered.

WE are now come to the Second Period of our English History: And concerning that, Dr. Atterbury tells us, ¹ "The Norman Revolution made no Change in this Respect: Tho' the Conqueror is known to have divided the Court of the Bishop and Earl, who before mix'd Jurisdictions, yet he continued still to Assemble the Clergy Nationally with the Laity here, as in Normandy; and united them more closely than before, by his New Tenure of Knight-Service, which obliged all Persons that held of the Crown, whether Spiritual or Temporal, Equally to attend his Great Councils. And to these therefore were Summoned, not the Bishops, and Great Abbots, alone, but many others also of the Lower, and even of the Undignified Clergy; who as ² Domesday-book shews, held Lands of the King in every Shire, and to be sure therefore were present together with the other Crown Tenants, even in the Conquerors Curia held a-course at the Three Great Festivals; and Appear'd, no doubt, in greater Numbers, at his more Full, and General Assemblies of All the States of the Realm. This is his next Assertion; and it must the more carefully be examin'd, because we have here not only History, but the Grounds of it too, delivered to us; and both repeated again and again in the several other parts of his Book, as if it were a Matter of Clear and Unquestionable Authority.

Sect. i.

Rights, p. 35;
36. Compare
p. 74, 215.

Comp. p. 296.

Comp. p. 295.

The Point which he insists upon is this; That the Conqueror Assembled the Clergy to Parliament, Nationally, here, as in Normandy. That to oblige them to a more close Attendance upon it, he vested 4711 KNIGHTS-FEES in Parochial Churches, besides what were given to the Barons Spiritual; And that by vertue of these, all such as held of him were obliged to be present in his Customary Curia, at the Three Great Festivals; and yet much more in the Full and General Assemblies of the States of the Realm. Now if in all this there be not one Word of Truth; if not only his Matter of Fact, as to all these things, be false, but his Arguing upon them Inconsequent; then I think we may conclude him to have given as disingenuous an Account of the Norman, as he had before done of the Saxon Times; and that he is equally to be censured as, at least, mistaken in both.

That the Conqueror did not Assemble the Lower Clergy to his Courts or Parliaments here, shall be Fully, and Historically, proved by and by. In the mean time, let this Testimony of one who knew both Him and his Court very well, suffice to assure us of it; where speaking of his Solemn Celebration of the three Great Festivals, he tells us; That then there were present at it, ⁴ Omnes & Chroni. Sax. Optimates per totam Anglorum terram; Archiepiscopi, & Diocesani Episcopi, Abbates, & Comites, Thani, & Milites. These were the Persons who came to these Curia; No Inferior Clergy were either required, or observed to have come (as he speaks) a Course to them.

S. A. 26

That the Lower Clergy were not Summon'd to his Full, and General Parliaments, let that very Statute, by which he divided the Court of the Bishop and Earl shew: A Statute which this Author had certainly seen, and should not have dissembled the

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¹ Selden. Not.
ad Eadmer.
p. 167.
² Ib. p. 168.

³ Ib. p. 165.

⁴ Concil. Labb.
Tom. 10.
Coll. 391.

Sec. 3.

⁵ History of
Engl. Councils
p. 135.

⁶ Eccl. Synods,
p. 241, &c.

Sec. 4.
⁷ Rights, &c.
p. 36.

the Authority by which it was made: It was "Communi Concilio, & Con-
"filio, Archiepiscoporum meorum, & cæterorum Episcoporum, & Abbatum, & Om-
"nium Principum Regni mei. These are the very Words of that Statute: And
in the *Petition* of the Clergy, presented to King ² Edward the First, containing the
Gravamina Ecclesie Anglicane, of which they desired a Redress, the very same
Account recurs; "Cum Willielmus dudum Rex Anglie de Communi Concilio
"Archiepiscoporum, Episcoporum, Abbatum, & Omnium procerum Regni sui. And if I
may be allow'd to this to add another Argument which Dr. *Atterbury*, I am sure,
ought not to except against from his Charter to *Battle-Abbey*, he tells us, that he
made it ³ "Assensu Lanfranci Archiepiscopi Cant. & Stigandi Episcopi Cicestrensis
(the one the Metropolitan of the Province, the other the Bishop of the Diocese,
in which it was founded) "& Consilio etiam Episcoporum, ac Baronum meorum.

These are good Presumptions, at least, that the *Lower Clergy* were not Called
by the Conqueror, either to his Solemn Courts, or to his Fuller Parliaments; for so
I must speak, tho' I confess, improperly, with this Author. That they were
not Called by him to the Parliaments in Normandy, I appeal to his own Instance,
the Council of *Lillebonne*, to prove against him. ⁴ The Authentick Acts of
which thus tell us who were present at it, "Sub ejusdem Regis presentia,
"presente Rotomagensi Archipræsule Willemo, Congregatis etiam Episcopis, &
"Abbatibus, Consulibus quoq; & cæteris Normanniæ Principibus. As for his
other Instance, it is of a proper Ecclesiastical Synod: And even that was held by
the Archbishop of *Roven* and his Suffragan Bishops. They only acted Authori-
tatively in it: "Gulielmus Archiepiscopus, says his own Author, aliiq; præsules Au-
"toritate sua Corroboraverunt: And again, *Odo Bajocensis*, &c. præfatum Sy-
"nodum sanxerunt. All that is said of the Abbots and Clergy, is no more than
what is said, in an equal manner of the Laity too, that they were present at the
Sanction; Abbates cum Clero, & parte procerum, adfuerunt.

It is plain then that his Historical Account of these times, is not Good: Let
us see whether the Grounds on which he builds, be at all better. As for the
Romance of his ⁴⁷¹¹ *Knights Fees* vested in Parochial Churches; a very ⁵ Learned
Man has shewn, that no such thing is affirm'd by the *Eulogium*, as we are sure
that no such thing Occurs in the *Domesday-book*, to which he refers. Mr. *Selden*
himself, from whom he borrowed this Instance, plainly understood it of the
number of Parochial Churches, not of *Knights Fees* vested in such Churches. And
for his Deduction from it, that by virtue of those *Fees*, the *Lower Clergy* were
obliged to come to his Parliament; ⁶ Another Excellent Author has shewn him
that he is out in that too. That it was not every *Knights Fee* that, in those days,
either Obligated, or Entitled the Possessor, to Come to these Assemblies. That
this was required only of such as held immediately of the King in *Capite*; and
not of them neither, unless they had an *intire Barony*, to which, for the most
part, a great many such *Fees* were necessary. This is indeed, the Truth; and
it shews how utterly deceived this Gentleman has been in his Notions of these
things: And with what little Success, he has entred upon the History of the
Norman Times.

Let us see, how he proceeds, upon this Foundation.

⁷ "At such (Assemblies) only, Church Affairs seem to have been transacted,
"not at his Ordinary Curia (tho' some of the Clergy of all Ranks might be pre-
"sent there) unless when these Curia, and those Greater Councils, were Coincident,
"and the latter Summon'd to meet, Extraordinarily, at the same time that the for-
"mer met a-course. As the Case was in that Mixt Convention at *Winchester*,
"where *Stigand* was deprived; and in another at *Gloucester*, where several Bishops
"were made. What this Author proposes to himself, in transferring the most
proper Ecclesiastical Affairs, from the Synods of the Church, to the Civil Assemblies
of the State, I cannot tell: But I believe he is one of the first who has discovered,
that in *William the Conqueror's* time Bishops were Deposed, and others Chosen
in their Room, by Authority of Parliament.

That this, in Fact, is not True, all the Histories of that time do clearly de-
monstrate. For the present I shall content my self to shew, in his own Instances
alleged for it, that what he pretends was done in Parliament, was indeed done
in a proper Ecclesiastical Synod; altogether distinct both in its Nature, Sum-
mons, Members, and even in Time it self, from the Parliaments with which he
Confounds them.

In 1070 King William the First, kept his *Easter* at Winchester; and according to his Custom, held his *Solemn Court* there. The *Wednesday* following a *Legatine Council* was Order'd to be held at the same Place, to Examine the Cause of the Archbishop *Stigand*, and of some other *Bishops*, and *Abbots*, who were thought worthy of *Deprivation*. To this End *Mandatory Letters* were issued out by the *Popes Legats* to the *Bishops*, to be themselves in *Person* at Winchester, the *Third Day* after *Easter*, and to bring all the *Abbots* of their respective *Dioceses* along with them. One of these *Summons*, directed to *Wulstan* Bishop of *Worcester*, is still remaining in a *Book* Written by his Direction for the Use of his Church. And because it is the most Antient *Conciliary Summons* I have yet met with, and will serve effectually to Convince this *Author* how much he has misrepresented this *Council*, in ascribing that to the *Conqueror*; and his *Parliament*, which was done in a proper *Church Synod*, by the *Popes Legats*, with the *Bishops* and *Abbots* of the *English Church*; I will here insert a Copy of it.

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Spelm. Concil.
Vol. 2. p. 3.

Bibl. Podl.
inter. Mil.
Franc. Junii.
No. 99.

EPISTOLA CARDINALIUM URBIS ROMÆ AD WULSTANUM EPISCOPUM.

I. & P. Pr'brī Cardinales f'ci PETRI Wlſtano de Wihraceſtre E'po Sal.

Licet Romana Aecclesia circa correctionem omnium Christianorum invigilare debeat. ſpecialius tamen ea conuerſationis veſtræ mores continere inquirere. et Chriſtianam religionem qua uos primitus inſtruxit diligentia ſuæ viſitationis reparare: Hujus itaq; ſollicitudinis debito nos qualeſcunq; beati PETRI Apoſtoli miniſtros & uice atq; autoritate domini noſtri Papæ ALEXANDRI fulcos. ad partes veſtras direximus. ut Concilium uobiſcum celebraturi. quæ in uinea Domini Sabaoth male pullulant receſemus. & animarum & corporum utilitati profutura plantemus. Veſtram igitur fraternitatem in partem tantæ ſollicitudinis Apoſtolica autoritate inuitamus. ut tertia die poſt proximum Paſcha. remota omni Occaſione ad Winceſtram conueniat. & omnes Abbates Dioceſis u're oſtenſis hiſ literis noſtris uobiſcum venire commoneatis:

Thus was this *Synod* Aſſembled, and of theſe Perſons did it conſiſt. Being met, they firſt Degraded *Stigand* for Three Cauſes, all of them *Eccleſiaſtical*; then his Brother, the Biſhop of the *East Angles*; after that ſeveral *Abbots*; and all this after a *Conciliary manner*, in a proper *Church Aſſembly*, not in a *Parliamentary Convention*.

The ſame was the Caſe of his ³ other Aſſembly, which he no leſs falſely calls ¹ *Sax. Chron.* a *Mix'd Convention*. The King kept his *Chriſtmaſs* at Glouceſter with his Lords, p. 186. An. 1085. and there held his *Court* Five days. After which the *Archbiſhop* and *Clergy* held a *Synod* for Three days. In this *Synod*, *Mauritius* was Chosen Biſhop of *London*; *William* Biſhop of *Norfolk*; and *Robert* of *Cheſter-ſhire*. This being done, the King laſtly held his *Parliament* with his Lords, and there agreed upon that *Survey* which was afterwards made of the whole *Realm*. This is the Account, which the *Saxon Chronicler* gives of this Meeting; and it ſufficiently proves, againſt this *Authors* Aſſertion, that there was a *Church Synod* held about the ſame time, but upon different *Days*, and by different *Perſons*, from that of the *State-Parliament*: And that what concern'd the *Church* was done in a proper *Eccleſiaſtical Council*, and not, as he is pleaſed to repreſent it, in a *Civil* or *Mixt Aſſembly*.

To ſtate therefore the Caſe of theſe times, which this *Author* has ſo much either Miſtaken, or Miſrepreſented: King William the *Conqueror* kept the Three *Solemn Feſtivals* of the Year, with great State and Magnificence. ⁴ At thoſe his ¹ *Annal. Wa-* Lords and Great Men generally reſorted to his Court: And the better to Manage *verl. p. 134* the Great Affairs of State, *Writs* were commonly iſſued out to them, to hold a *Parliament* with the King at thoſe times. The *Feſtival* being celebrated with Pomp, and Solemnity; at the day aſſigned the *Great Council* began. To this, as far as I can obſerve, none but thoſe who held of the King by *Barony*; his Great Lords, *Bishops*, and *Prelates*, were Call'd. At the ſame time, if any thing were to be done in relation to *Church Affairs*, which fell not under the Cogniſance of the *Civil Aſſembly*; the *Archbiſhop*, with the King's Leave, ſometimes by his Command, ſent out his *Conciliary Mandates* for the Meeting of a *Church Synod*, at the ſame place, and about the ſame time, tho' on a different day, from that of the King's Council. Thus was both the King Royally Attended; and the Affairs of *Church* and State regularly and duly Managed, in their ſeveral Courts, and by thoſe to whom the Conſideration, and Determination of them did properly belong: And all this in an Orderly, and Diſtinct manner; firſt the Feaſt was kept;

ſect. 5.

Annal. Wa-
verl. p. 134

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Sect. 6.

¹ Rights, &c.
p. 307, 308.
² Ib. p. 36.

³ Ib. p. 37.

⁴ Ib. p. 38, 74,
215.
⁵ Ib. p. 317.

kept; then (if need were) a *Synod* was held; and lastly a *Parliament* was Assembled; not in that Mix'd and Confused way in which this *Writer* represents all this to have been done.

Dr. A. having thus finish'd his first Romance of the *Norman Government*, goes on with the same Liberty and Truth, to point out to us the *Change* of it; and in that we are, indeed, beholden to him; for 'tis a Discovery that none of our Antient Historians have favour'd us withal; which may make some Persons apt to think (upon his own Principles) that no such *Change* was made, because that if there had, our Histories would certainly have been full of it. But let us hear the Fable: "How long exactly the *Saxon Manner of Mixt Councils* continued, is not easy to say; however that for several *Reigns* after the *Conquest* it obtain'd, 'tis certain; and it is probable that the disuse of it might begin towards the middle of *Henry the Second*; when the *Clergy*, we are told, disjoyned themselves from the *Laity* in every respect, and set up to be Independent. And from³ thenceforth the *Affairs* of the *Church* came to be transacted in *Two separate Provincial Synods*; In which, as he afterwards tells us, "They Attended the *Parliament* under their several *Archbishops*: Which *Synods* of the *Province* were held⁴ Concurrently with the *Parliament Sessions*, and so it continued to King *Edward the First's* time.

Now that this must be all pure *Fiction*, is very certain; because that I have already shewn, there never was any Ground for such a *Change* as he here speaks of. The *Lower Clergy* had no place in the *Conqueror's Parliaments*: The *Affairs* of the *Church*, which were properly *Spiritual*, were not transacted in his *State Assemblies*. Those *Councils* were no more *Mix'd Councils* than our *Parliaments* at this day are; in such, if the *Bishops* still continue to sit as they did then; and several Matters relating to the *Church*, as it is a *Member* of the *State*, are Order'd and Determin'd now, as they were wont to be heretofore. To Point out therefore the time when a *Change* was made, where 'tis certain there was never any *Change* made at all, must be a meer Dream and Invention: And will serve for no other Use that I know of, but to vindicate to this Author the Character he seems above all things to affect, of *Walking in Untrodden Paths*; and making such Discoveries as no one before him had ever attempted to do.

But this will better appear in the Course of those Historical Allegations, which he offers in Proof of his Assertion: And to which I shall now apply myself, after I have just put the *Reader* in Mind what the Points to be Proved are; Namely, 1st, That the *Lower Clergy* were call'd to the *Parliaments* of these times: 2^{dly}, That in these *Parliaments*, or *Mix'd Councils*, the *Affairs* of the *Church* were wont to be transacted: 3^{dly}, That this Method continued till about the *Middle of Henry the Second's* time: And, 4^{thly}, That from thenceforth the *Clergy* separated themselves from these *Councils*, and from One another; and Attended upon the *Parliament*, in two *Provincial Synods*; till King *Edward the First* brought them back again to the antient Method of coming *Nationally* to *Parliament*, by the *Premunitory Clause* inserted into the *Bishops Parliament Writs* for that End.

R. WILLIAM
the Conqueror.

Sect. 7.
1670.

These are the Points which he affirms, and in every One of which I look upon him to have been mistaken. Let us see, how the History of those times lies; and whether it makes for him or me, in these particulars.

Why Dr. Atterbury omitted the *Great Councils* and *Synods* of the Year 1070, the first year that, for ought appears, the *Conqueror* began, in good Earnest, to settle the *Affairs* of the *Church* and *State*, might deserve to be enquired. Especially when it shall be Consider'd that the Account given, of *Archbishop Lanfranc's* Election, by the *Continuator* of the *Saxon Chronicle*, does at least seem to favour his Cause, as much as any Authority he has alledged for it. He was Chosen, ⁶ says that Author, by the Elders of the *Church* of *Canterbury* with the *Bishops* and *Princes*, the *Clergy*, and *People* of *England*, in the *King's Court*. But indeed, ⁷ at that time, no *Parliament* was held; and the other *Councils* both *Civil*, and *Ecclesiastical*, of that year, speak so directly contrary to his Hypothesis, that we ought not to wonder if he was willing rather to slip over one insignificant Instance in silence, than to touch upon a year in which so much Business was done, and all in a manner intirely repugnant to his Representation of these Matters.

⁶ Chron. Sax. ad
An. 1070. So
Gervas. Col.
1653.
⁷ Die Assumpt.
B. V.

At Winchester that year the Conqueror kept his Easter; and thither on the Third day after, the Popes Legats Summon'd a National Council for Church Affairs. The Persons call'd to it were Bishops and Abbots; and in it they Degraded Stigand, and his Brother, Bishop of the East Angles; and several Abbots, by a Canonical Procedure.

The Synod being over, the King held his Parliament; and there order'd an Enquiry to be made into King Edwards Laws, "Confilio Baronum fuorum; or as Others have it, "Cum Principibus suis constituit. * These were afterwards settled by the same Authority; possibly in the Council of Pedrede, about the End of this same year. In what Council it was that the Order was made for separating the Bishops and Sheriffs Court, I cannot certainly determine: But the Authority by which 'twas done, the Instrument it self speaks; It was made in one of his Great Councils, and by the Advice of his ² Archbishops, Bishops, and Abbots; and of all the Princes of his Kingdom; who were therefore the proper Members of them. This is again confirm'd by the Charter to Battle-Abbey, before mentioned; which is expressly said to have been made by the Counsel of his Bishops, and Barons; as his Laws before had been.

At Whitsuntide following, the same year; the Conqueror kept his Court at Windsor; ³ and there disposed of the Bishopricks of York and Winchester. The next day Armenfride the Popes Legate held his Synod by the King's Command. There Agelric Bishop of the South Saxons, and some other Abbots, were injuriously Degraded. But tho' the Persons had not deserved such severe Treatment, yet the Process was made in an Ecclesiastical Council; not in this Author's Mix'd Assembly.

Lanfranc being Chosen Archbishop of Canterbury, August the 15th, and Consecrated the 29th of the same Month; Consecrated, some time after, Thomas Archbishop of York. And then the Cause of Wulstan Bishop of Worcester, in Behalf of the Revenues of his Church, which had been wrongfully transferr'd to the See of York, was brought upon the Stage in a Parliament of Pedrede, and there, as in a proper Court, determined. The Members of this Parliament are particularly Enumerated by many of our Antient Historians; Archbishops, Bishops, Abbots, Comites, & Primates, totius Angliae, say ⁴ some; Coram Rege, & Dorobernia Archiepiscopo, & Primatibus totius Angliae, say ⁵ others: But that the Inferiour Clergy were ever called either to the Councils of the Realm, or to the Synods of the Church, not one of them, that I know of, has any where asserted.

But what we cannot find in this busie year, we may perhaps meet with in our next step; the most early Instance offer'd to this purpose by Dr. A. 1072. out of a Cotton Ms. "Convenerunt ad Regalem Curiam, apud Civitatem Wentanam in Paschali Solemnitate, Episcopi, Abbates, Cateri ex Sacro & Laicali Ordine; and under these some of the Inferiour Clergy he thinks must be comprehended. And yet in that very Ms. of which he speaks, no others but Bishops and Abbots are mentioned, in the whole Course of the Cause between the two Archbishops, the great Point in Debate, both at Easter and Whitsuntide. ⁶ "Ex præcepto Alexandri Papæ, annuente Rege, in præsentia ipsius, & Episcoporum atq; Abbatum, ventilata est Causa de Primatu—apud Wentanam Civitatem, in Paschali Solemnitate; postea in Villa Regia, quæ vocatur Windlesore, ubi & finem accepit in præsentia Regis, Episcoporum, Abbatum diversorum Ordinum, qui Congregati erant apud Curiam, in festivitate Pentecostes, Says the Cotton Ms. In the Prefence of the King, the Bishops, and Abbots, says ⁷ Malmsbury. And in another of the ⁸ Cotton Mss. where the whole Agreement is Recorded, with the Subscriptions to it, we find no others. The same Instrument is preserved with the Subscriptions in the History of ⁹ Ingulfus; and the Subscriptions, as well as body of it shew, that no others of the Clergy were concern'd in this Accommodation. ¹⁰ Rad. de Diceto gives the same Account of it: So do other of our Writers. ¹¹ When therefore the Cotton Ms. speaks of the Cateri ex Sacro & Laicali Ordine; (which words are likewise the very same in the Epistle of ¹² Lanfranc to Pope Alexander, concerning this Meeting;) We are not to take them for proper Members either of the Conquerors State Council, or of the Legats Ecclesiastical Synod, (for such indeed this Meeting after all was) but as Persons admitted to be present at the Debate, which in such Cases was not unusual to be done. But the Members of this Council, who heard, and determined, were the Bishops and Abbots: These only Judged in this Case, and therefore both

R. WILLIAM in the *Instrument of Agreement*, and in the *Relations* of our *Historians*, these only are taken Notice of as present at the hearing of it.

I shall perhaps be thought to go a little out of my Way, to take Notice, that these were the Members who, this same year, Assembled in the Council of Rouen: But this Author at least ought not to complain of it, who has himself appealed to the *Synods* of that Country, for the Constitution of those of our own.

In 1075, Archbishop Lanfranc Summoned a ² *National Synod*: In that, not in any *Mixt State Council*, he renew'd several of the *Antient Canons*, which concern'd the Discipline of the Church. And tho' in some Copies of that Council to the *Bishops* and *Abbots*, there be added *Other Religious Persons* as present there; yet did the *Prelates* only *Subscribe* to it, and thereby approve themselves to have been alone the *Authoritative Members* of it.

Who they were that met in the ³ *Synod* of Winchester the next year, we do not distinctly find. But there again, in opposition to this Author's Notion of *Mix'd Assemblies*, we see a *Church Synod* transacting the *Church Affairs*: And tho' probably the King held his Court at the same time there, as he was wont to do at the Feast of Easter, yet the *Archbishops Council* was as distinct from this *Parliament*, as on other Occasions I have before shewn it to have been.

The next year following the King kept his ⁴ *Christmasts* at London. The Persons who attended him were the *Archbishops*, and *Bishops*, and *Princes* of different Ranks, and other Eminent Men; who together Confirm'd a Charter to *Westminster Abbey*; and, in a State-body, joyned in their Subscriptions to it. But here therefore our Author makes his Advantage: He tells us that it was a *Mix'd Meeting* of the *Temporalty* and *Spirituality*; and that as to the *Spiritual* part of it, those who the most Refrain the Words, yet allow that they must be understood to take in *Deans*, *Archdeacons*, and other *Dignified Persons*, of the *Clergy*.

That this was a *Parliamentary Assembly*, I readily agree: The Persons of whom it was compos'd; the *Business* which they did; and the *Time* at which they met, all agree to it. It was held within the *Octaves* of *Christmasts*, and both the *Bishops* and *Lords* are expressly said to have been present at it. Nor is it deny'd but that Dr. Brady, (whom as if he were some New *Smeectymnus*, he alone means by THOSE,) did suppose that upon so extraordinary an Occasion as he thinks that *Parliament* met about, the *Dignitaries* of the *Church*, which this Author has mentioned, might be Summon'd to it. But how justly those Words *Illustrium Virorum Persona, & Regni Principes*, can be stretched to such a Signification may nevertheless deserve a further Consideration. That something extraordinary Relating to the Church was to be done at that *Parliament*; and that for this some more Persons were cited to come to it, than were wont to be Summon'd on other Occasions, it is not improbable. But who the Persons so sent for were; after what manner they were called to it; or what the *Business* was which they met about, we are no where inform'd; nor can any thing therefore be concluded as to this Matter, with any clearness, or certainty, concerning it.

In the Year 1081, came on the famous Case between the Bishop of Theodford, or Norwich, and the Abbot of St. Edmundsbury; which we are told was determined in *Parliament*, and (if true) will afford us a clear Account of the Persons by whom it was adjudged. Of this we have two distinct recitals in the *Instrument* which was made upon it: They were, of the *Church side*, *Archiepiscopi & Episcopi*; but then, as under the General Word *Fidelium*, we must take in all the *Baronage* of the *Laity*, in one Place; and all under the Degree of *Comites* (who alone are particularly specified) in the other; so the Subscriptions shew, as well as the nature of their *Tenures*, assure us; that we must comprehend under it, the *Regular Prelates* of the *Ecclesiastical State* also: Who therefore without any others (except *Bernard Capellanus Regis*; who by his Place, and Dignity, is set before all the *Abbots*) alone Subscribed to the Determination.

These were the Persons of whom that *Parliament* consisted; and whom therefore the Historian, from the *Instrument* its self, aptly calls the *Principes Terræ*. And when, in the 23d. of Edward 3d. the Bishop of Norwich was impleaded for Acting contrary to this Decision, our Reports speak of it as a *Parliament*; and say that therein it was ordain'd by the King, the *Archbishop* of Canterbury, and by all the other *Bishops*, *Counts* and *Barons*; under that last title, comprehending the *Ecclesiastical* as well as *Lay Barons*; and so interpreting to us the

Word

Word *Fideles*; which whatever it may seem to import now, yet then extended to no others on these Occasions, but to the *Barons*; the only *Members* of *Parliament* in those days.

Let me observe yet one thing more before I leave this Instance: That in reciting the Placing of Monks by ¹ King *Cnut* in this *Abbey*, the Instrument says he did it, "*Communi Consilio Archiepiscoporum, Episcoporum, & Optimatum suorum.*" And in another Instrument out of a *Register* of the same house, *Cum assensu & decreto Regni sui Dominorum Spiritualium & Temporalium in suo pleno Parlamento*: Which shews that the Case was the same before the *Conquest*, that it continued to be after; and that the *Lower Clergy* had no manner of place in the *Parliament* of the *Realm*, in the one time, or in the other.

Whether this cause was again renew'd the year following, I cannot say; but by the Account of that Learned, and Honorable Gentleman ² Sir Robert Cotten, so it seems to have been: Who tells us that in the "Year 1082, the King, the Archbishops, Bishops, Abbots, Earls, the Chief Nobility of the Kingdom present (for so are the Words of the Records) the Cause between *Arfast* Bishop of *Normich* and *Baldwine* Abbot of *Bury* was argued.

Dr. *A.* having thus silently pass'd over all these Instances which make clearly against him, comes now in one of the following Years, to pitch upon an obscure passage which he thinks may be manag'd so as to seem to speak for him. And, indeed, 'tis by such doubtful, and dark Instances as these, or by none at all, that his Principles must be supported. "Whether more of the Clergy than these (his *Knights Spiritual* of whom he so much Romances) even some of those who held in *Frank Almoigne*, might not be present at that *Extraordinary Convention* at *Sarum*, to which all the *Terrarii*, or *Land-holders* of note in *England*, repair'd, *cujuscunque Fædi fuissent*,—may (he says) be worth an Enquiry. I cannot tell for what reason it may be worth it, if it were not a *Parliament* (as indeed it was not) but as he truly calls it an *Extraordinary Convention*; and for that very Reason, nothing to the Business in hand. But however to gratify him, I will Enquire into it, little as it is to the Purpose; and then shew some Regular *Parliaments* held these very Years, which would have been certainly to the purpose, tho' not to his Advantage, to have been taken notice of.

The History to which he refers is plainly this. ⁴ The Conqueror having held his Court at *Westminster*, and there at *Whitsuntide*, made his Son *Henry* a Knight: Aftwards took his Progress into several parts of the Realm, and so order'd his Journey as to be at *Salisbury*, August the 1st. Thither he had commanded all his *Archbishops*, *Bishops*, *Abbots*, *Earls*, *Barons*, *Sheriffs*, with those who held by *Knights Service* of them, to come before him: Where being Assembled, he caused all the *Knights* of his *Barons* to Swear Fealty to him, as their Chiefs, upon the Account of their Tenures, had themselves before done.

This is the Account which our Ancient Histories give us of this Meeting: And from this the Answer to his Question is plain and certain: No *Land-holders* were Summon'd, but such as held by *Knights Service* under the *Kings Barons*. And these met to Swear Fealty to him; as well as their *Lords*: And therefore none of those Clergy who held in *Franc Almoign*, were either Summon'd to this Meeting, or had any thing to do at it.

To clear this Matter a little farther, I must observe, that not long before this Meeting, the Conqueror had order'd the famous *Survey*, of which so much is said in our Histories, to be made of the whole *Realm*. Upon the taking whereof, seeing how many held by a *Subordinate Tenure* from his *Barons*; he resolv'd that not only the *Lords* themselves should do their *Homage* to Him, but their *feudatory Knights* too; and Swear Fealty to himself, as the *Supreme Lord*, as well as to them.

But can this *Author*, in good Earnest, make a doubt whether the Clergy who held by *Frank Almoign*, might not have been comprehended under the *Feudal Tenants*, who were here called to this *Extraordinary Convention*? If so, I shall only beg leave to say that he Quoted that which he never Understood; a misfortune that I doubt has attended him more than once in the course of this present Work.

From what has been said, it appears, that neither was this Meeting a *Parliament*, nor, if it were, were any of the *Lower Clergy* called to it; unless we shall make an Exception for his *Parish Priests* who held by *Knights Service*; and who indeed, in that Capacity might have been obliged to come to it. Let us see who were the true Members of the *Parliaments* of the same Years.

WILLIAM the Conqueror.

Monasticon. lb. p 289, 290, 295.

1082. Coston. Post. huma. p. 47.

Seet. 11.

Rights, pag. 297.

1087. Chron. Sax. An. 1087.

Florent. Wicgorn. ad An. 1086.

Chron. Sax. p. 187. Brompton. Col.

979. Hoveden. fol. 79.

K. WILLIAM
the Conqueror.

Seft. 12.
1084.
Monasticon.
Angl. Vol. 1.
P. 44.
Comp. Chron.
Saxon. p. 207.

¹ In the 18th of *William the Conqueror*, a Charter was Signed to the Church of *Durham*, in Council. The Persons present were the *Bishops* and *Barons*: So the Instrument speaks; And so the Subscriptions prove it to have been. 'Tis true among those who subscribed, three there are under the Name of *Capellani*, *Mauricius*, *William*, and *Robert*; who the next year were every one made *Bishops*; the first of *London*, the second of *Norwich*, and the third of *Chester*. And this as it shews them to have been all Men of Great Eminence at Court, so from what has been before said of the *French Parliaments*; we may conclude, That they had their Great Offices there; for which by their Places (as the great *Lay-Officers* also were) they were call'd to the *Councils* of the *Realm*, and admitted to a place in them.

1085.
² Chron. Saxon.
p. 186.

² The year following, the King kept his *Christmasts* at *Gloucester* with his *Princes*: And after that held his *Parliament* with the same *Princes*; as the *Saxon Chronicle* informs us.

I have now pass'd thro' the *Conqueror's* Reign; and seen all that *Dr. A.* has been able to pick up from our Histories to make good his Two Assertions, * that the *Lower Clergy* were *Members* of the *Parliaments* of his time; and, * that in those *Mix'd Councils*, the *Affairs* of the *Church* were transacted. I may add, and all that he could find in the next Reign too; out of which he brings not so much as one single Proof in favour of his Opinion. And I shall leave it, upon the Evidence produced, to the Judgment of Mankind to determine, whether, in Opposition to both, it does not plainly appear, that only the *Great Men* of the *Church*; such as *Bishops*, and *Prelates*, were called to the *Parliaments* of those days; and whether any *Affairs* of the *Church* were then transacted in *Parliament*, except what have ever been, and still are done there; I mean such *Affairs* as are of a *Mix'd Nature*, and relate to the *Church* as it is a Part, and Member of the *State*; and is incorporated with it.

King WILLI.
AM the II.

But tho' *Dr. A.* has thought fit to pass over in silence the whole Reign of *King William the Second*; I shall take the Liberty to insist very briefly upon it; and to produce such Instances as may suffice to shew, that neither in his time had this Gentleman's *Lower Clergy* any place in the *Courts* of the *King*, or *Parliaments* of the *Kingdom*.

Seft. 13.
1095.
³ Chron. Sax.
p. 202, 203.

³ In the Year 1095, the King kept his *Whitsuntide* at *Windsor*, and all his Lords with him. Upon some stirs in the *Realm*, he had before *Christmasts* set forth a Threatning Edict, by which he commanded all who held any Lands of him, to come at the Feast to his Court, if they meant to enjoy his Peace: But neither then were any Others Summon'd to it.

⁴ Ibid.

1097.

⁴ This *Christmasts* was kept by the King at *Windsor*: In *August* 1097; he held a Solemn *Parliament*; in which the Controversy with *Archbishop Anselm* came on; and of which it will be necessary to give such an Account, as the present Argument requires.

⁵ Edmer. Hist.
Nov. p. 26.

Anselm having desired Leave to go to the *Pope* for his *Pall*; and the King not only refusing him Leave, but declaring that he could not at once both keep his Fealty to him, and against his Will pay Obedience to the *Pope*; 'Pray'd the King that the Determination of this Matter might be left to the *Bishops*, *Abbots*, and *Princes* of the *Realm*, when they should Meet together. The King agreed to it, and a *Parliament* was held the 5th of the *Ides* of *March*, Anno 1094, at *Rockingham Castle*, to Deliberate of this *Affair*: And by the King's Command *Totius ferme Regni Nobilitas*, were Assembled to it.

Of whom this *Nobility* consisted, the *Acts* of the *Parliament*, presently, tell us: They were *Bishops*, *Abbots*, and *Princes* (or *Lay-Barons*:) 'Tis true the Relator adds, that there was, besides these, a numerous Multitude of *Monks*, *Clerks*, and *Laitie*, standing by, to see the Event of this Cause: But that these were *Members* of *Parliament*, I believe this *Author* himself will not affirm. ⁶ " *Anselm* being resolv'd what to do, and the King enraged at it, advis'd with his *Bishops*, and *Princes*, what Answer to make to him. Then the *Bishops* and *Princes* went in the King's Name to *Anselm*. And again, the *Lords* with certain of the *Bishops*, came to him.

The Result was, that the Determination of this Matter should be put off to another *Council*, and in the mean time, Peace should be kept between the *King* and the *Archbishop*.

¹ The year after at *Whitsuntide* 1095; the Cause came on again at *Windfor*: *K. WILLIAM the II.*
There we meet with the *Bishops* and *Princes* again Managing of it; but of any others we find no mention. Here an Agreement being again for the present made up between them, he was admitted to the King's Speech, in the presence of his *Lords*, and of a Multitude that was gathered together. *Ibid.*, p. 33, 34.

² After this in the Month of *August* 1097, a full *Parliament* was held to consider of the State of the Kingdom. It consisted of the *Bishops*, *Abbots*, and *Lords* of the *Realm*. There the Archbishop repeated his Desire of going to *Rome*, and was again refused by the King. — But I shall not pursue this Affair any farther. From what has been said, it appears who were the Members both of the Solemn Courts; and *Parliaments*, of this King; at both which, tho' a Multitude of others came together (as on such Occasions there never fails to be a Crowd of Persons attending:) yet the proper Members of both were only *Prelates* and *Lords*; as from the Instances before mention'd does, I think, sufficiently appear. *Ibid.* p. 38. *Comp. Selden. Tit. of Hon. par. 2. p. 581.*

In all the last Reign, we met with no proper *Ecclesiastical Synod*; in this the very first year begins with one; and thereby sufficiently shews that the *Spiritual Affairs* of the Church were not debated of, or determined, in Dr. A's *Mix'd Assemblies*, but in proper *Ecclesiastical Councils*. King Henry being desirous to Marry *Mathildis*, Daughter of *Malcolm* King of *Scotland*; an Objection was raised, that she had been Vailed in the Monastery of *Wilton*, and therefore could not lawfully be Married. ³ To determine the Question, *Anselm* call'd a *Synod* to meet at *Lambeth*. Upon the day appointed there came together *Episcopi*, *Abbates*, *Nobiles* quique; ac *Religiosi Ordinis Viri*. These are afterwards called in general *Ecclesia Anglia*: And the Decree of this *Synod*, is by *Anselm* himself said to have been made *per Episcopos & Religiosas Personas*. By the *Nobiles* quique; therefore we are not to imagine that any of the *Laitie* were meant; but rather must conclude that it is there set to denote the Eminence of those who were called to this *Synod*; that they were the *Bishops*, and *Abbots*, and other Heads of the *Religious Houses* in *England*. *King HENRY the 1st. Sect. 14. Eadmer. Hist. Nov. p. 57. Knyghton, Celebrato Londonie Pontificum Concilio. Col. 2375.*

And as this shews that none of the *Inferior Clergy* were yet Summon'd to the *Synods* of the Church, so the next year will prove, that neither were they called to the *Councils* of the *Realm*. ⁴ At *Winchester* the King kept his Court, and that, says a Contemporary Author, "*Episcopis, terrarum; Principibus, sub uno coactis.*" At *London* (as I conceive) the year following, he held his Council, *adunatis Principibus Regni*, says the same Historian. Sometimes we are told distinctly who these *Principes* were, viz. *Episcopi*, *Abbates*, & *Proceres*; *Episcopi* & *Primates*; *Episcopi*, *Abbates*, & *Nobiles*; but no where are any other of the Clergy named, as proper Members of these *State Councils*; as the Induction made of this Matter, and never yet Refuted that I know of, plainly shews: And to which alone it might suffice to refer this Author, for answer in this Case. *Eadmer. Hist. Nov. p. 62. Dr. Bradys Introduct. Append. P. 54, 55, 56.*

But that I may not seem to decline a more particular Proof, I shall enlarge the Authorities of this kind, and omitting the Collection of that Learned Person, insist only upon such Others, as have been overlook'd by him.

Anno 1101, we have a very particular Account which pretends to be as old as the Meeting it self, of the *Parliament* which sate in *September* that year. The Relation stands thus in ⁶ *Mf. Registry* of the *Priory* of *Norwich*: "*Herbert Bishop of that See, coming to the Parliament of our Lord the King, where the Archbishops, Bishops, Abbots, and Lords of England, and Great Men were Assembled; by the Consent of the King and Queen, and of Anselm then Archbishop of Canterbury, and of the Bishops, Abbots, and Great Men, made another Charter (for the Foundation and Dedication of that Church) to which they consenting Subscribed----* at *Windfor*. The Subscribers were, the King and Queen; the *Archbishops* of *Canterbury* and *York*; Eight *Bishops*; besides the *Pope's Legat*; Eleven *Earls*, and *Lords*; Seven *Abbots*; and Four *Clerici*. Who these *Clerici* were, it matters not much to Enquire. It is enough that the Relation expressly speaks of the *Archbishops* and *Abbots* only as the *Spiritual Members* of that *Parliament*; and that the Number of those *Clerici*, supposing them to have been of the *Lower Order* of *Ecclesiasticks*, (which yet does not appear) was too small to represent, in any wise, the Clergy of the *Realm* in *Parliament*; and might be Witnesses only for the Church of *Norwich*; or might be in some place about the *Parliament*, or might upon some other account happen to be there, which we neither can discover, nor need to be concern'd about. *Sect. 15. 1101. 6 Regist. I. Pri-orat. Norwic. Mf. fol. 19.*

King HENRY
the 1st.

¹ Spelm. Concil.
Vol. 2. p. 23.
&c.

² Mat. Paris.
p. 58. Mat.
Westminster.
p. 236.

³ Chron. Sax.
Flor. Wigorn.
Annal. Waverl.
Walt. Coventre.
ad Annum.

⁴ Sim. Dun. Col.
227. Hoveden.
fol. 269.

⁵ Annal. Mar-
gan. p. 3.

⁶ Angl. Sacr.
Vol. 2. p. 687.

⁷ Sect. 16.
⁸ Eadmer. p. 67.

⁹ Rights p. 297.

¹⁰ Eadmer. Hist.
Nov. p. 67.

¹¹ Rights p. 297.

¹² Sect. 17.

¹³ 1107.

¹⁴ Malm. bur.
fol. 92. b.

¹⁵ Spelm. Concil.
Vol. 2. p. 28.

¹⁶ Eadmer p. 91.
Hoveden. fol.

¹⁷ Sim. Dunelm.
Col. 230.

¹⁸ R. d. de Dicet.
Col. 500. Flor.

¹⁹ Wigorn. Walt.
Coventre ad
Ann.

²⁰ 1108.

²¹ Eadmer. p.

²² 95. Sim Du-
nelm. fol. 231.

²³ Spelm. Concil.
2 Vol. p. 29.

¹ At Michaelmas, the year following, there seems to have been another Assembly of the Civil, and together with that, a Synod of the Ecclesiastical State.

² Some, indeed, of our Historians take no Notice at all of any but the Church Council; which they tell us Anselm held in St. Paul's Church with his Suffragan Bishops, the King being also present. But others, more exact, speak of the State-Meeting too.

³ That at the Feast of St. Michael, the King was at Westminster, with all the Great Men of the Land, both of the Clergy and Laity: And that, at the same time, the Archbishop held a Church Synod, of such Matters as pertained to Religion.

The Case seems plainly to have been this: ⁴ "The 27th of September, Anselm held his Council at St. Paul's, London. This lasted two days. The third, being, Michaelmas-day; the Parliament began at Westminster, at which the Principes Regni, as well of the Clergy, as Laity, were present."

But this is not all: The Historians who omit the Parliament, give a defective Account of the Synod it self too. They tell us that the Archbishop held it with his Suffragan Bishops. But the others are more particular; ⁵ They say with All the Bishops of England: And expressly name the Archbishop of York, as being Personally present at it.

I have been obliged to give the more distinct Account of this years Meeting, because that ⁶ one of our best Historians, seems wholly to have omitted the Session at St. Paul's, London; and only to have taken Notice of the Publication of the Acts of it, which was made, as I conceive, at St. Peters Westminster. The Archbishop was desirous that the Constitutions of this Synod should have their due Weight, and by that means a suitable effect. To this end, he solemnly recited before the Lords at Westminster, as I have shewn, I think, with great probability, and from good Authority, what had before been Decreed by himself, and the Clergy, alone in London.

The want of this Care has led Dr. A. into a fancy that there is somewhat in this instance very full to his purpose; whereas in truth, it is not possible to imagine any thing more directly opposite to his Principles. ⁷ In Henry the First's time, (says he) a Parliament met at London: And there the Spirituality went a-side and made several Ecclesiastical Constitutions. I wish he had told us where he found this Extraordinary Circumstance. ⁸ Eadmer, whom he Cites, is so far from saying any such thing, that he expressly says the Lords were present at the Assembly.

⁹ "The Lower Secular Clergy therefore were there, whose Consent to the framing of Canons, was requisite. That their consent was requisite in this Case, this Gentleman knows is utterly deny'd; and to suppose it without Proof, is to beg the Question. Let us see therefore how he makes it out in the Instance before us.

"And so Hemingfords Relation of it plainly implies, "Statuerunt (says he) Archiepiscopi, & Episcopi, cum Clero — Which word Clerus when opposed to Archbishops and Bishops, must signify some of the Inferiour Seculars, or Regulars, and not meerly Abbots, and Priors. What the word Clerus in that Case signifies, shall in due time be Considered: In the mean while this Author may please to know, that Hemingford has not said one word of this Synod at all; but speaks of another which was held about four or five years later, after a Journey of the Archbishops to Rome, and the Popes decision as to the Point of Investitures, brought back by him from thence.

The History is plainly this: ¹⁰ The King being Reconciled to Anselm in Normandy, and the Business of Investitures agreed between them, upon the First of August, Anno 1107, a Parliament was held for the full settling of that Matter. The Meeting is thus stiled by ¹¹ Eadmer, and the rest of our Historians, "Conventus Episcoporum, Abbatum, Procerum Regni: No others were either call'd to it, or Acted in it.

The year following, 1108, the King applying himself to the Regulation of several Disorders in the State, consider'd how to Remedy those of the Church too. In order whereunto having called together all his Great Men to his Court at Whitsuntide, ¹² he treated with the Archbishop and Bishops how to oblige the Clergy to part with their Wives, and to live Chastly; and promised to support them by his Royal Authority in the redressing of this supposed Crime. Upon which the Two Archbishops and all the Bishops of England, in the Presence of the King, and with the Assent of the Baronage, decreed that Presbyters, Deacons, and Subdeacons, should live Chastly, &c. This

This is the whole of that Meeting, as related from the very ¹ *Acts* of it : Let us see what *Walt. Hemingford* says, to Intitule the *Inferiour Clergy* to any part in it. "Statuerunt," says he, *Archiepiscopi & Episcopi, cum Clero*. And *Clerus* being there opposed (he might more truly have said added) to *Archiepiscopi & Episcopi* must signify some of the *Inferiour Clergy*, and not merely *Abbots*, or *Priors*. This Author will Excuse me if I cannot yet see the Necessity of any such signification. The Word is general, and the the Nature of the Meeting must, in all reason, determine the sense of it. Now that was a *Parliamentary Assembly*. In such Assemblies I have before shewn, only the *Prelates* (and such *Clergy-men*, if any such there were, who held of the *King* by *Barony*) were concern'd : And it will be much more reasonable to apply it to those, to whom alone it belong'd to come to those *Councils*, than to such of whom it is yet to be proved, that ever they came, in those times, to them.

But not to insist upon this Matter ; The truth is, *Hemingford* as he stands alone, so was he mistaken in his Relation : The Antienter *Historians*, and the very ³ *Acts* of that Meeting, transcribed by them, speak plainly, and fully, to us. They tell us who were present at it, and that without all Obscurity or Ambiguity of Expression. They were the *Majores Regni*, whom the *King* called to his *Parliament* ; they were the *Archbishops*, and *Bishops*, who with the Consent of the *King* and his *Barons*, made these Decrees in it. In this only the present Instance seems to favour this Gentleman's Hypothesis, that this order about the *Manners* of the *Priests* was made by the *Bishops* in *Parliament* : Who yet did not go aside for this End ; but, in *Open Council* agreed to these *Constitutions*.

From this *Parliament* Dr. A—— makes a large step of Fourteen years forward, before he can meet with any thing more to his Purpose : Tho' there wanted not many *Parliaments* within that Compass to have been taken Notice of ; and of which an Account, expressly contradictory to his Assertion, had been given by another hand.

To say nothing of the Assembly at ⁵ *Burne*, Anno 1114, at which were present with the *King*, the *Archbishops*, *Bishops*, and all the *Nobility* of *England* : The *Parliament* at *Salisbury* two years after, has made a great Noise in our *Histories*, and very full Accounts have been given us of it. The Controversy between the Two *Archbishops* was heard by it ; and the Persons concern'd are by all agreed to have been the ⁶ *Optimates & Barones* ; ⁷ *Comites & Barones*, as another has it ; *Episcopi, Abbates, & Principes totius Regni*, says ⁸ *Eadmer* : And lastly, to let this Gentleman see what *Clerus* signifies in ⁹ *Hemingford's Chronicle* ; *Comites, Barones, cum Clero* ; the *Bishops* and *Abbots* before mentioned, not his *Inferior Priests* ; of which there is not the least footstep to be found, in any of our Antient *Histories*.

The *King* this same year kept his *Christmases* at *St. Albans* ; And was present at the Dedication of the Great Church made upon *Innocents-day* there. ¹⁰ The Persons who attended upon him were the *Archbishops*, *Bishops*, *Earls*, *Barons*, and other *Nobles* : Among which that we must take in the *Regular Prelates*, neither the Place, nor the Occasion, will suffer us to doubt.

There was yet one Eminent ¹¹ Occasion for holding a *Parliament*, which should have tempted this Author to have look'd into the History of it : The *King's* advising with the *Lords* about a *Second Marriage*. He held this Council at the *Epiphany* at *London* : There with the Advice of the *Archbishop* of *Canterbury*, "Et Principum Regni, quos omnes sub uno Congregavit, he resolved to *Mar-* ry. And this Solemn Meeting, ¹² *Hemingford* calls only, in general, a *Council* ; *Concilio Congregato* ; ¹³ *Simeon* of *Durham*, "Concilium totius Angliæ : Which I observe to shew how we are to understand those Expressions upon other Occasions, when they may not be so clearly Expounded to us.

And now we are come to his next Instance ; in which if I do not comprehend what he would prove by it, more than his own unjust Accusation of *Hemingford* for a Fault which he never committed ; I am content he should impute it to my want of Penetration, not to any defect in his Judgment. ¹⁴ In the Council of *Gloucester* (says he) Anno 1123, (which *Hemingford* has Con-founded with the former) viz. Anno 1102, ¹⁵ *William de Corboyl*, was Chosen *Archbishop* of *Canterbury*. But not being a *Religious*, as all the *Archbishops* of *Canterbury* from *Austin* down to his time had been, the *Prior* and *Monks* of *Canterbury* Opposed his Election, and so did all the other *Monks*, of the se-

King HENRY the 1st.

Apud Wale Coventre Mss. ad Ann.

Flor. Wigorn. ad Ann.

Walt. Hemingford p. 470.

In Mss. Lam-beth. fol. num. clxxi.

Sect. 18.

Dr. Brady's Introd. Append. p. 55.

Chron. Sax. ad Ann.

Walt. Caven-tre Mss. ad An.

Flor. Wigorn. Sim. Dunelm. ad An.

Hoveden. fol. 271. b.

Eadm. p. 117.

Hemingford. p. 473.

M. Westm. ad Annum.

1120.

Contin. Flor. Wigorn.

Walt. Coventre ad An. 1121.

Lib. 3. Cap. 45.

Script. 10. Col. 243.

Sect. 19. 1123.

Rights, p. 297, 298.

Sim. Dunelm. Col. 247.

King HENRY "veral Orders there present; with whom most of the *Earls* and *Thanes* also sided, the 1st. "if the Monk of *Peterborough* be not partial in his Story. Monks only are mention'd here, because they only were engaged in the Struggle. If I take this Author's meaning a-right, his Argument lies thus: That others of the *Lower Clergy*, as well as the Monks here spoken of, were present at this *Parliament*, and *Members* of it; tho' in Discoursing of a Matter in which they only were concern'd, our Historians take no Notice of any others besides them.

But to this the Answer is easy, these *Monks* (all but their Superiours) were no *Members* of *Parliament*; nor did they appear at *Gloucester* in that Capacity: They were only the *Delegates* of the *Prior* and *Convent* of *Canterbury*, as from the true Account of this History will evidently appear.

¹ *Gervas. Doro-*
bern. Col. 1662.
Sim. Dunelm.
Col. 247.

The *Archbishoprick* being void, the King sent out Writs for a *Parliament* to meet at *Gloucester* upon *Candlemas-day*, in order to the Nominating of a fit Person to that See. He Commanded, says the *Chronicle*, his *Bishops* and *Abbots* and *Thanes* to meet him there, to hold a *Parliament*, *Procerum Concilium* with him. ¹ The *Prior* of *Canterbury*, with some of the Chief of his *Monks*, was there; and accounted to them, that they had pitched upon certain Persons of their Order, out of which the King and his *Council* might make Choice as they pleased. The King referr'd it to the *Bishops* to choose whom they would; and promised to Confirm their Choice. They chose Four, and left it to the *Prior* and his *Monks* to take One out of that Number. The Matter was warmly Debated on both sides; the King favour'd the *Bishops*; and, as the *Saxon Chronicle* tells the Story, the *Lay-Lords*, the *Monks*. However the latter were forced to Yield; and Choose *William Corboyl* out of the Four which were offered by the *Bishops* to them. Here now is the whole truth of this Matter, and it plainly shews for what end the *Monks* came thither. They were sent from their *Monastery* to assert their Rights in the Election of the *Archbishop* of *Canterbury*: And all the *Monkish Prelates* who were present, as it was Natural to suppose, took part with them. But to turn a *Committee* of *Monks*, into *Members* of *Parliament*; and then by the help of a good Fancy, to tell us that the *Other Clergy* (of which not a Word is said) were pass'd by, because they were not concern'd in the Struggle; is, I think, as Ridiculous, as I am sure it is false. Had they then been present, they would, I doubt not, have had a part in the Struggle. They would have been as stiff in asserting the Honours and Priviledges of their *Bishops*, as the *Monks* were of those of their *Own Order*. And we should have somewhere or other heard too as much of their Zeal, as we now meet with of the Struggle of those of their Rank upon the other Occasion.

² *Malmshur.*
fol. 135.

³ *Vid. Sim. Du-*
nelm. Loc. Cit.

But there is yet one Circumstance more, which I must desire Dr. A. to Account for, in his Relation of this Controversy. He tells us that the Cause of this Contention was, that *William le Corboyl* was not a *Religious*. Yet his own *Chronicler* says, he was a *Regular Canon* of the *Monastery* of *Chiche*, in *Essex*. And ² *William* of *Malmshury* adds, that he was at the time of his Election, *Prior* of that place. Now certainly whatever difference the *Monks* may have made between their several Orders, yet a *Regular Canon* of *St. Austins*, as opposed to other *Secular Canons*, must be allowed to have been a *Religious*. That therefore was not their Exception: ³ But they were for One of their *Own Order*; a *Benedictine*, whom they call'd, in their Language, by way of *Eminence*, a *Monk*. Nor does the *Chronicle* say that All the *Monks* of the several Orders there present opposed his Election: It only says that all the *Munec-hades-men*, all the other *Monks*, as well as those of *Canterbury*, stood out against it; but of their several Orders, or that they were of several Orders, not a Word is mentioned.

When such far-fetch'd Imaginations, and uncertain Consequences as these, are obtruded upon us for true History; and the plain Words of our Antient Authors, on the other side, are taken no Notice of; 'tis, I think, a clear sign either that the Cause is not Good, or that it has had the misfortune of meeting with a very indifferent Advocate to plead for it.

And here Dr. A. shuts up this long Reign, out of which he could pick but two Instances that seem'd to favour his Pretences, and those, as I have shewn, nothing at all to his Advantage. He will Excuse me if I go on a little farther with it, before I come to his one only passage, which he alledges out of the next.

Sett. 20.
1125.

In 1125, a *Legantine Synod* was held at *London* by *John de Crema*, together with the Two *Archbishops*, Twenty *Bishops*, Eleven *Abbots*, and an Innumerable

The next year after, King Henry being returned into *England* with the *Em-ford*. Chr. lib 3.
prefers his Daughter, now a Widow; call'd his *Parliament*, and there caused all cap. 48
his *Bishops, Earls, Barons*, and all other Persons of any Note, to Swear Fealty to; Hemingsf. lb.
Her and her Children. Who these *Persons of Note* were, of whom ³ Hemingsford cap. 49.
speaks, none of our other Historians tell us; ⁴ they all say that at *Christmas* ⁴ Contin Flor.
he kept his Court at *Windsor*, and call'd all the *Nobility* of the *Kingdom* to it: Wigorn. p. 662.
And there made all the *Bishops* and *Nobles*, *Principes terra*, to Swear to his Daugh- M West. ad An.
ter. If, besides these, the *King's Free-Tenants* who held immediately from him, M Paris p. 70.
were, upon that Occasion, Summon'd to his Court, or any others of whom we Wykes ad Ann.
can give no certain Account; it matters not: The *Lower Clergy* were none of 1127.
them; nor does it appear, that they were at all *Conven'd*; even upon such an Ex- Chr. Saxon ad
traordinary Juncture, thither. Ann. 1127.
Brompt. Col.
1016.

Of the Transactions of the Year 1129, some Account has already been given ; yet I must once more beg leave, here, in its proper place, to take Notice of them. Among other things which had been Establish'd in the *Synod* of 1127, this was one ; *Can. V.* To forbid the *Lower Clergy* the use either of *Wives*, or *Concubines*, under the penalty not only of *Deprivation*, but of *Degradation* likewise. But this Order not proving any more effectual, than the many others which had before been made ; the *King*, who had another View in it than the *Bishops* were aware of, moved them to commit the Correction of this Abuse to him ; who, in that Case, would take an effectual Order about it. He had before attempted this in the time of *Archbishop Anselm*, and used some undue severities under pretence of it. But that *Archbishop* stoutly opposed him in it ; and would not yield that he should meddle at all in such Matters as did not properly fall under a civil Cognisance, but belong'd only to the *Governours* of the *Church* to Correct. But the present *Archbishop* fell into the Snare, and with his *Bishops*, consented that the *King* should take the ordering of this Abuse into his hands. The Result was, that he turned it into a Money Matter ; and provided they did but pay him for a *Dispensation*, they might freely live on with their *Wives* as they had done before.

K. STEPHEN This was the Matter of Fact; and the only Question (as to our present Case) is, whether this were now agreed upon in a *Church-Synod*; or in a *State-Parliament*. Our Authors are plain that it was in the latter: They call it *Concilium magnum*: ² *Concilium totius Angliae*; and take notice that nothing else but this was done in it. Only the *Saxon Chronicle* seems distinctly to speak of it as a *Church Synod*; and (as I suppose) confounds the *Council* of 1127, with the *Parliament* of 1129; and patches up One, confused, Relation, of what was done in *Annal. Waverl.* Two distinct *Assemblies*, with respect to that Affair.

At *Michaelmas*, the same year, the King went to *Winchester*; and there, in his *Great Council*, made a Disposal of the *Bishoprick* of that Place. The Persons who composed it were *Archbishops, Bishops, Abbots and Lords*; as they are distinctly express'd, by a Contemporary Historian who speaks of this Matter.

In 1131, The King held his *Parliament* at *Northampton*, on the *Nativity* of the *Blessed Virgin*: The Persons who were call'd to it were *Omnes Principes Angliae*; as our ⁴ *Historians* unanimously Phrase it: A Character to which I do not see how the *Inferior Clergy* can in any wise pretend.

After *Easter*, the next year, he held the like ⁵ *Council*; and the same Expressions are used to denote the *Members* of it. One of the great things debated in that *Parliament* was the Controversy between the *Bishops* of *St. David's*, and *Landaff*, about the Bounds of their several *Dioceses*. Whether that Affair was referr'd by that *Council* to the *Bishops*, or no, I cannot say; but it is very probable that it was: ⁶ For about the end of that year, at the beginning of *Lent*, we are told there was a *Convention* of the *Bishops* at *London* for that Purpose; and another afterwards at *Winchester*, in the *Rogation-week* following. So that the *Parliaments* in those times were so far from transacting the *Affairs* of the *Church*, in common with the *Clergy*, as they are reported to have done; that even in Matters of a *Civil Nature*, wherein the *Clergy* were concerned, they seem to have referr'd them to their own Hearing; and to have shewn a more than ordinary *Tenderness and Caution* in Meddling with any thing, that had but the least relation to another Court and Cognisance.

We are now Entering upon the *Troublesome Reign* of King *Stephen*, in which ⁷ *Dr. A.* tells us, *The Lower Clergies Interest in these State Meetings is set in something a better light*. And so indeed it had need be; for hitherto we have met with very little that gives any *Light*, or *Credit*, at all, to it. But sure never was the Name of *Light* so ill applied, as this *Author* has done it, on this Occasion. For after all, in this whole Reign he produces but One, Solitary, Instance to Confirm this pretended Right; and that so little to the purpose, as to convince us there is nothing indeed to be said for it.

King *Stephen* being Crown'd King of *England* upon *St. Stephen's-day*, hasted from thence with his *Barons* to *Reading*, to the Burial of King *Henry*, his Uncle. Which being perform'd by him, with his *Bishops* and *Lords*, he went to *Oxford*, whither he had call'd his *great Council*, in order to make good what he had promised to them at his *Inauguration*. Who the *Persons* were whom he Assembled at this *Parliament*, one of our Antient ⁸ *Historians* who has preserved the very *Acts* of it, will not suffer us to doubt: *Episcopos, & Proceres Regni sui*, regali Edicto, in Unum Convenire præcepit; and with them he held *Generale Concilium*, a full *Parliament*, to the effect that is there mentioned. To the Charter of Privileges there Granted and Confirm'd, the very Persons who Subscribed to it are Subjoyned: Among which we meet with none but *Bishops* and *Lords*; and may therefore reasonably conclude, that none of the *Lower Clergy* were call'd to it.

The *Easter* following he kept his Court at *Westminster*; and held another *Council* there. ⁹ To this the *Dean* and *Canons* of *St. Paul's* were sent for: But it was to Choose a *Bishop* of *London* into the then Vacant See, not to sit as *Members* of that *Great Assembly*.

What to call that Meeting which was held the year following at *Northampton*, whilst the King was abroad beyond Sea, I cannot tell. But if it was held by his Authority, and so was a proper *Parliament*, we shall therein have another Evidence against this *Author's* Assertion. For the *Members* of it were only ¹⁰ the *Bishops* and chief *Men* of the *Kingdom*; none of the *Lower Clergy* were called to it.

And

And now I shall proceed to Consider that *single proof*, which he says sets ^{STEPHEN} the ¹ Lower Clergies Interest in these State Meetings in so clear a Light: It is taken from a Charter of this King to the Church of Westminster, which recites, that in his Third year there was at Westminster, *Universale totius Angliæ Concilium*; at which, *Adfuerunt quidam Comites Regni mei, & Barones mei quam plurimi; & Innumera Multitudo Cleri & Populi*; who gave *voluntatem & assensum* Authoritatis, to this Charter. He adds, that the Historians speak of this Meeting in the very same Words: Particularly Gervasius, who after saying there were Seventeen Bishops, and Thirty Abbots there; adds, *Cum Cleri & Populi multitudine numerosa*: So also Continuator Florentii ad Ann. & Hagustald; p. 327.

Who they were that Confirm'd this Charter, or what Authority, an *Innumera multitudo Cleri, & Populi*, has in such Cases, I shall not now Enquire. The Charter, I have not at present the Opportunity of Inspecting; nor is the other worth the Enquiring after. But will this Author give me leave to put him in mind what 'tis he has here Undertaken, to set in somewhat a better Light, viz. the Lower Clergies Interest in our State Meetings: And then to ask him, Whether he did not know that the Assembly which he refers to, was not a State-Meeting, but a Legantine Synod? In which no less than Sixteen Ecclesiastical Canons were made; and are at large enter'd by his own Author ² Gervase, before his own Eyes? To bring the Matter home to the very Sentence which he refers to: Did he not see in the same Gervase these Words, as well as those which he Cited; *Idus Decembris Celebrata est SYNODUS apud Westmonasterium*; cui præsuit Albericus Hostiensis Episcopus, & Domini Papæ in Angliam & Scotiam, Legatus. And are not the same, if not the very Words, yet the Sense, and Title of this Synod, in both his other Authors? Or, if this be not enough, let me ask him once more; In the very Subscription of the Charter which he refers to, did he not see these Words immediately before those he Quoted to us; "*Habito in prædicto Loco Universali totius Angliæ Concilio; presente Viro Religioso D. Alberico Ostiense Episcopo, S. R. E. Legato, & Præsidente, eodem Concilio mense Decembris, xiii die Mensis*"? And could he see all this, and not know that the Popes Legats, in their highest Exaltation, did neither Call Parliaments, nor Preside in them; nor did Parliaments (whatever he pretends) sit together with Legats, and make Church Canons.

Here therefore I must appeal to the Censure of Mankind against such a fraudulent procedure; and leave it to the World to pass that Judgment upon it which it deserves, and which he would not have fail'd severely to have urg'd, had he found it any other. But I have more to add, as to this Matter: It is plain Dr. Atterbury, had the Continuer of ³ Florence of Worcester before him when he Wrote this. Now in this very year, that Author gives an account of a true Parliament held at Northampton in the Octaves of Easter, (4) *Idus Aprilis*. In it were Assembled, Thurstan Archbishop of York, the Bishops, Abbots, Earls, Barons, and the rest of the Nobles of England. Here therefore was the true form of an English Parliament in those days. With what Conscience could this Author pass it by without taking any Notice of it; and at the same time delude us with the Story of a Legantine Synod nothing to the Purpose, instead of this State Council.

Nay, but let me ask him yet once more; Did he himself believe the *Innumera Cleri, & Populi multitudo*, to have been proper Members of that very Synod; and call'd to Sit, and Act, in it? 'Tis too absurd to suppose: And he had before his Eyes the ⁴ Legats Mandate to the Prior and Convent of Canterbury, to assure him that they were not. There he tells them in Express terms who were the Members of that Convention, that, by his Apostolical Authority, he had call'd together to a Conference which he intended to have at Westminster, the Bishops, and all the Abbots, and all the other Religious Persons of this Kingdom: But of his *Innumera Cleri, & Populi, multitudo*, there is not a Word. If he shall say that his Clerus are contained under the Title of Religious Persons, which the Legate speaks of; Another of his own ⁵ Authors will Contradict him in that too; who expressly calls them the Priors of the Canons Regular, and who together with the Abbots, took in the Governours of all the considerable Religious Houses of England. These then were the Members of that Synod; *Episcopi, Abbates, ac Priores Canonicorum per totam Angliam*: The multitude was indeed a very natural, but withal an Unsent for Attendant upon the Assembly; they were present at the Synod, but by no means Members of it.

1135.
Rights, p:
298:

Gervas: Dorab:
Col: 1347:
Contin: Flor:
Wigorn. ad
Ann:

Dr: Hody:

Page: 668:

4 Chron: Gerv:
vas: Col: 1346:

5 R: Hagustald:
Col: 326:

This

K STEPHEN This therefore may suffice to shew that Dr. *Atterbury* must look yet farther for the *Light* which he speaks of ; for sure nothing could have given *less light* to any point, than this magnified instance, which stands for this whole reign, does, upon Enquiry, give to the *Parliamentary Rights* of the *Lower Clergy* in these times.

Se&t. 25. The next year presents us both with a *State Parliament*, and an *Ecclesiastical Council*. The former at *Oxford*, June 24th, which ¹ *Malmsbury* rightly calls *Con-*
1139. *ventum Magnatum* ; Another says, it was held *Coram Primoribus Angliæ* : The
² *Malmsbur.* fol. 102. b. latter at *Winchester*, ² the latter end of *August*, "*Procurantibus Archiepiscopo*
Contin. Flor. "*Theobaldo, Henrico Episcopo Winton, fratre Regis, & aliis Episcopis & Prælati.*
Wigorn p. 671. Or as *M. Paris* more plainly, the *Legate* of *Winchester* held it, *Cum Theobaldo*
³ *Malmsbur.* fol. 103. a. *Archiepiscopo, & aliis Episcopis, & Prælati Angliæ* iii Kal. *Septembris*. Neither in
M. Par. p. 78. the One or the Other, are the *Inferior Clergy* said to have any place.
M. West. p. 243.

³ *Annal. Wav.* What that *Council* was, in which the King disposed of the *Bishoprick* of *Sal-*
ad Ann. *isbury* ; or where it sate, it is not easy to determine. The ³ *Annals* of *Waverly*
⁴ *Cont. Flor.* place it at *London*, and say only that a *Council* sate there. But the ⁴ *Continuator*
Wigorn p. 674 of *Florence of Worcester* places it at *Winchester*, and says that the King disposed of
⁵ *Malmsb. fol.* it *Consilio Baronum suorum*. That which seems most likely is, that the King in
105. b. 106. a. *Parliament* at *Westminster* named the Person ; and that the *Legat*, with his *Council*
108. a. at *London* refused to accept of him.
Spelm. Concil.

Vol. 2. p. 45, In 1142, We meet with two ⁵ *Legantine Synods*, and in one of them the
46, 47. *Archdeacons* are again mentioned as being present : Yet all our Historians gene-
Hoveden fol. rally call it a *Council* only of *Bishops*, and *Abbots* ; as if they had only been Sum-
279. b. mon'd to Advise with, in that Extraordinary Juncture ; as, at the same Council,
M. Paris. p. 79. and possibly for the same end, the *Citizens* of *London* were.

p. 244. But not to insist upon these kind of *Synods*, several of which were held
Gervas. Dorob. in this Reign. In 1152, We have the History of another *Parliament*, in which
Col: 1357. the King design'd to Crown his Son, and thereby to secure the Succession to him.
Annal. Wav. This ⁶ *Gervase* calls *Generale Concilium* : It consisted of the *Episcopi & Proceres An-*
ad Ann. 1143. *glia* ; nor is there the least Intimation that any others were call'd to it, or had any
Se&t 26. Right to Sit in it.
1152.

⁶ *Gervas. Do-* The same was the Case in the Solemn *Parliament* of the next Year ; in which
rob: col. 1371. the King's Son being dead, an Agreement was made between *Stephen*, and *Duke*
1153. *Henry* ; that the former should enjoy the Crown Peaceably during his Life, the
other be declared to have the right of Succession to him. Of this Parliament
many of our Writers speak, and all in the same Language : By the Command of
the King and Duke, *Præsules & Principes Regni*, came together at *Winchester*, says ⁷
⁷ *Gerv. ib. col.* *Gervase* : *Terra Nobiles*, says ⁸ *Brompton*. ⁹ *Mat. Paris* calls it *Conventum Epif-*
1375: *coporum, & aliorum Regni Magnatum* : ¹⁰ *M. Westminster*, *Episcoporum & aliorum*
⁸ *Brompt. col.* *de Regno Optimatum* : And in the Subscriptions of the ¹¹ *Instrument* of Agree-
1037. ment drawn up between them, of the Clergy we meet with Fifteen *Bishops*, One
⁹ *M. Par.* p. 86. *Prior*, and One *Knight Templar* : None of any other, or Lower Rank.
¹⁰ *M. Westmin.* p. 246. In pursuance of this Accommodation, made the *November* before, in the
¹¹ *Brompt. col:* *Octaves* of *Epiphany*, the King, and Duke came to ¹² *Oxford*, and there, at another
1039. such Meeting, the *Earls* and *Barons* of the *Kingdom*, by the King's Command,
¹² *Gervas. col:* *Sware Fealty* to the Duke.
1375.

1154. At *Michaelmas* following, a few Weeks before his Death, the King held his
last *Parliament* at *London* upon *Michaelmas-day* ; as for the other Affairs of his
Kingdom, so in particular for the Solemn Choice of an *Archbishop* of *York*, which
was then to be made in it. And he held it, as he had done all his others, ¹³ *Cum*
¹³ *Hemingford.* *Episcopis & Optimatibus terræ* ; says *Hemingford* : *Cum Episcopis & Nobilibus An-*
Lib. iii. cap. 78. *glia*, says another : And I desire this Author, if he can, from any plain and
Neubrigens. convincing Testimony of Antiquity, to shew, that ever any others of the Clergy
Lib. i. cap. 32. sate in these Assemblies at that time.

To this Parliament, the Chief Members of the Church of *York*, with the
Abbots and *Priors* of the Province were called : These chose their New *Arch-*
bishop ; and the *Archbishop* of *Canterbury*, at their Request, Consecrated him at
Westminster, not as *Archbishop* of *Canterbury*, but as *Legat* of the *Apostolick See*.
This I mention to prevent any Mistake, as if our *Parliaments* had at least made
Bishops, if they did nothing else ; whereas in truth they meddled not with any
Spiritual Matters, which were, as we have seen, constantly transacted in *Syno-*
dical Assemblies.

I now proceed to a *Reign* that must be very Carefully Examined by me: A Sect. 27.
Reign in which, if we will believe Dr. *Atterbury*, the *Antient* form of our *Parliament* received a most remarkable Change, by the intire Recess of the *Inferiour* King HENRY the II.
Clergy from it. They had hitherto been accustomed for Five hundred years together, to come to the *National Assembly*, and there make up One Common Council with the *Laity* in it. ¹ "The *Clergy* and *Laity* met together in the Rights, Sec. p. 74.
Great Councils of the *Realm*; in the *Saxon Times*, and for *some Reigns* after the *Conquest*, Nationally; Joyning closely with the *Laity* in *Civil Debates*, and taking *their* (the *Laities*) *Sanction* along with them, in all *Ecclesiastical Acts* and *Ordinances*. ² But about the middle of this *Reign* "They divided from ³ *the Laity*, and from *One another*, and Attended the *Parliament* not in *One Body*, but in two *Provincial Synods*, held under their several *Archbishops*. Ib.

To take the Account yet more fully from his own Words: ³ "How long, Rights pag. 36.
exactly, the *Saxon Manner* of *Mix'd Councils* continued, it is not easy to say. ^{36.}
 "However that for several *Reigns* after the *Conquest*, it obtained, is certain;
 "and it is probable that the *Disuse* of it might begin towards the middle of
 "Henry the *Second*, when the *Clergy*, we are told, disjoyn'd themselves from the
 "Laity in every respect, and set up to be Independent; being encouraged in
 "this Attempt by the *Pope* (whose Power was then very Great) and by the
 "Success which they had in their Struggle with the Crown about the Affair of
 "Archbishop *Becket*, and the *Articles of Clarendon*.

"And this Division of the *Spirituality* from the *Temporality*, which BEGAN in
 "Henry the *Second's* time, took root under his Successors; and was settled more
 "and more by the Absence of *Richard the First* in the *Holy Land*; by King
 "John's Weak, and Henry the *Third's* Troubled Reign.

⁴ "Now therefore the *Clergy* seem'd to have declined Obedience to the *Lay-⁴ Rights, p. 37.*
Summons, except such of them only as were Obligated to Attend the *Great*
Councils of the *Realm*, by their *Offices*, or by their *Tenures*: So that in the
 "the *Sixth* of King *John*, when the King had a mind to have *All the Abbots*
 "and *Priors* present in *Parliament*, he was forced to Cite them by the several
 "Bishops of the *Dioceses*; and not by an *Immediate Summons*. And in the *49th*
 "of Henry the *Third*, when every *Abbot* had his distinct *Writ*, they are said to
 "have been *Voluntarie Summoniti*, i. e. by their own Consent, not as of Right, or as
 "Owing the Crown any such Service.

From henceforth therefore, ⁵ "Their ordinary Way of *Attending the Parlia-⁵ Ib. p. 38.*
liament was not in *One National Council*, but in two *separate Assemblies* of the
 "Province: Till King *Edward the First* "finding the *Clergy* thus divided from
 "the *Laity* hard to be dealt with, resolved to Restore the *Old Practise*, and to
 "bring them *Nationally* to *Parliament*; which he did, by inserting into the *Bishops*
 "Writ that *Clause*, which begins with the Word *Premunientes*.

Here therefore is that which Dr. *Atterbury* is to prove to us: That about the
 Middle of this *Reign*, the *Clergy* withdrew themselves from the *Parliament*; and
 would obey the King's *Summons* no longer; but Met by themselves, and Attended
 the *Parliament* in their own *Provincial Synods*. That this our Kings were forced
 to Consent to, as not being indeed in any Condition to oppose it; and that thus
 they continued till the time of King *Edward the First*, who by putting the *Pra-*
munientes into the *Bishops Parliamentary Writs*, Restored the *Old Practise*, and brought
 them *Nationally* again to *Parliament*, as they had been wont to come before.

These are his Assertions: What Truth there is in them, comes now in Sect. 28.
 Order to be Enquired. And First, That his pretence of a Change in this
 Case must be meerly Fabulous, the Account already given of the *Ecclesiastical*
 Members of our antient *Parliaments* sufficiently shews. The *Inferior Clergy* were
 never yet called, in that Capacity, to our *State Councils*; and therefore could
 not now leave off to Obey the King's *Summons*, and to withdraw themselves from
 them. As for what he alledges from the *Council of Tours*, it is indeed very
 true in that Sense in which his Author affirmed it; but utterly false in his
 perverse Application of it. That *Council* determined nothing against *Clergy-*
mens going to such *Parliamentary Assemblies*; or obeying the *Lay Magistrate* in
 that particular. The *Bishops* and *Prelates* went with the same freedom to them
 afterwards that they had done before; and so might the *Other Clergy* have done
 likewise. Neither the *Third*, nor *Tenth Canon* of that *Synod*, spake at all against
 it: Nor (which is more to our Purpose) was this any of those Points upon
 which

King HENRY which the *Troubles* of this *Reign* were founded; the King insisted not upon it, nor did the *Archbishop*, nor any of his *Abbetors* refuse to yield to it.

All therefore that the Author of the *Antiquit. Britann.* says concerning this Council, is no more (in effect) than what ¹ *Brompton*, whose Sense, and almost whose *Words*, he makes use of, had said before him; that after the Return of the *Archbishop* from this Council, where a Resolution seems to have been taken to Exalt the Prerogatives of the Church beyond all reasonable Bounds; the Kingdom and Priesthood began to be at Variance. ² The King desiring to keep the Peace of his People, would have had all Malefactors punish'd by his Laws without Exception: The *Archbishop* resolved to cover the *Clergy* in their *Wickedness*; by whom what great violations of the Peace were made, and in what Notorious Instances, the Histories of those times sufficiently shew.

¹ See Antiqu. Brit. p. 131. *Brompton. loc. cit.*

As for the other Motives which he offers, as the Occasion of this great *Change*, it will be time enough to Consider them, when we shall see it first proved that any such Change at all was made. Till then it will be to little purpose to dispute what *Grounds*, or *Reasons*, may be imagined for an Alteration, which I must beg leave to say, was never Introduced; and would desire him to prove by some good *Authorities*, if he can, that it was.

Sect. 29.

But indeed, he is so far from doing this, that according to his usual Constancy, he proves the quite contrary: And, as if he had utterly forgot his former *Hypothesis*, is no where so eager in Asserting the Rights of the *Lower Clergy* to come to *Parliament*, as in these very Reigns, in which he had so positively Asserted, that they left off to come to it. This, I confess, is a pretty odd Turn; but Dr. *Atterbury* Affects to be all Original; and provided he does but trace out *New Ways*, he cares not whom he Opposes, tho' it should be himself, for the doing of it.

Let us therefore see, not what we hoped to have found, but what he has been pleased to afford us; how he proves the *Lower Clergy* to have still continued to Come to *Parliament*; till he shall favour us hereafter with the *Arguments* on the other side, to shew, that for all that, they now forsook the *Old practise*, and refused to come any longer to it.

1154.

³ M. Par. p. 92. ⁴ Apud Spelm. Concil. Vol. 2. p. 54.

King *Stephen* being Dead, the young King was the Sunday before *Christmas* solemnly Crown'd at *Westminster*, by *Theobald* *Archbishop* of *Canterbury*; *Presentibus Archiepiscopis, Episcopis, & Baronibus Regni Anglorum, & Ducatus Normannorum*, says ³ *M. Paris*. The ⁴ *Mf. of Battle-Abbey* calls them *Totius Angliae Primores*; and adds, that by their Counsel he Order'd all things justly.

1155.

⁵ Ib. p. 56.

Who they were that met at the *General Council*, or *Parliament*, which he held in *Lent*, about the End of this Year; we are not told: But from the Account which the ⁵ same *Chronicle* gives us of the next, which met not long after, we may take a certain Estimate of it: In which he says, the King commanded, throughout all *England*, that the *Archbishops*, *Bishops*, many of the *Abbots*, all the *Earls* and *Barons*, should come together, the Fourth day before the Feast of *St. Benedict*; and so by the Members of that Second *Parliament* sufficiently informs us, who they were that composed the foregoing.

⁶ Gerv. Dorob. col. 1377, 1378.

That this was the same Council which ⁶ *Gervase* mentions as meeting after *Easter* at *Wallingford*, all the Circumstances of it Concur to shew. And both of this, and of that before mentioned, he tells us that the King call'd the *Great Men* and *Prelates* to them; but gives not the least intimation of any others.

⁷ Ann. Wav. p. 158. Nic. Trevet.

About *Michaelmas* the same Year, another *Parliament* was held at *Winchester*; and the same Persons were present at it; ⁷ *Cum Optimatibus suis tractavit*, say our Authors, with his *Barons* *Spiritual* and *Temporal*, both comprehended under that general Character.

p. 439. Sect. 30. 1156.

⁸ Rights, p. 298, 299.

What that Meeting was which ⁸ Dr. *Atterbury* produces as a clear proof of the *Parliamentary Rights* of the *Inferiour Clergy*, or where it met, I cannot tell. As he represents it, one would take it to be a plain *State Council*; there were *Summon'd* (says he) "*Archiepiscopi, Episcopi, Abbates, multarumq; Ecclesiarum Prælati, cum Comitibus & Baronibus totius Regni, ut Negotia Regni & Ecclesie pertractarent.*" And these last Words are probably those of the *Writ* it self by which they were *Summon'd*, and which lay before ⁹ *Paris* in the *Register* of *St. Albans*, that he was then Transcribing. But then the following Words seems rather to imply it to have been a *Legantine Synod*; "*Cum Theobaldo Cantuariensi Archiepiscopo, Apostolica sedis Legato, eidem Concilio presidente.*"

⁹ M. Par. Vit. Abbat. p. 72.

And

And to this the following Relation much better agrees; which tells us that the *Bishops* being upon a certain day Assembled, the *Abbot* of *St. Albans* presented to them the *Popes Bull*, for the the more solemn Observation of the Festival of *St. Alban*; which they all promised to Obey. Then the same *Abbot* produced another Order for the solemn Procession of the *Clergy*, and *Laitie*, of the County of *Hertford*, to the Church of *St. Albans*; against which the *Bishop* of *Lincoln's Clerks* appeal'd to the *Popes Audience*. Now all this seems to bespeak this Meeting to have been a *Church Assembly*: It mentions only the *Bishops* as Assembled together; And accordingly the Learn'd *Editor* calls it, *Synodum Londini*.

The most probable Account that I can give of this Matter is, that a *Parliament*, and *Synod*, were held both about the same time; to the latter of which as the *Ecclesiarum Pralati* were received, so with Relation to the former, it is certain that the *Religious Houses* not only in our *Historians*, but our *Records* too, are called by the Name of *Ecclesia*; and in several places in *Domesday-book* it self, have their Lands Convey'd to them under that Character. These *Ecclesiarum Pralati* therefore I take to be the *Priors* of such *Houses*; who we are sure in the *Sixth* of *King John* were call'd by *Writ* to *Parliament*; and possibly might have come thither from the time of which we are now treating.

But the next Year, we have a more difficult Relation to account for. The *King* being return'd from beyond Sea, kept his *Whitsuntide* at *St. Edmund's*; a great number being gathered together, viz. the *Archbishop* of *Canterbury*; the *Bishops*, *Abbots*, *Earls*, *Barons*, and a *Multitude* of the *People*. A Controversy was then depending between the *Bishop* of *Chichester*, and the *Abbot* of *Battaile*. To hear this the *King*, upon *Tuesday* after the *Octaves* of *Pentecost*, went into the *Chapter-house* with the *Archbishops*, *Bishops*, *Abbots*, *Earls*, *Barons*, and no small *Multitude* of the *People*. And here it was, as the *Battle Ms.* Reports, that the Cause between the *Archbishop* of *Canterbury*, and *Sylvester Abbot* of *St. Austins Canterbury*; (which *Gervase* refers to *Northampton*, and tell us was ended in a *Parliament* there, about Two Months after;) was first Enquired into. And of which *Dr. Atterbury* thus tells the Story.

"With these Accounts agree those which *Gervase* of *Dover* (now *Gervase* of *Canterbury* if a late Author informs us a-right) has given us of some Great Councils in the same Reign. That at *Northampton* in 1157, was composed, he says, of the *Præsules*, and *Principes Regni*; *Abbates nonnulli*; *aliaq; Inferioris Ordinis Personæ*. But who does he think were these *Inferioris Ordinis Personæ*? Not the *Lower-Clergy*, I hope? No; they were the *Populi Multitudo non modica*, spoken of before; who were admitted to hear the *Tryals* that came before the *King* and his *Council*; but were not therefore *Members* of it. Let us see how the Instrument of Submission, upon which this Debate ended at *Northampton*, Expounds this Matter. "This profession was made at *Northampton Anno Grat. 1157*, the 3d of *Henry the Second*, in the Month of *July*, viz. *xvi Kalend. of August*, Eight *Bishops* being present; Twelve *Abbots*; *King Henry* himself, and many others, *tam de transmarinis quam de Partibus Anglorum*; who surely could not All have a right to sit in our *English Councils*.

That it was common on these Occasions to allow the *People* to be present at the Hearing of these kind of Causes, not only the Instances before alledged, but that which comes next, in order to be considered, shew. "In 1162, says *Dr. A. (M. Paris)* tell us that the "*Universitas Episcoporum, Abbatum, & aliorum Magnatum*, met at *Westminster*: And these *Alii Magnates* are in his History Explained by *Comites, Barones, Archidiaconi, & Innumera Turba Regni*. But sure he did not think of what he Wrote, when he gave such a strange Account of this Matter. Was *M. Paris* indeed so ignorant, as to rank an *Innumera Turba Regni* among the *Barons* of *England*? Or, was he so rude and unmannerly as to call the *Magnates* by so coarse an Expression? The Truth of the Story is this: In his History he tells us that *Anno 1162*, the Controversy between the *Bishop* of *Lincoln*, and the *Abbot* of *St. Albans* was amicably determined in the Presence of *King Henry the Second*; and of the *Archbishops*, and *Bishops*, whom he particularly Enumerates; "*Robert Earl of Leicester*, *Justiciary* of *England*, being also present, with the *Earls*, *Barons*, *Abbots*, *Archdeacons*, and an *Innumerable Multitude* of the *Kingdom*.

In his life of the *Abbots*, he prosecutes this Affair more at large: He tells us, that the *King* Commanded the Cause to be heard in the *Council* which he was a-

King HENRY
the 2d.

Sect. 31.
1157:
Spelm. Conc.
Vol. 2. p. 56, 57

Rights, p.
299. Comp. E.
dit. 2d.
See Dr. Kenn.
nots Append.
p. 359, 360.
Gervase Col.
1378.

1162.
Sect. 32.
Rights, &c.
p. 299.
M. Par. Vit.
Abbat. p. 79.
Hist. p. 98, 99.

R. HENRY

the 11d.

Not Magna-

tum as Dr. A.

reports it; tho'

the difference

be not materi-

al. See M. Paris

p. 79.

bout to Celebrate at *Westminster*, at *Midlent*. That the *Parliament* being Assembled, the King sitting in the Chappel of *St. Catharines, Westminster*, cum *Universitate tam Archiepiscoporum, quam Episcoporum, atq; Abbatum & Aliorum Optimatum Regni*; the Cause was begun by the *Abbot of Westminster*, and pursued by the *Abbot of St. Albans*. That the King, cum *Optimatibus suis*, was exceedingly taken with the Prudence of the latter of these. That he afterwards went aside with the *Abbot*, and Two of his *Monks*, to inspect his *Charters*; and then returned into the Chappel to the *Archbishops, Bishops*, and other *Great Men*, whom he had left there.

* Script. X.
Col. 533.

Here therefore we see who were the *Members* of this *Parliament*; and that *M. Paris* no where reckons the *Innumera Turba* among the *Barons of England*. I shall only observe this farther, to prevent any Mistake; that *Radulphus de Diceto*, an Exact and Contemporary Writer, giving a full Account of this Matter, not only makes no mention of the *Crowd of Hearers*, and *Lookers-on*; but (with *M. Paris*) expressly tells us who these *Archdeacons* were: viz. *Geoffrey Archdeacon of Canterbury*; and *Richard Archdeacon of Poictou*, afterwards *Bishop of Winchester*. By what Right these two *Archdeacons* were there present, it is not hard to Guess. The *Archdeacon of Poictou*, to be sure, could not be call'd to *Parliament* in Right of his *Archdeaconry*: Either therefore they must be said not to have been proper *Members* of this *Parliament*; but to have come Occasionally to it, for the Prosecution of this Cause; ³ (as indeed the former of them was warmly Engaged on the *Bishops* side, against the *Abbot*; and the latter seems to have been no less a Friend to the *Abbot*, against the *Bishop*) Or we must conclude that by some means or other, they had such *Lands*, as intituled them to a *Summons*; and brought *Them* only, of all that *Order*, at this time to that *Great Council*.

3 M. Par. loc.
cir. p. 80.

This therefore may suffice to shew who were the *Members* of this *Parliament*; and that the *Innumera turba Regni* of which our Historian spake, came not to this Assembly under any such Capacity; much less were of the number of those whom he comprised under the general Title of *Alii Magnates* (or *Optimates*) in his other Book. But I must not pass by another great Transaction of this year, without taking some Notice of it: And that is, the Election of the famous *Thomas Becket* to the *Archbishoprick of Canterbury*, which was done, according to the Custom of those times, by the *Convent of Canterbury*, and *Bishops of the Province*, in a *Parliamentary Assembly*, a little before *Whitsuntide*. Our Historians speak variously, as to their *Phrases*, of this Meeting; but the meaning of them all is the same; and their Variety will therefore serve the better to shew, how we are to Understand them upon other the like Occasions.

* M. Par. p. 98.

* *M. Paris* tell the Story thus: That "Congregato Clero & Populo totius Provinciae Cantuariensis apud Westmonasterium, he was there unanimously Elected. *Diceto* takes no Notice of the *People*, as having no Voice in the Election; but says only that "Clero totius Provinciae Cantuariensis Generaliter Londonia Convocato; Henry, the King's Son, being present, with the *Justitaries* of the Kingdom, he was solemnly Chosen to the *Archbishoprick*."

* Script. X.
col. 533. Et
Angl. S. Vol. 2.
p. 688.

The Acts of the *Archbishops* Life, Quoted by *Baronius*, speak thus: That this Year a General Council was Celebrated at London, ⁶ *Convenientibus Omnibus Episcopis*, to Choose the *Metropolitan* of all England. But ⁷ *Gervase*, a Monk, of *Canterbury*, tells the Story with more Exactness; and thereby shews us how all the rest are to be understood. That in May, the *Bishops of Chichester, Exeter, and Rochester*, the *Abbot of Battle*, and *Richard de Luci* his Brother, brought the King's Orders to the *Convent of Canterbury*, that the *Prior* with certain of his *Monks*, together with the *Bishops and Clergy of England*, should come together to London to make Election of an *Archbishop*. That hereupon *Wibert* the *Prior*, taking with him the *Senior Monks* of the Church of *Canterbury*, came to London; and there found the ⁸ *Prelates*, and *Nobles* of England, gathered together. There the *Prior* and *Monks*, Elected *Thomas* the King's *Chancellor*; so he reports it; without taking Notice of the *Bishops* in this Particular. But this part of the Transaction *Ralph de Diceto* Supplies. He tells us that in their Account of this Matter to the *Pope*, they sent him Word that the *Suffragans* of the Church of *Canterbury* had Chosen themselves a *Pastor*. He adds, That the Election being made, it was Declared by the *Bishop of Winchester* in the Hall at *Westminster*: That together with the *Bishops* Letter to the *Pope*, another was sent

⁶ Spelm Conc.
Tom. 2. p. 61.
⁷ Gervase Do-
rob. col. 1382.

⁸ Praefules &
Proceres An-
gliae Congre-
gatos.

sent to the same Effect by the *Prior* and *Convent*, to Certify the Election to ^{King HENRY} him. ^{the 11d.}

Upon the whole then it appears, who the *Clerus*, and *Populus*, of *M. Paris*; and the *Bishops*, and *Clergy*, of *Gervase*, were. A *Parliament* was then held at *London*: There the *Præsules* and *Proceres Anglia* were Assembled; the usual Members of that Great Council. Upon the day of the Election, the Archbishop was chosen by the *Prior* and *Convent*; and Accepted, and Proclaimed, by the *Provincial Bishops*. The Lords of the *Parliament*, and the other *Prelats*, attended only upon the Solemnity. Here were all that were called to this Meeting: If any others were present, (as at the *Publication* no doubt there were many) it was only the *Innumera turba Regni* (before mentioned) who Crouded in, to see and hear what was done; and who, tho' they seldom fail to be present on such Occasions, yet I believe were never Invited, much less regularly Summon'd, to come to these *Conventions*.

Having thus given an Account of the Election of this Archbishop; I proceed with Dr. A. to consider the great transaction of this Reign; in the Quarrel which happened soon after, between the King and Him, in the great Council; or, as ¹ *Brompton* plainly calls it, the *Parliament of Clarendon*. All that he tells us of this whole matter is this, ² "That to the *Articles of Clarendon*, in 1164, *M. Paris* says, there Swore *Archiepiscopi, Episcopi, Abbates, Priores, Clerici, cum Comitibus, ac Baronibus, & Proceribus Cunctis*. And this, not afterwards, but upon the spot, *Viva Voce*, in that very Meeting where these *Constitutions* were made." ^{1164. Sect. 33. Script. X. col. 1058. Rights, p. 299.}

There is hardly any part of our *History* of which so Authentick, and full an Account has come down to us, as of this Meeting: And because it will much illustrate, as well as confirm, our present Argument, I will beg leave to insist a little the more fully on what relates to my Subject in it.

The Archbishop being returned from the Council of *Tours*, and desirous intirely to restore the Rights of the Church of *Canterbury*, says ³ *Gervase*, did thereby provoke the minds of many Great Persons against him. The King on the other side being no less concerned for the Peace of his Realm; and for that end finding it necessary that the *Clergy* should be impleaded before his Lay-Magistrates, for their Offences against the King's Peace; Called together ⁴ all the *Archbishops* and *Bishops* of *England* at *Westminster*, there to Treat with them about it. ^{Script. X. col. 1384. Hoveden. fol. 282.}

The Question at last came to this, Whether they would observe the *Antient Customs* of the *Realm*? And the Answer was, That they would observe them, *Salvo Ordine suo*. The King being Enraged at this Answer; The Archbishop went to him to ⁵ *Woodstock*, and there promised that without any such Reserve he would observe them: With which the King being pleased, told him, that he would have this Promise made good in *Episcoporum, & Procerum Regni conspectu & Audientia publica*, says the Contemporary Writer of the *Archbishops Life*. ^{Herebert says to Oxford. Baron. Annal. ad Ann 1164. p. 485.}

Upon this the *Parliament of Clarendon* was called: Let us hear who were called to it. ⁶ The *Acts* of that Assembly, still remaining, Enumerate them thus: ⁶ *Ib.* *Omnes Episcopi Anglicani, & Comites, & Barones, Magistratus & Nobiles.* ⁷ *Ralsde* ⁷ *Script. X. col. 536.* *Diceto*, a Contemporary Historian, speaks thus in like manner of them; *Episcopi & Proceres.* ⁸ *Gervase* calls them *Pontifices & Proceres: Præsules & Proceres*; and ⁸ *Ib. col. 1385, 1388.* sometimes in one Word, *Optimates*. The *Quadripartite History*, *Præsules & Proceres*: And lastly ⁹ *M. Paris* himself, yet more particularly, *Præsidente Jo. de Oxonia, præsentibus Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, & Proceribus Regni.* ⁹ *Mat. Paris p. 100.* These are all that our Antient Historians speak of; none else are so much as hinted at by them.

But what now was the Result of this Assembly? Did the Archbishop Swear to the *Articles of Clarendon*? If Dr. A. means by the *Articles of Clarendon* those Articles which were drawn up there; as he ought to mean them; 'tis certain he did not. ¹⁰ The King insisted upon the Promise made to him, to Observe ¹⁰ *Baron. loc. cit. p. 482.* *Consuetudines Regias*; or, as they are called by others, *Consuetudines Avitas*: But what these Customs in Particular were, it was not yet agreed. This at last the Archbishop was perswaded to do, and all this, in eadem forma, says the Historian, *Sigillatim Universi Pontifices Juraverunt.*

Having done this, the next thing resolved on, was to put these Customs in Writing. This was done in the *Articles of Clarendon*; of which one Copy was

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delivered to each *Archbishop*; and a *Third* remained with the *King*. To these *Articles*, the *King* Required the *Bishops* to set their *Seals*, for the greater Security of what was done. But this the *Archbishop* declined for the present, and afterwards went off intirely from what he had before Agreed to; and never allowed of, much less Swore to, the *Articles* drawn up at *Clarendon*, as *Dr. Atterbury* represents him to have done.

But to allow of this Mistake, into which *M. Paris*, seems naturally enough to have led him: Who were they that Swore to observe the *King's Customs*? *Universi Pontifices*, says *William*: *Episcopi promiserunt & Juraverunt*; says *Gervase*. *Prelati*; says *Diceto*: *Archiepiscopus & Episcopi*; says *Birchington*. *Archiepiscopus*, says *Hoveden*, received them, and granted that the *Bishops* should Receive and Observe them. And so says *M. Paris* too, if he were but rightly understood, and pointed as he ought to be; and is in the Accurate Edition of *London* 1640; and in *Sir H. Spelmans* Transcript of this History from him. This Recognition, says he, the *Archbishops*, *Bishops*, *Abbots*, *Priors*; the *Clergy*, with the *Earls*, *Barons*, and *Nobles*, Swore to. Not as if the *Clerus* were a Fifth Rank of Men (which tis certain from all our Histories, and even from *M. Paris* himself, they were not) but he resumes in that Word, what he had particularly delivered in the four Preceding Orders; the *Clergy* (*i. e.*) All the *Clergy* then present, and before specified, with the *Laity* then present, and next to be Enumerated, Swore to this Promise.

Dr. Atterbury seems to lay some stress upon their Swearing not "afterwards, but upon the spot; in the very place where the *Constitutions* were made. This is very true; and I allow that those who Swore, were *Members* of that *Great Council*, or *Parliament*. But shall I freely tell him what I think? I do look upon that Passage of *M. Paris* either not to be exactly published; or rather that *M. Paris* was mistaken in his Account of this Promise. For indeed he not only intimates, as *Dr. A.* does from him, that they Swore to the very *Articles* of *Clarendon*; which 'tis plain they did not; but he makes the *Temporal Lords*, to have Sworn with them; which no other Historian that I know of does, nor was there any need of it. On the contrary, it does not appear that any other of the *Clergy* there present, besides the *Bishops*, did Swear to this matter. In short; the *Bishops* only promised; the *Bishops* Swore before the *Prelates* and *Lords*; that was the Truth; and so our other Accounts do Generally agree. I shall close this with the very minutes of that Action, as I find them publish'd by *Goldastus*, and it is a piece worthy of Remark: "This Recognition was made before the *Archbishops*, and *Bishops*, and *Clergy*, and *Earls*, and *Barons*, of the Kingdom. "And the same Customs so Recognized, by the *Archbishops*, and *Bishops*, and *Earls*, and *Barons*, and by the more Noble and Antient of the Kingdom; "Thomas *Archbishop* of *Canterbury*, Roger *Archbishop* of *York*, and Twelve *Bishops* (there expressly mentioned) agreed to, and Promised to Keep and Observe; "in the Presence of Thirty eight Great *Lords*, (whose Names particularly follow) and of many other *Lords* and *Nobles* of the Kingdom, as well *Clergy* as *Laity*. This is a plain, and full Account of this Matter; and intirely determines the Case. The Two *Archbishops*, with Twelve of their *Suffragan Bishops*, made the Promise; the *Parliament Clergy* and *Laity* were present at it, and Witnesses to it. No others but *Bishops* Swore; no other *Clergy* but those who made a part of the *Proceres*, and *Nobiles Regni*, were present when they Swore.

The *Archbishop* having thus departed both from his Promise, and Oath; upon the 13th of October following, the *King* Called another *Parliament* at *Norhampton*. There were Assembled, *Episcopi*, *Comites*, *Barones*, totius *Regni*. This *Brompton* calls again a *Parliament*; and the *Members* of this, were the same as of the other, viz. *Bishops*, and *Lords*: No other besides, that we read of, were at it. 'Tis true the *Mf. Life* of this *Archbishop*, seems to carry this point a little farther; by telling us that the *King* Called to this *Council Omnes qui de Rege tenebant in Capite*. But *Fitz-Stephens*, a Monk of *Canterbury*, who attended upon *Archbishop Becket* at that very time, and gives the best and fullest Account of this Meeting, mentions only *Episcopos*, *Comites*, & *Barones*; and by the whole Course of his Narration plainly shews that no Others were Summon'd to it.

And as these Instances declare who were called to our *State Councils* at this time, so about two years after, we have a double Opportunity of discerning who

†

were

¹ Hist. Qua-
dripart. apud
Baron. loc. cit.

² Script. X.
col. 1386.

³ Ib col. 536

⁴ Angl. S Vol.
1. p. 6.

⁵ Hoveden. fol.
282. b.

⁶ M. Paris

p. 101.

⁷ Concil. Vol.
2. p. 63.

⁸ Constit. Im-
perial. Tom 3.
p. 346, 347.
Vid Append.
ad An. 1164.

1164.

⁹ See Rad de
Diceto. col. 537
Brompt. col.

1059.

¹⁰ Gervaf. Do-
rob. col. 1389,
1392.

Mat. Paris p.
102.

¹¹ Selden. Tit.
of Honour,
part. 2. p. 583.

1166.

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were called to our *Ecclesiastical Synods*. At *Oxford*, some Hereticks were Judged K. HENRY in a *National Council*; the King and Bishops of the Realm being present, says ^{the 11d.} *M. Paris*. And so our other Historians tell us. And at *London*, the Bishops and ^{M. Paris, p.} *Abbots* Assembled to Appeal against the *Archbishop*; ^{105.} and they did it not only in their own Name, but in that of all the *Persons* under their Jurisdiction. ^{Neubrigens. lib. 2. cap. 13. R. Diceto. col. 39. Brompton. col. 1050.}

This Assembly, or Synod of the Bishops, ³ Dr. *Atterbury* (by Mistake) places Anno 1168; and delivers it to us for a *Great State-Council*, and tells us that *Gervase* particularly observes that the *Sub-Prior* and *Monks* of *Canterbury*, had their *Writ* to come to it. "He mentions those only, says he, because he himself was ² *M. Paris, p. 106. "one of their number. It is true that *Historian* in his *Acts* of the *Archbishops* of *Canterbury* does say that the *Proceres* were also called to this Assembly: But the end for which they were Summon'd, shews that they were not, in General, All the *Parliamentary Barons*, but only Such of them as were threatned by the *Archbishop* with *Excommunication*. And who those were ⁴ *Ralph de Diceto* tells us: *Richard de Luci*; *Richard Archdeacon* of *Poictou*, *Jocelin de Bailol*, *Alan de Nevilla*, and many others. These, as that *Historian* tells us, Appealed from his Sentence; and were accordingly, by Order of the *Pope's Legat*, Absolved by *Godfrey Bishop* of *St. Asaph*. ^{1400. Rights, p. 299. Rad. de Diceto. col. 539.}*

Nor does it appear that these Barons joyned with the Bishops in this matter: No; the same ⁵ *Historian* tells us that the Bishops, and *Abbots* met together for this End. ⁶ *Mat. Paris* takes no Notice of the *Abbots*, but mentions only the Bishops as Meeting and Appearing; so does ⁷ *John Sarisberiens*: And their Letter runs only in their Own Name, and the Name of the *Parsons* of their *Dioceses*. ^{Gervase Do. rob. col. 1400. M. Paris. p. 105. Apud Labb. Concil. Tom. 10. col. 1444.}

As for what he adds, that "*Gervase* mentions only the Summoning of the *Sub-Prior* and *Monks* of *Canterbury* to this Meeting, because he himself was "one of their Number; intimating thereby that all the other *Religious* were, in like manner, called to this Assembly; it is not only altogether precarious, but is certainly false too. ⁸ For this Assembly was held by the King's Order; and his Direction was that the *Monks* of *Canterbury* (the *Archbishops* own Church) should joyn in the Appeal: But as *Gervase* observes, they managed their Business so as to Excuse themselves, till they had spoken with the King about it; and by that Artifice they escaped the Obligation of Appealing at all against their own Primate. ^{Gervase Do. rob. col. 1400.}

But ⁹ Dr. *Atterbury* goes on: "And to this, or some such other Meeting the following passage in his *Chronicle* refers; ¹⁰ *Congregatio Episcoporum & Abbatum, & aliarum Personarum Ecclesiasticarum apud Lundonias facta est: Sed & Supprior, & Monachi Cant. Ecclesie imperio Regis jussi sunt adesse*. That to this Meeting it referred not the Account which the same ¹¹ *Historian* gave of it two years before, plainly shews. That it did to such another, is certainly true, and the Occasion of it was this. The King being provoked to the uttermost by the *Pope Alexander*, entertained the thoughts of joyning with the *Emperour* for *Pope Paschal* against him. The better to accomplish this Design, he called the Bishops, and *Abbots*, and *Clergy*, together to *London*. With these he joyned the *Convent* of *Canterbury*. They met accordingly; but the Bishops Refused to Unite against *Pope Alexander*, and so the Business came to nothing. This was Dr. *Atterbury's* other Meeting: And in his Account of which all that I can commend is this, that he was abus'd to call it a *Parliament*, as plainly perceiving by his own Relation, that no Lay-men at all were Summon'd to it, nor was any *Civil Business* done in it. ^{1168. Sect. 35. Rights, p. 299. Gervase Do. rob. col. 1404. Col. 1400.}

The King continuing still abroad kept his *Christmas* the year following at ¹² *Nantes*, 1169, *Præsentibus Episcopis, & Baronibus totius Britania*: And then returning into *England* the 5th of the *Nones* of *March*, he Summoned the *Archbishop* of *York*, and Bishops, to *London*, to the *Crowning* of his Son. He held his Court at *Windsor* at *Easter*, with ¹³ his Bishops and *Great-Men*; and then at a *Parliament* in *London* agreed upon this matter; and Summoned them to come to this Solemnity upon the Feast of *St. Barnabas*. At this *Coronation* the *Earls*, *Barons*, and *Nobles* attended; and the day following they altogether, with the King's *Free-Tenants*, paid their Homage to the new King. ^{Sect. 36. 1170. Mat. Paris p. 121. Brompt. col. 1060. Rex Mag. num celebra- vit Concilium Londoniis cum Principibus & Magnatibus Terræ suæ. Hoveden. fol. 296. b. Brompt. col. 1060.}

Whether it was in the same *Parliament* that he appointed certain Persons to go through the Kingdom, and make such Enquiries as the State of the Realm seemed to require, I cannot tell. But this the ¹⁴ *Historian* informs us, that ^{1410.}

King HENRY that he did it by the Advice of his *Parliament*; *Convocatis Optimatibus suis*; the only Members, as yet, of those *Great Councils*.

3e8. 37.

Hitherto, I may, I think, presume to affirm, that nothing has been offer'd to prove the *Lower Clergy* to have been Members of our *State Councils*, or to have ever been Call'd under any such Capacity to them. Would Dr. *Atterbury* be constant to his own Principles, we might here stop our farther Enquiries into this Matter. For from henceforth, by his own Confession, they came not to them, till the 23^d of *Edward the First*; from which time, I do agree with him, that they did become the *Ordinary Members* of our *Parliaments*. But he has taken a new-method, and I must follow his Motions. Instead of shewing us, (which was what he once promised) that about this time the *Lower Clergy* broke off from these Meetings, and took Advantage of the Troubles in which the King's Affairs had brought him, to come no more to his Councils, as they had done before; he proceeds to prove both against himself, and all others who are of the same Opinion, that they still continued to come to them: And I hope, he will the rather Excuse me, if I shew that they did not, seeing which-ever side be true, he is sure to be in the Right; this one thing excepted, that he pretends they now left off to Come to *Parliament*, whereas I conceive I have pretty clearly shewn that they were never yet wont to come at all to it.

1173.
Gervase Do-
rob. col. 1425.

Becket being dead, the King call'd a *Council* to *London*, according to Custom, to elect a Successor; and order'd the *Prior* and *Convent* of *Canterbury* to come to it. They met accordingly, and Chose *Roger Abbot of Bec*; the *Bishops* Consenting to, and the King Confirming their Choice. But the Good *Abbot* declined the Promotion, and so the Matter was forced to be brought to a New Election.

1st Ib. col. 1425.
2nd M. Par. p. 127.

In June following, another *Council* was therefore Summon'd, for the same purpose, at *London*: They Chose *Richard Prior of Dover*: And then in the Hearing of all the *Bishops*, and *Barons*, the *Pope's Letters* were Read, for Celebrating the *Feast* of his *St. Thomas of Canterbury*.

1175.
Gervase. col.
1429.

At this *Council* only the *Greater Prelates* appeared: Nor do we meet with any others in the *Provincial Synod* held by this *Archbishop* May the 18th, 1175. ⁴ *Gervase* indeed, speaks at first of it in very General Terms; that *Convocato Clero Anglia*, he Celebrated his *Council* at *Westminster*, xv. Kal. Jun. But then he afterwards particularly recounts who were present at it, and so explains his own Meaning, viz. All the *Suffragan Bishops* of the *Province* of *Canterbury*; (except *Worcester*, who was infirm, and *Norwich* who was dead) and the *Abbots*: To these ⁵ *Brompton* adds, the *Bishop* of *St. David's* out of *Wales*. ⁶ *Hoveden*, who speaks very fully of this *Synod*, says that there came to it almost all the *Bishops*, and *Abbots* of the *Province* of *Canterbury*. ⁷ *Sir H. Spelman's* Ms. mentions no others: No more does *Walter Coventre*. Yet ⁸ *Neubrigensis* speaks in larger terms of it, "*Provinciale Concilium Londoniis Celebratum est, a Ricardo Cant. Archiepiscopo, Considentibus Suffraganeis, & Aliarum Ecclesiasticarum Personarum Cœtu Capioso*: And thereby shews us how we are to Understand the like Expressions, upon other Occasions, where the Matter is less clear; and such kind of Language may be offered (as accordingly it has been by Dr. *Atterbury*) to prove a Right in the *Lower Clergy* to sit in such Meetings, as they were not yet wont to be called to.

5 Brompt. col.
1101.
6 Hoved. fol.
310. a.
7 Spelm. Concil.
Vol. 2. p. 103.
Walt. Coventre ad An.
8 Neubrigens.
Lib. iii. cap. 1.

At this *Council* not only the *Two Kings*, but the *Lords* too were present; at least upon the *Third* day of it: When ⁹ *Ralf de Diceto* says that "*Universis fere Anglia Majoribus Convocatis*, the Agreement between the King, and his Son, was Read before them.

9 Diceto col.
586. Et Angl.
S. Vol. ii. p. 103.
10 Walt. Co-
ventre ad An.

In the *Octaves* of *St. John Baptist*, another *Council* was held at *Woodstock*, for filling up the Vacancies, which were then numerous, in the Church. The Members of this also were *Bishops* and *Abbots*; as ¹¹ *Roger Hoveden* who was well acquainted with that Matter, Reports.

11 Hoved. fol.
312. b.

Brompt col:
1102, 1103.

12 Ib.
13 Walt. Co-
ventre ad Ann.

From thence the King went on to *York*: ¹² There he held another *Great Council* with his *Lords*, and *Bishops*. And there in presence of Them, and of the *Bishops*, *Abbots*, and *Great Men* of the *Realm* of *Scotland*, the Affairs between King *Henry* and the *Scotish King* were determined.

1175.
Brompt. col.
1106.

14 Hoved. fol.
312. b.

In the *Octaves* of *Michaelmas* another ¹³ *Great Council* met at *Windsor*. The Members of it, are reckoned up by ¹⁴ *Hoveden* in this manner; the *Archbishop* of *Canterbury*, *Bishops*, *Earls*, and *Barons*, of *England*: But of Dr. *Atterbury's* *Lower Clergy*, there is not any Intimation.

On St. Paul's day another Great Council met at Nottingham: A Solemn Division was there made of the Kingdom into Six parts; and three Justices Itinerant, were appointed for each of them. ² This was an Affair of Common Concern, and therefore was transacted in the Common-Council of the Realm. And the Members of that Council are still represented after the same manner; ³ "Do minus Rex— Celebravit Magnum Concilium de Statutis Regni sui, & Coram Rege filio suo; & Coram Archiepiscopis, Episcopis, Comitibus, & Baronibus Regni sui, Communi Omnium Consilio divit Regnum suum, &c.

Indeed for what concerns the Lay part of this Council, ⁴ Diceto seems to extend the Call to all the King's Tenants in Chief: But of the Clergy, he makes no other mention, than what Hoveden had done before.

About the End of the next year following, a Memorable Accident fell out, which will deserve to be taken Notice of. ⁵ The Kings of Castile and Arragon having some Disputes with one another, mutually agreed to make our Henry the Umpire between them. To hear this Cause, the King called his Parliament to London, upon the First Sunday in Lent. There were present at it, the Archbishop of Canterbury, the Bishops of England and Wales; the Abbots, Priors, and Barons of England; says ⁶ Roger Hoveden. The Cause being Heard, Comites & Barones— adjudicaverunt: And in the Instrument of Award, the King says, that the Cause was heard in Presentia Nostra, & Episcoporum, & Comitum, & Baronum Nostrorum: ⁷ The Names of many of whom are set to it; with a general Clause of Aliis multis tam Clericis, quam Laicis. Who these Alii multi were, Sir William Dugdale's Copy informs us; and indeed the whole Relation speaks: They were the Abbots, Priors, and other Barons. * "Aderant namq; huic Concilio, say his Acts, Abbates, Priores, & Barones Angliæ, ut supradictum est; " licet horum pauci, illorum nulli, ad subscriptionem accederunt.

'Tis true ⁸ Walter Coventry does seem to enlarge the Members of this Assembly: Which he thus particularly declares; Archiepiscopus Cant. Episcopi, Abbates, Decani, Archidiaconi, Comites, Barones. Nor will I deny but that some of these might hold of the King by Barony, and so by their Tenures have been Summoned to it. But thus much both the publick Instrument of Award, and the Process of the Cause assures us, that no other Clergy-men were there but Bishops and Barons; under which last, as many Abbots certainly were comprised, so it is not improbable but that some Deans, and Archdeacons too, by this time, may have been.

But I must not omit another Cause for which another Parliament had been called before, this same year. ⁹ The King of Sicily had desired our King's Daughter in Marriage, and his Proposals were laid by the King before his Great Council. To this were called tam Pralati Ecclesiarum, quam Regni Proceres, says ¹⁰ Diceto: Archiepiscopi, Episcopi, Comites, & Sapientiores Regni; as ¹¹ Brompton expresses it: Episcopi, Comites & Barones Regni; says ¹² Hoveden: And in like manner our other Historians.

The year following the King kept his Easter at Reading: ¹³ And the Morrow after the Close of it, being come to Eli, he held a Council with many of his Bishops, Earls, and Barons there, concerning the Peace and Establishment of the Kingdom. From thence he went to Windsor: Thither almost all the Earls, Barons, and Knights of the Realm, came to him with their Horses and Arms; and by the Advice of his Bishops, Earls, and Barons, he Changed the Keepers of his Castles, and gave them to others to Keep. And proceeding on to Oxford, in a General Council, says ¹⁴ Hoveden, which he Celebrated there, he made his Son John King of Ireland. Of whom this General Council consisted, Hoveden tells us not; but ¹⁵ Brompton supplies the Defect: He expressly Notes that the King did this, Coram Episcopis, & Regni sui Principibus; Who therefore were the Members of that Parliament.

In 1179, ¹⁶ after Easter, the King, with his Son, met at a Great Council at Windsor. There, by the Common Advice of the Archbishops, Bishops, Earls, and Barons, he divided all England into Four Parts; and Appointed certain Persons to Administer Justice in each Division, after the manner which the Historian at large Recounts.

In 1181, ¹⁷ at the Feast of Epiphany, the King called together the Majores Regni, at Waltham. There in their presence, and by their Consent, he applied a great Summ of Money to the Succour of the Holy Land. These ¹⁸ Mat. Paris

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Hoveden fol. 14. b.

Northampton.

Rad. de Dice-

to. col. 588.

Hoved fol.

313. a.

Brompt. col.

1108.

Walt. Covent-

tre ad Ann.

1176.

Diceto col. 588

Coram Episco-

pis, Comiti-

bus, Baroni-

bus, Militibus,

& aliis Homi-

nibus. So

does Benedi.

Abbas See

Brady's Introd.

Append. p. 57.

1176.

Sect. 38.

Brompt. col.

1120.

Hoveden. fol.

320, b. 322 b.

Brompt. col.

1122, 1124.

Benedi. Ab-

bas. p. 86. b.

Hoveden. fol.

323. a.

Brompt. col.

1125, 1126.

Spelm. Con-

cil. 2 Vol. p.

113, 114.

Walt. Covent.

Ms. ad Ann.

1177.

Walt. Covent.

ad Ann. 1176.

Script. X.

col. 590.

Brompt. ibid.

col. 1112.

Hoveden fol.

315. a.

1177.

Sect. 39.

Brompt. col.

1126, 1127.

Hoved. fol.

323. b.

Brompt. col.

1127.

1179.

Sect. 40.

Hoveden fol.

337. a.

1181.

R. de Diceto

col. 613.

Mat. Paris

Paris p. 140.

King HENRY the III. Paris calls by another Name, but to the same effect, *Proceres Regni*: And both shew, only the *Greater Clergy* to have been concerned in it.

To say nothing of the ¹ Councils held (as was Usual) for Choosing of a New Archbishop in 1184; and the Quarrels between the Bishops, and the Monks of Canterbury, on that Occasion; at all which only the Bishops and Convent of Canterbury were present. The next great Occasion for a Parliament, which I shall take notice of, was the offer which was made to our King of the Holy Land by Heraclius the Patriarch, who came hither on purpose for that End. To Debate of this Affair the King held his Parliament at Clerkenwell, ² March the 18th, 1184, *Convocato Clero Regni, cum Populo*; says M. Paris. But whom of the Clergy and Laity did he call to this Council? *Totius Anglia Primores*, says ³ Gervase: *Episcopos, Abbates, Comites, & Barones Terra*, says ⁴ Hoveden. *Cantuariensem Electum, & Cant. Ecclesia Suffraganeos, Dunelmensem Episcopum, Abbates, Conventualium Locorum Pralatos, Comites & Barones*; says ⁵ Diceto: These then were our Members of Parliament, *Episcopi, Comites, & Barones*, as the ⁶ Archbishop in his Letter to his Suffragans, relating to this Meeting reckons them up; let Dr. Atterbury shew us any Others, if he can.

Why yes, he will prove his Lower Clergy to have been there, by a clear Instance, in the last year of this King, in the Parliament at Gaintington; where we are told by ⁷ Hoveden, that he did *Magnum celebrare Concilium, Episcoporum, Abbatum, Comitum, & Baronum, & Aliorum multorum tam Clericorum quam Laicorum*; hold a Great Council of Bishops, Abbots, Earls, and Barons, and many Others, as well of the Clergy, as Laity. And so ⁸ Walter Coventry says likewise.

I will not now insist upon this, that the Design of this Council being to get Succour for the Holy Land, many might, for that end, be Called to it, who were not yet the Constant and Customary Members of our other Parliaments. Let us suppose all here to have been done in the Ordinary Course: The only Question is, who these Other Clergy, and Laity were? Dr. A. says the Lower Clergy, and People. I Affirm, from all that has already been offer'd, and shall hereafter be produced; that they were such only of both as held in Capite of the King; and were therefore concerned in Consenting to the Tax that was here to be laid upon them, for the Expedition to the Holy Land. For tho' in Making of Laws, in Judging of Causes, and the like Affairs, only the Greater Barons, Ecclesiastical and Temporal, Assembled, and Acted; yet in agreeing to Taxes, All who Held under the King (his Free-Tenants) began now to Consent for themselves, and were not otherwise Concluded than by their own Allowance.

And accordingly we find, even in this Assembly (notwithstanding this General Expression) no Notice taken of any but the King, his Bishops, and his Barons, in the Prosecution of it. ⁹ Gervase mentions no others, as present at it. "Convenerunt una cum Rege, *Præsules & Principes Regni*. Baldwin Archbishop of Canterbury, and Gilbert Bishop of Rochester, exhorting the Council to take the Cross upon them, are, even by ¹⁰ Hoveden himself, said to have preached to Admiration that day the Word of the Lord, *Coram Rege, & Principibus suis*. ¹¹ Neubrigensis speaking of this very Assembly says, that "Præsulum, & Procerum Anglie favore, the King confirm'd what he had agreed upon beyond the Sea, as to that Matter. From all which it appears that by the Clerici, and Laici, these Historians understood only the Barons of each kind. If Dr. A. will have us believe him that they were any Others; let him produce his Authorities for it, and shew us upon what Ground he would have us do so; or else we must conclude that he has no Ground nor Authority, as indeed I am pretty sure he has neither, for his Assertion.

I am now come to the end of this Troublesome Reign; and have shewn not only that there is no manner of Proof yet made of any Right of the Lower Clergy to Come to our Parliaments in those days, but that the whole stream of our best, and most antient Writers, runs directly Counter to it. I must now observe, that neither is there any more appearance of Truth in what he before Asserted, but has not once attempted to Prove, that about the middle of this King's time, they broke off from the State Councils, and (in his new Phrase) Attended upon them not in One National Body, but in Two Provincial Synods. These are such Discoveries as none of our latter Writers before had made, nor do any of our antient Ones favour. If herein I speak too largely, he will have the fairer

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Opportunity of Calling me to Account for it. But then he must first Endeavour to know his own Mind, and which of his Positions he will stick to; and having settled that, he should, in the next place, take Care to bring at least some few Proofs, that will bear an Examination, in Defence of his Position.

Concerning the State of the Clergy in the next Reign, that K. of *Richard the First*, Dr. A. has a great many Observations, which tho' they do not very well agree with one another, yet must they nevertheless, Inconsistent as they are, be taken Notice of by me. There was a time when he thought fit to Interrupt the *National Attendance* of the Clergy in *Parliament*, from the middle of King *Henry the Second's* Reign, to the middle of King *Edward the First's*. The Success they had in their Struggle with the former of these, about the Affair of *Archbishop Becket*, and the *Articles of Clarendon*, he says, Encouraged them in their Attempt, of breaking off from their *Parliamentary Service*; (tho' in the whole Series of that Affair there is not a Word, or so much as a Hint, that looks that way:) And now he finds out another *Circumstance* to Confirm, and Settle it. For "this Division of the *Spiritualty* from the *Temporality*, which began in K. *Henry the Second's* Time, took root under his Successors; and was settled more and more, by the Absence of K. *Richard the First*, in the *Holy Land*. Which therefore, in Dr. *Atterbury's* Account, gave the Clergy an Opportunity of Confirming their Practice of leaving off to come *Nationally* to *Parliament*, and instead thereof to "Attend upon it in Two Provincial Synods, held under their several *Archbishops*." K. RICHARD the 1st. Sect. 42. Rights, &c. P. 36. Rights, p. 74.

But from this Opinion he seems in the Prosecution of his Book to have departed: When coming to the Historical Deduction of this Matter, he tells us that "in K. *Stephen's* time the *Lower Clergy's* Interest in these (very) *State Meetings* is set in something a better a light than it had been in the times foregoing: And that "M. *Paris's* Expressions relating to the following Reign (that of *Henry the Second*) are yet clearer: And from thence goes on to shew the same in K. *Richard the First*, and K. *John's* too." Ibid. p. 298. Ibid. 299, 300.

These Assertions, and Conjectures of his, therefore, thus Opposite to One another, cannot be all true; but they may be all false, and I will venture to say that they all are so. For the *Lower Clergy* never yet came to *Parliament* in that Capacity; and therefore could not either break off from it in *Henry the Second's*, or Confirm their Recess, in *Richard the First's* Reign. This I have sufficiently Proved before. King *Richard's* Absence in the *Holy Land* gave no Opportunity to such a Confirmation; Nor did they come to *Parliament* in his time; as I shall now proceed to shew.

It has been observed by one of our Antient Historians, that the Absence of King *Richard*, and the Confusions in which the Kingdom lay during that time, gave Opportunity to the Pope to Enlarge his Power, and to Dispose of Preferments in our Church, beyond what he had ever done before. But that this same Absence gave any Opportunity to our Clergy to break off from their *Parliamentary Attendance*, and to meet in their own *Provincial Synods* under their respective *Archbishops*, is a perfect New Discovery, which the Circumstances of those times, I doubt will hardly admit of. Sect. 43.

The *Archbishop* of *Canterbury* went along with the King to the *Holy Land*; and died there. Into his place, *Reginald* Bishop of *Bath* and *Wells*, being Chosen, died in a few days, before his Translation could be made. To him *Hubert* Succeeded; and was in Inthroned at *Canterbury* in November 1193. In March following, King *Richard* returned into *England*; and the great Business of *Hubert* in the mean while, was not to Menage the Clergy's Recess from their *Parliamentary Attendance*, but to Transact the Deliverance of his Master out of Captivity. Here therefore was no Opportunity for the Clergy of the Province of *Canterbury*, to settle the Custom of Meeting together in *Provincial Synods*, under their *Metropolitan*, during King *Richard's* Absence. One *Archbishop* was gone with him: The next died, without ever being Translated: The third was settled but Four Months, in his New See, before the King's Return; and was too much in the King's Interest, as well as too much taken up with his Affairs, to joyn in any Innovation of this kind against his Master.

In the other Province, *Geffry* was Chosen *Archbishop* of *York*, the year that his Father King *Henry the II*d died. He returned into *England* in September 1191; and was Seized by Order of the Bishop of *Ely*, and kept for some time in Prison.

K. RICHARD by him. The remainder of that Year was taken up in the Quarrels between the 1st. Earl John, and that Bishop; in which the Archbishop of York, was Engaged with his Brother against him. After this, that Province fell into great Disorder, by the Differences which arose between the Archbishop, and Bishop of Durham: In which the latter was Excommunicated; the former was, by Appeal, Cited to Answer to the Pope, for what he had done: Commissioners were Assign'd to hear the Controversy; and that was not presently Ended by them neither. All which being put together it will follow, that such were the Circumstances of our Affairs at home, that had the Clergy aimed at any such thing (which yet it does not appear that they did) as breaking off from a National Attendance on the Parliament, and settling into Two Provincial Synods, under their several Metropolitans; yet they were not in any Condition of doing of it: And therefore that Dr. Atterbury must seek out some better Reason, and pitch upon some more happy time, than that of K. Richard's Absence in the Holy Land, to Corroborate such their pretended Recess by.

But indeed all this Story of the Clergy's withdrawing from Parliament, in the time of King Henry the Second, is meer Invention: And we must now proceed to Consider a quite contrary Allegation; and that as false as the other, of their Continuing still to Come to it.

1189. Upon Sunday September the 3d, 1189, King Richard was Crowned. I insist not Sect. 44. upon the Clergy who were called to that Solemnity; but shall only Observe that the day following he received the Homage of his Archbishops, Bishops, and Abbots; the only Ecclesiastical Persons mentioned by our Historians to have payed their Homage to him.

What to call the Convention which met the 15th of the same Month, at the Abbey of Pipewell, I cannot tell. M. Paris says that what the King did there was done Archiepiscoporum, Episcoporum, & aliorum Magnatum suorum fretus Consilio. Hoveden adds, that he there made the Bishop of Durham, and Earl of Albemarle, Justices of England. And this should seem to imply that it was a Parliamentary Assembly: But this is clear from all our Historians, that no Ecclesiasticks under the degree of Prelates were Called to it, or had any thing to do with it.

Hoveden fol. 375. a. Hoveden particularly reckons up most of them: So does W. Coventre in like manner. 7 Gervase, in general, says Convenerunt apud Pipewell Episcopi & Ab-bates Angliae. To these Brompton adds the Priors too: But of any others, we find no mention. 'Tis true, upon their next Meeting, Brompton says, that the King, Archbishops, and Bishops, came to the Abbey "cum copiosa Clericorum & Lai-corum multitudine. But that All this Multitude were Members of the Conven-tion, and not Attendants at the Solemnity; or if they were Members, that they were the Inferiour Clergy, and not the Regular Abbots, and Priors, mentioned the day before, does not appear: Nor can any thing therefore be concluded from that general Expression, either way, as to this Matter.

The next Month following a Parliament was certainly held at Westminster, to settle his Expedition with the French King's Ambassador, to the Holy Land. The Persons called to it were Episcopi & Proceres, says one: Comites & Barones, says another. Episcopi, Comites & Barones, says a third: All agreeing in the same Members.

Who were Summoned to the Provincial Council, as M. Paris; the Regional Council, as an Elder Author styles it; the General Council, as Brompton calls it, of the Bishop of Ely Chancellor of England, and Legate of the Aposto-lick See; none of our Authors expressly tell us. But at the Parliament which met at Reading, after Michaelmas, the year following, they all again reckon them up to us. M. Paris speaks in the form of a Parliament Writ; and very probably from it; "Convenerunt apud pontem de Locdone inter Radingum, & Windleshores, die Sabbati proxime post festum St. Michael. ad Colloquium, MAGNATES Angliae, de magnis & arduis Regis & Regni Negotiis, tractaturi. Brompton mentions only the Episcopi, as present there. Hoveden, Episcopi, Co-mites, & Barones Regni. Ralf de Diceto has the very Writ of Summons to the Bishop of London, which Confirms the same thing: It requires only his own Per-sonal Attendance, and thereby shews that none of his Clergy were to be brought thither by his Order.

R. de Diceto col. 663.

Having

Having met there, they removed from thence to London : And there again ^{K. RICHARD} we have an Account of ^{the 1st.} *Archbishops, Bishops, Lords, and Great Men*, but no mention of any besides.

And now we are come to the only Proof of the *Inferiour Clergy's Parliamentary Rights*, which Dr. Atterbury has been pleased to offer us within the Compass of this whole Reign ; and we will take it in his own Words. " ^{1 Hoveden fol. 399. b. Brompt. col. 1226.} In the 6th of ² Richard the First, (he should have said the 5th) the same Writer (*Hoveden*) ^{Diceto col. 664. M. Par. p. 166. 1193. Sect. 46.} informs us, that the *Bishops, Earls, and Barons*, were called to the *Commune Concilium Regni* ; and the first day that they met, the *Archbishops, the Bishops, Abbots,* ³ & *Clerici multi Cant. Dioces.* went aside into the Chappel of the *Infirmiry* at ⁴ *Westminster*, and Excommunicated *Earl John*, and his Adherents. ^{5 Rights, p. 300.}

Will Dr. A. give me leave to say that he here Confounds Two distinct Assemblies, as well as Actions, together ; and, by so doing, imposes upon his Reader in this Case. The Story, as ¹ *Hoveden* relates it, is this : King *Richard* being delivered from his Confinement, and daily expected to return into his Kingdom ; ² his *Bishops and Nobles* were come together to *London* to attend upon him as soon as he should Arrive there. A little before the King's Landing, one of *Earl John's Clerks* coming into *England*, upon his Master's Designs, and Dining with the *Archbishop of Canterbury*, made great Boasts of his Master's Honour, and Power ; and being thereupon Suspected, was Seized by the *Lord Mayor of London*, and all his Papers, and Orders were taken about him. ^{3 Hoved. fol. 418. b.}

These being carried to the *Archbishop*, he, the next day, Called before him the *Bishops, Earls, and Barons*, of the *Realm*, says *Hoveden*, that is, as many of them as could on the suddain be got together, and shew'd them the Letters of *Earl John* : Whereupon, It was Resolved, *Per Commune Concilium Regni*, that *Earl John* should be Disseized of all his Lands in *England* ; and that his Castles should be Besieged ; and so it was done accordingly.

The same day, the *Archbishop* with the *Bishops of Lincoln, London, Rochester, Winchester, Worcester, and Hereford*, and the *Elect of Exeter*, and the *Abbots*, and many others of the *Clergy*, of the *Province of Canterbury*, Assembled in the Chappel of the *Infirmiry* at *Westminster*, and pronounced a Sentence of Excommunication against *Earl John*, and All his Adherents, and Counsellors, who had, or should disturb the Peace, and Realm of the King of *England* ; unless they should Cease from their Hostilities, and make Satisfaction for what they had done.

This is the whole of that Affair : Now to suppose that the former of these Assemblies, tho' without any Previous Warning, or Regular Summons, was not an *Extraordinary Great Council*, of the *Nobles*, then at hand ; but a proper *Parliament*, (which yet 'tis plain it was not :) How comes a Meeting of some few of the *Bishops, Abbots, and Clergy* of the *Province of Canterbury* only, to be so too ? Here were no *Lay-men* at all Assembled ; nor any *Clergy* but of *One Province* only. Yet this must pass for a *Parliament*, with this Author ; or he will lose his only Authority of this Reign, for bringing his *Lower Clergy* to these *State-Councils*.

No sooner was King *Richard* returned, but he held a *Great Council* at *Nottingham*. ⁴ *Hoveden* gives us the Names of many of the Persons who were present at it : And they are all of the *Great Men* of either Order. ⁵ There by the Judgment of his *Peers*, *Earl John*, the King's Brother, was Condemned ; or as the *Annales of Margan* more fully relate it, by the " Judgment of the *Archbishops,* ⁶ *Bishops, Earls, Barons,* and all the other *Great Men* of *England*. In this *Parliament*, a Subsidy was also granted to the King ; so that it cannot be doubted but that this was truly such a *State Assembly* as we are now particularly considering of. ⁷ *Hoveden fol. 419. a. Brompt. col. 1250. Hemingsford. p. 540. Annal. Margan. ad Ann. 1199. p. 124.*

Not long after this the King coming to ⁸ *Northampton*, by the advice of his *Bishops, Earls, and Barons*, gave answer to the King of *Scotland*, concerning his Demand of the County of *Northumberland* ; and made his *Charter* of Concession and Confirmation to him. ⁹ *Hoveden fol. 419. b.*

Such were the *Members* of our *Parliaments* under King *Richard the First* : If from thence we proceed to the Reign of his Brother King *John*, we shall find Dr. A. still going on in his own Method ; asserting, and offering Conjectures for that in one part of his Book, which himself Contradicts in another. The Absence of King *Richard* in the *Holy Land* gave Opportunity to the *Clergy* to Con-

King JOHN firm their Recess from the *Parliaments* of those Times, and to Attend upon them in two *Provincial Councils*, so he told us before : And now King John's weak Reign does the same thing, ¹ p. 36. But p. 300. They Continued still to Come on to the *Parliaments* of that Prince, and tho' some " of his *Great Councils* (says he) " seem as to the Spiritual part of them, to have been Composed only of *Bishops*, " *Abbots*, and *Priors*, yet in others of them more of the *Clergy* were plainly " present, and particularly in one of his 15th Year : Which shall in its proper place therefore not fail to be Considered.

² R. de Diceto. col. 707.

³ M. Paris p. 202.

⁴ Annal. Mar. gan. ad Ann. 1200. Circa festum S. Edmundi Concilio congregato apud Lincoln, Rex Scottie homagium fecit Regi Anglia.

⁵ M. Paris p. 204.

⁶ Pat. 5 Jo. m. 1. n. 3. apud Pryn. 1 Regist. Preface.

1203. Sect. 48. * Rights, &c. p. 300. ⁷ Mat. Paris p. 209. M. Westminster p. 265.

1204. ⁸ Claus. 6. Jo. m. 2. dors. Append. ad Ann. 1204.

1205. ⁹ Claus. 7 Jo. m. 19. 1206. Sect. 49. Pat. 8 Jo. m. 1. apud Pryn. Parl. Writs, 1 Vol. Præf. Dat. Ebor. Maii 26.

¹⁰ Pryn. Records. Vol. 3. p. 10.

It would be foreign to my present Subject, to say any thing of the ² *Ecclesiastical Synod* held by Hubert Archbishop of Canterbury, xiii. Kal. Oct. It shall suffice briefly to observe from One who was then Living, and in great Dignity in the Church, that to it only the *Bishops*, *Abbots*, and *Priors* were called. But in October the year following, there was a *State-Meeting* at Westminster, Archiepiscopo & Magnatibus Regni præsentibus, says ³ M. Paris. At that Council it was resolved to Summon the King of Scotland, to attend the ⁴ King's Parliament at Lincoln the morrow after St. Edmunds, November the 21st, which accordingly he did : And the two Kings came thither, ⁵ " Cum Universa Nobilitate tam " Cleri quam Populi Utriusquem Regni, with the Nobles of both Orders, of the *Clergy* and of the *Laity*.

Thus began the *Great Councils* of this Reign, and thus they continued to be held in the following Years ; as is evident from the Constitution of the *Parliament* of Winchester concerning the Assize Bread ; which the ⁶ *Kings Writ* tells us was made *Communi Consilio Baronum nostrorum* ; By the Common Council of his Barons, and no others.

This *Parliament* was held at Easter : It was the *Christmas* following, as I take it, that the King held the *Colloquium* at Oxford, of which * Dr. A. takes notice, as if it favoured his Opinion. The account which two of our ⁷ *Historians* give of it, is this : That the morrow after the *Circumcision*, the King with the *Great Men* of England Assembled ad Colloquium apud Oxoniam. There was Granted to the King a Military Aid, viz. Two Marks and a half of every *Knights Fee* : Nor did the *Bishops*, and *Abbots*, or the *Ecclesiastical Persons* go away without a promise. These *Ecclesiastica Persona*, Dr. A. will have to be the *Lower Clergy* ; and we must, against all the Evidence of these times, without any manner of Proof, take his bare Word for it, that they were so.

But what then shall we say to the *Parliament* of the next Year ? An Instance so express against this Pretence, that I cannot imagine what can be excepted against it : ⁸ The Writ upon Record, is directed to the Bishop of Sarum ; it Summons him to a *Parliament* at London, the Sunday next after *Ascension-day* ; and Requires him to Cite the *Abbots*, and *Conventual Priors* of his *Diocese*, to come to the same Council. These therefore were then the only *Members* on the part of the *Clergy* ; it being Absurd to suppose that the *Lower Clergy* should be called by *Special Writs*, when the *Abbots* and *Priors* were not ; but were included in that of the *Bishop*.

The same was the Case the year after : The King called his *Parliament* upon the Occasion of the Archbishop of Canterbury's Death, to Meet on the Feast of St. Peter ad Vincula, August the 1st ; and the Members which he Summon'd to it ; were the ⁹ *Episcopi* & *Barones*, as one of his own Writs Recites them to us.

The Case was so evidently the same again the next Parliament, that Dr. A. himself could not dissemble it. " Indeed some of this Prince's *Great Councils* (says he) seem, as to the Spiritual part of them, to have been Composed only of " *Bishops*, *Abbots*, and *Priors*, as may probably be Collected from a *Writ* in his " 8th year, Reciting that these *Great Clergy-men* had granted him an Aid in " *Parliament*, and Demanding the like Aid of the *Secular Clergy* of the Province " of Canterbury, below *Bishops*, then Assembled in Convocation. It is certain that *Writ* recites only *Archbishops*, *Bishops*, *Abbots*, and *Priors* ; and probably refers to the *Parliament* held at ¹⁰ Oxford the *Candlemas* before. It is also certain from another *Writ*, Teste'd the same day, that the *Clergy* were called to a *Synod* at St. Albans, about that time. But yet I cannot agree with this Author that this *Writ* was directed to them as at that time in *Convocation* Assembled. There is no mention of any such thing in the *Writ* ; nor does the form of it seem at all adapted to such an Assembly.

This Parliament ¹ Dr. A. I know not why places in the year 1207 ; the Writ ^{King JOHN.} which Refers to it is Dated, at *York*, May 26th Reg. viii. i. e. Anno 1206. The ¹ Rights, pag. 221. Marg. Parliament to which it Refers seems to have met at *Oxford* the *Candlemas* before. The true Date of it therefore must be 1205, or at the latest 1206, Supposing it to have sate but a Month before the Date of the Writ which Relates to it. But Dr. A. has a particular *Chronology* to himself, which he follows in other places as well as in this ; and for which he has been justly Corrected by ² another Pen. ² Dr. Kennet Eccles. Syn. &c. p. 161. In the mean time, this is plain, and agreed on upon all Hands, that to the Parli- ment here mentioned the *Inferiour Clergy* were not Called ; but on the contrary, they are evidently implied not to have been present at it.

Nor is it any less clear the next year following : When the King having kept his ³ *Christmas* at *Winchester*, *Præsentibus Magnatibus Regni*, removed from thence to *London*, “et Convocatis *Episcopis, Abbatibus, & Prioribus, Comitibus, & Baronibus, & Magnatibus Regni*, held his Parliament there on the *Octaves* of *Circumcision*. There he Treated with the *Bishops* and *Prelates* to consent that their *Beneficed Clergy* might grant him a certain Part of their Revenues. The *Prelates* not agreeing to this, the Matter was Referred to another ⁵ Council to be held at *Oxford*, on the *Octaves* of the *Purification* : Where an infinite multitude of *Prelates*, and *Great Men* of the *Realm* being Assembled, the King again Ex- acted what he had before Required of them : The *Archbishops* on behalf of their *Clergy*, utterly refused to comply with his Desire ; and the King departed from his Demand. ⁶ But afterwards made a general Order throughout *England*, for a *Thirtieth* to be Paid by all sorts of Persons, as well of the *Clergy* as of the *Laity* ; to which they were forced to submit.

And now the Troubles of this King began ; which proceeded to the Interdiction of the whole Realm, and ended not but in the Subjection of the *Crown* it self to the *Popes* Authority. During this time, the *Greater Clergy* generally forsook the Kingdom. ⁷ *Walter Coventre* says that only one Bishop, the Bishop of *Winchester*, remained. ⁸ *M. Paris* speaks of three, *Durham, Winchester, and Norwich* : So that it would be in vain to Enquire after the *Ecclesiastical Members* of our Parliament during this time of Confusion and Disorder. In 1213, the Peace between the *Pope* and *King* was made. Upon this Occasion many *Councils* were held ; and it may be of some Use to Enquire who were called to them.

At that of *Dover*, ⁹ May the 13th, the King, and the Legat, met with the *Earls, Barons, and Turba multa nimis*. Two days after, they met a ¹⁰ second time, and then there were Assembled the King, and the Legat, cum *Proceribus Regni*. And who these *Proceres* were, the *Historian* thus subjoins, *Bishops, Earls, and Great Men*.

The Peace being thus made, a *Great Council* was agreed to be held at *St. Albans*, August the 4th, to which All the *Sheriffs* of *England* should come, with a certain number of Persons, to Enquire into the Damages which the *Bishops* had sustained, in order to a Satisfaction to be made for them. At this Council there were Assembled ¹¹ *Jeffrey Fitz-Peter*, and the Bishop of *Winchester*, with the *Archbishops, Bishops, and Great Men* of the Kingdom.

The ¹² 25th of the same Month the *Archbishop* called an *Ecclesiastical Council* at *Westminster* : This he opened with a Sermon of his own at *St. Pauls* ; where the ¹³ *Barons* being present, according to the Design before laid, the *Archbishop* privately shewed them a Copy of *King Edward's* Laws, Confirmed by the Charter of *King Henry the First* : And there Entred into a Combination with them, to force the King to a Concession of them.

This Meeting Dr. A. puts upon us for a *State-Parliament*, and urges it as a clear Proof of the Right of the *Lower Clergy* to come to those Councils. In some of this Princes *Great Councils*, he is willing to allow that only the *Bishops, Abbots, and Priors*, were Assembled. ¹⁴ “But in Others of Them (says he) more of the Clergy were plainly present : Particularly in one xv^o Jo. at *London*, to which “*Stephanus Archiepiscopus, cum Episcopis, Abbatibus, Prioribus, Decanis, & Baronibus Regni*, is said to have come. Here he thinks he has the *Deans* secure. Let us see how he hooks in the *Archdeacons* too ; which, tho’ not specified, yet were probably there : “For the Clergy, we find, went Synodically apart, and made *Canonons* : Which implies the Presence, and Concurrence of the *Archdeacons*, who “were a necessary part of every Synod ; and therefore almost an Hundred years “before

King JOHN. "before this, Summon'd particularly by the Archbishop to the Council of London,
"Anno 1125.

That this Meeting, whatever it were, was no Parliament, but an Assembly of the Archbishops own Calling, and that for those secret Designs which accordingly he transacted in it; the Annals of Waverly, Compared with M. Paris's Account of it, plainly shew us. The whole History of it is this. Not long after the Archbishop was come into England, (viii. Kal. Septembr. says Paris, Crastino Bartholomaei, say the Annals, August 25;) he called together his First Council, ex viris Ecclesiasticis apud Westmonast. Of Ecclesiastical Persons to meet at Westminster. But first, he appointed a Sermon at St. Paul's, from whence they were afterwards to proceed to Westminster. Hither, by M. Paris's Account, the Barons came to hear the Sermon, and Wait upon the Archbishop. This was the Pretence, but the real Design was to Agree on their Conspiracy against the King. The Archbishop and Barons having thus settled their Business, he called his Clergy to Westminster; but first (as I conceive) gave leave to the Conventual, and Secular Priests, to Chant their Hours in their Churches, in the hearing of their Parishioners, with a low Voice, notwithstanding the Interdict was not yet taken off.

Being come to Westminster, the great Business there was to Charge the Clergy to Compute the Sum of what had been taken from them, or otherwise unreasonably granted by them to the King, that so he might know what to demand of him.

This is the plain History of this Assembly; which Dr. A. is pleased to Call a Parliament. And now I should be glad to know first upon what Authority he says that the Clergy at this Meeting went Synodically a-part, and made Canons? Next, how it does appear that the Presence, and Concurrence of the Archdeacons would thereby have been implied? Or to suppose that too; how it follows that because in this Case, they ought to have been present with the Bishops at their Synodical Action; therefore they must have been present at their Parliamentary Assembly also? And lastly, by what Rules of Reason he inferrs, that because the Archdeacons were once upon a time called to a Legantine Synod by the Archbishop; and being so Called, were Obligated to Obey, and Come to it; therefore the Archbishop was bound Always to Summon them, as a Necessary part of every kind of Synod; which I have before shewn, and shall again particularly prove, that a Hundred years after this they were not accounted to be?

¹ See above
p. 161.

In his Marginal Note upon the Summons to that Council, Anno 1125, he tells us, that it is the most antient Summons, of any kind, that he has ever Observed: He will hereafter find it needful to correct this too. ¹ I have before shewn him a Summons above Fifty years Older, of the same kind; in which the Regular Prelates alone, are inserted, and the Archdeacons not taken any notice of.

² M. Par. p. 249.
Annal. Waver.
p. 178.

But I insist too long upon an Instance so little to the purpose, how Specious soever it may appear in Dr. A's imperfect Representation of it. ² At Michaelmas following, upon the coming of the Bishop of Tusculum from the Pope, there was another Meeting at St. Paul's London, October the 3d; the Archbishop of Canterbury, with the Bishops, and Lords, being present. There it was agreed to Assemble at Reading, November the 3d: and to settle the Damages of the Bishops.

³ M. Par. p. 247.
Annal. Waver.
p. 178.

³ The King not coming, a new Assembly was fixed at the same Place, December the 6th, and there appeared there the Bishops, Lords, and Religious, say M. Paris; Omnes Ecclesiastici Prælati, as the Annales of Waverly relate it.

There is yet one Meeting more which may deserve to be taken Notice of, tho' not a State-Assembly; that of the Archbishop of Canterbury, and his Suffragans, at Dunstable, after the Octaves of the Epiphany. They Assembled ut de Negotiis Ecclesie Anglicanae tractarent ibidem; says the Historian: And the Persons Assembled, were the Archbishop and Bishops, the proper Provincial Council of Canterbury, under its Metropolitan. In all these State, and Church Assemblies, we find not the least mention of the Lower Clergy being at all concerned; or that they were either Called to, or did otherwise Appear, at them.

1214.
Sect. 51.
⁴ Walt. Covenant
ad Ann.
Annal. Waver.
⁵ M. Par. p. 249.

The next year, the King having before he went over the Sea, Committed his Authority to the Legate, and the Lord Marechal, for that Purpose, a new Council was Called to Conclude this Troublesome Affair, which had been so long depending. This was held at St. Paul's, London, ⁴ July the 2d: The Persons who were Called to it, are thus Reckoned up by ⁵ M. Paris, Archbishops, Bishops,

Abbots,

Abbots, Priors, Earls, Barons, and Others, who having settled what they met about, the Legate on the day of St. Peter and Paul, says *Mat. Paris*,¹ but others more Rightly of, *Processus & Martinianus*, solemnly Released the Sentence of the *Interdict*.

King JOHN.
M. Westminst.
ad Ann. 1214.
Annal War. erl.
ibid.

This is that Assembly to which the Author of the *Eulogium* Refers: And accordingly² Mr. *Selden* places it rightly in this year; xvi Jo.³ Dr. A. Constant to his false Computation; refers it to the xviiith of that King. And this clearly enough Interprets who the *Clerus* were, of whom that Author spake: And withal confutes the Intimation which has been given, as if there were somewhat of force in it, on behalf of the *Lower Clergy*; whereas 'tis plain, that the One consisted only of the *Bishops, Abbots, Priors*, as the *Secla Laicalis*, in like manner, did, of the *Earls, Barons, and Other Members*, usually Called to these *Councils*.

Tit. of Hon.
part. 2. p 587.
Rights, p. 300.

But the Truth is whatever the *Eulogium* says, yet 'tis plain this Meeting was no proper *Parliament* at all. *M. Paris* calls it *Grande Concilium*; *Walter Coventre* and Others, *Concilium*, only. The Persons mentioned are not said to have been the *Bishops and Lords of the Realm*; as on other Occasions is wont to be done by *M. Paris*; and *M. Westminster* expressly limits them to those *Earls, and Barons* only, who had been Sworn on the King's side, that he should perform what was agreed to. It is therefore of no great Importance to our present Subject, to dispute who were the *Members* of this *Assembly*; tho' at the same time it is plain that they were only the *Prelates and Lords*, as both *M. Paris*, and *M. Westminster* expressly inform us.

By a⁴ *Clause Writ* of King *John* not yet taken Notice of by any of our Historians, it appears, that a *Parliament* was held at *Reading* Fifteen days after *Christmas*, this same year. The Persons Summoned to it are thus recited in that *Writ*; "Ds. Legatus, & Nos, & Dominus Cant. & Suffraganei sui, & Alii Mag-
"nates nostri apud *Radyng*, pro Arduis negotiis nostris. It is probable, by the Account which⁵ *M. Paris* gives of the Designs and Actions of the *Barons* about this time, that this Meeting was put off till after *Easter*:⁶ Or rather that the *Bishops* only met, and settled with the Legate what was to be done, on their account there. But however the *Writ* shews who should have been at it, and therein who the *Ecclesiastical Members* of our *Parliaments*, as yet, were.

4 Claus. 16. Jee
m. 17.

5 M. Paris 253.
6 Mat. Par. ib.
Walt. Covent.
ad Ann. 1215.

We are now come to the last year of this King; and in that to a clearer Settlement of these *Great Councils*, than what we have hitherto met with, in Relation to those who were from henceforth to be Called to them. It was the Business of one part of that *Charter*, which he then Granted to his *Barons*, to Regulate the Method of Holding of these Assemblies; and to determine, in part, what should be done in them. I shall therefore set down, at large, the Clause which concerns this Matter, for the full Decision of the Point before us. "Ad habendum Commune Concilium Regni, de auxiliis assidendis, aliter quam
"in tribus Casibus prædictis (Scil. ad Corpus nostrum Redimendum; ad Primogenitum Filium nostrum militem faciendum, & ad Primagenitam Filiam nostram semel maritandam) Et de Scutagiis assidendis, submoneri faciemus Archiepiscopos, Episcopos, Abbates, Comites, & Majores Barones Regni, Singillatim,
"per Literas nostras: Et præterea faciemus Submoneri, in Generali, per Vice Comites & Ballivos nostros, Omnes Alios qui in Capite tenent de Nobis, ad certum diem, scilicet ad terminum xl dierum ad minus, & ad certum Locum. In
"omnibus Literis Causam Submonitionis illius Exponemus, & sic facta Submonitione, Negotium procedat ad diem assignatum, secundum Consilium
"Eorum qui præsentés fuerint, quamvis non omnes Submoniti venerint. These are the Words of that *Charter*; the Substance of which is this; That two sorts of *Persons* should from thenceforth be Summoned to *Parliament*; and after two different manners, *Archbishops, Bishops, Abbots, Earls, and the Greater Barons* of the *Realm*, by *Special Writs*: And all Others who held in *Capite* of the King, in general, by the King's *Sheriffs and Bayliffs*, Forty days before the *Parliament* should meet. These were now agreed to be the *Members* of our *Parliament* in all such Cases where Taxes were to be Granted; in the last year of King *John*, and Settled and Ratified by his *Great Charter*. Let Dr. A. either shew us under which of the several kinds of *Members* here specified, his *Lower Clergy* are comprehended; or let him Confess, as the Truth is, that they were no part of the *Parliament* at that time, at all.

1215.
Sect. 52.

K. HENRY
the III^d.

¹ Rights, p. 36.
Ib. p. 301.

Rights, p. 314.

Rights, p. 316.

1216.
Sect. 54.

² M. Paris, p.
289.

³ Clauf. 1 Hen.
III. par. 2. m.
25. dors.

⁴ Annal. Wav.
p. 132.

We now proceed to the Troubled Reign of King Henry the Third: In which we are told the Clergy's Recess from their National Attendance in Parliament, which began under King Henry the Second, was by the Disorders of this Reign more Confirmed, as it had been by the Weakness of the foregoing. This, I say, we are told, ¹ p. 36. but p. 301. we meet with another Account: For there it is said, that in this "Reign the Archdeacons presence in Parliament is frequently taken Notice of by our Historians; as may appear by the following passages in *M. Paris*, and the *Annals of Burton*. These passages shall be Considered in their proper places: In the mean time, that we may the better know what Dr. A. asserts, let us take it, once more, in his Own Words. p. 314. "I was proving (says he) that there was frequent mention of (the Archdeacons) as "Called to Parliament in Henry the Third's Reign; and of this I gave several "Instances. There are others which prove the yet Lower Ranks of the Clergy "to have been present there, for Example, &c. Now if the Archdeacons were still Call'd to Parliament; and if the Lower Ranks of the Clergy were also present there; then I humbly conceive it will follow that, as yet, they had not "divided "themselves from the Temporality, and left off to Come to Parliament, as he before asserted; and will (for all this) tell us again hereafter.

But we will hear Dr. A. delivering his own Sense yet once more: p. 316. "These Testimonies are, I think, sufficient to shew that from the Conquest down "to Edward the First, the Inferior Clergy had PLACE and Interest in Parliament: "Being there, sometimes in BODY, and as Representing the whole; sometimes in "Part only, and as Intituled by their Tenures. The Lower Regulars and Seculars "appearing now and then by distinct Proctors of their Own; but more frequently by their Proctors and Archdeacons, particularly Impowered to that purpose. Now to have PLACE in PARLIAMENT; to be there in BODY, and as REPRESENTING the ABSENT CLERGY; to be intituled to Come thither by their Tenures; all this shews that he must mean their coming to a National Parliament; and imply that they continued so to do to King Edward the First's Time. How this agrees with what he had before Asserted to the contrary, or will hereafter tell us in contradiction to what he is here affirming, and proving, is a mystery that I must not adventure to search into; it shall suffice to Represent it, in the close of this Chapter, in his own Words, and so leave it to the Reader, to make what he can of it.

King John being Dead, October the 19th, the Lords who held to his Interest Crowned his Son, being then but Nine years Old, at Gloucester, upon Simon and Jude's day, October the 28th. Lewis, the French King's Son, who at the Instigation of the Factious Barons had Invaded England, the May before, was then in Possession of the Eastern Parts of the Kingdom, so that this Solemnity could not be performed at Westminster, as otherwise it would have been. At this Coronation the ² Bishops and Regular Prelates are taken notice of, as the Persons who, on the Church side, were concerned in it: And that not only by our Historians, but, which is more remarkable, in the Publick ³ Instruments of State too. "Convenerunt apud Gloucestr. plures Regni nostri Magnates; Episcopi, Abbates, "Comites, & Barones, says the King, in his Letter to G. de Mar, Justiciary of Ireland. This being done Gualo the Legat, held a Council at Bristol, November the 11th; So the ⁴ Waverly Annals speak: But I rather take it to have been a State Parliament, at which the Legat was present; where having seen all the Barons which came to it, do Homage, and Swear Fealty to the King, he Excommunicated Lewis, and all the other Barons, who held with him against their own Prince.

Of this Parliament we have an Account in the Clause Letter, I before mentioned; and it not only Confirms the Relation of our Annals, but Explains them too, with Regard to the Persons who were Called to this Council, and were therefore the proper Members of these Assemblies at that time: "Episcopi, & alii Prælati inferioris Ordinis; & Comites, & Barones, ac Milites, say our Histories. And who the Alii Prælati Inferioris Ordinis were, which Dr. A. could Conjecture down (if need were) even into Parish Priests; the King's Letter tells us: "Celebrato nuper Concilio apud Bristol; ubi Convenerunt Universi Angliæ Prælati, "tam EPISCOPI, ABBATES, quam PRIORES. These Conventual Priors therefore, and Abbats, were the Prælati inferioris Ordinis; in respect of the Superior Prælati, or Bishops, before mentioned: And these only, of the Church side, were called to this first Parliament of this Reign.

Who

Who were called to that ¹ Council, which met three Weeks after *Easter*, Anno K. HENRY 1218, to settle the Nation after the Civil Wars, I cannot expressly say. But at *Michaelmas*, following, *Convenerunt apud London Sapientes Angliæ*, say the ² *Waverly Annals*; and there renewed the *Laws* and *Liberties* of the *Realm*, according to the *Charter* of King *John*. These were certainly mentioned with Allusion to the Saxon *Witen*. The ³ King in his *Writ* to the Sheriff of *York*, where he Com-manded the *Charter* here Established to be published, calls them his *Fideles*: That Word also is commonly used in the same Sense, and both together may warrant us to conclude the same Persons to have been at this, that we before shewed, were Summoned to his first *Parliament*.

In the 4th of this King; Anno 1220; at a *Parliament* where a *Tax* was laid upon the *Kingdom*; the Persons who imposed it are Called in the King's * *Writ*, * *Magnates & Fideles*. Who the latter of these were, is plain from King *John's* *Charter*: They were such as held of the *King in Capite*; without whose Consent no Levy of Money could be made. But neither here do we find the *Lower Clergy* to have been at all concerned. ⁴ *Walter Coventre* thus reckons up the Members of this Assembly; *Archiepiscopi, Episcopi, Abbates, & Proceres Angliæ*.

In the xv. of *Easter*, Anno 1222, the *Archbishop* of *Canterbury* held his ⁵ *Provincial Synod* at *Oxford*, April 17; and he held it with the *Prelates* of his *Province*, says *Wikes*; "*Pralatis omnibus Angliæ, suæ Diocessis Subjectis, Congregatis*:" Which to præclude any forced Interpretation of Dr. A. ⁶ *Walter Coventre* (a Contemporary Writer) thus Explains; "*Cum Episcopis Suffraganeis, & Abbatibus*. So far were the *Lower Clergy* from being yet, as some pretend, Members of *Parliament*, that they were not yet admitted to be Members of our *Provincial Synods*; unless by special Favour, or upon some extraordinary Occasion, they were called to it.

But there was a *Parliament* this year as well as a *Synod*; and in it a *Subsidy* was Granted for the Relief of the *Holy Land*. This was done, say the ⁷ *Waverly Annals* by the Advice of the *Archbishop* of *Canterbury*, and the other *Lords* of the *Land*. But the King's own ⁸ *Writ* to the Sheriff of *Essex* for Collecting of it is more full: "*Scias quod Exigente Necessitate Terræ Sanctæ, Provisum est & Concessum coram Nobis & Concilio nostro, Præsentibus Archiepiscopo Cantuar. Episcopis, Comitibus, Baronibus, & Magnatibus nostris, de Communi Omnium Voluntate*— That such a gathering should be made.

By a ⁹ *Writ* to the Sheriff of *Kent*. Test, xxiv. Novemb. the same year, there seems to have been a *Second Parliament* held this year about *Michaelmas*; and a New Grant made to the same purpose; *Præsentibus* (again) *Archiepiscopo Cantuar. Episcopis, &c.* As before.

The same was the Case of his next *Parliament* at *Oxford*, in the *Octaves* of *Epiphany*. He held it with his *Barons*, say the ¹⁰ *Historians*, and was there Required by the *Archbishop*, & *Magnatibus aliis*, to Confirm the *Liberties* and *Free Customs* of the *Realm*; and with them he Advised about the doing of it.

In the 8th of this King, a great *Parliament* was called to *Northampton* in the *Octaves* of *Trinity*. There Assembled, says ¹¹ *M. Paris*, "*Rex, cum Archiepiscopis, Episcopis, Comitibus, Baronibus, & Aliis Multis, de Regni Negotiis tractaturi*. Here now is a general term that might have offered a Colour to bring any others to *Parliament*, that either a weak Cause needed; or a Teeming Fancy should suggest. But the *Historian* spoils all in what immediately follows; "*Voluit enim Rex uti Consilio Magnatum suorum*. So that all the rest before spoken of, were still but *Magnates*; of which it will be hard to prove the *Lower Clergy* to have been a part.

Whilst this *Parliament* was sitting, a suddain Accident obliged the King immediately to remove to *Bedford*, to Besiege the Castle there. The whole *Parliament* removed with him; and Granted to him a *Subsidy* for that Expedition. This ¹³ *M. Paris* says, was Granted, "*tam a Pralates quam a Laicis*. But ¹⁴ *Walter Coventre* is more full: He gives us the King's *Writ* of Caution to the *Clergy*, that this Grant might not be drawn into a precedent for the future; and both the *Historian*, and *King*, expressly tell us that this Grant was made by the *Bishops* and *Regular Prelates*, without mention of any others to have been concerned in it.

But more Solemn was the *Parliament* which the King held towards the latter end of this same year, upon *February* the 2^d. And the terms wherein our

King HENRY the III. Historians speak of it will deserve to be taken notice of. The King kept his Christmas at Westminster, says ¹ M. Paris, "*Præsentibus Clero & Populo, cum Magnatibus Regionis.*" This being over, he proposed to the Archbishops, Bishops, Earls, and Barons, & *Aliis Universis*, the Damages and Injuries which were done him abroad. It was agreed that a xvth would supply the King's Wants; and thereupon the Archbishops and the whole Assembly of the Bishops, Earls, Barons, Abbots, and Priors, offer'd him a xvth, on Condition that he would Confirm their Two Charters to them. The King agreed to what his *Magnates* Required, and accordingly the Charters were Confirmed.

¹ Mat. Paris p. 321.
² So Mat. Westminster p. 284.

Here now we see a great variety of Expressions, first there is *Clerus & Populus, cum Magnatibus*; As if the one were distinct from the other. Then here are *Archbishops, Bishops, Earls, and Barons, & Alii Universi*; words of a large Extent. Yet all these, at last, amount only to *Regular Prelates*, on the Church side; and to the *Tenants in Capite*, as we shall presently see, on the the other.

² Chron. Tho. Wikes. p. 40.
³ Annal. Warw. p. 189.
⁴ Walt. Coventr. ad Ann.

² Wikes, in his Chronicle, is very General: He says only that all the *Magnates Regni*, as well *Religious*, as *Secular*, Granted to the King a xvth. But the ³ *Waverly Annals*, as usual, are most accurate. The *Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, and Free Tenants* of the *Realm*, Granted a xvth of their Moveables. ⁴ *Walter Coventre* thus relates it: In the *Purification*, the King call'd to London the *Proceres Anglie*. After a long Debate, *Cum Clero, & Populo ibidem Convocato*, the King Granted to them their Liberties, and there was Granted to the King by the *Earls, and Barons, the Clergy and People*, there present, (the Churches only Excepted) a xvth.

⁵ Apud Hemmingford. p. 565, 568, 570.

The ⁵ *Charters* themselves speak thus: That the King Granted them, with the Advice of his *Archbishops, and Bishops, of his Governour the E. of Pembroke*; and his other *Fideles, the Earls, and Barons of England*. These were the Members with whose Advice the King Granted his *Charters*: And for this, the *Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, and Free-Tenants, & Omnes de Regno Nostro*, Granted to the King a xvth.

From all which, the Conclusion, I think, is this; That the King's *Parliament*, for Advice, and Authority, in Matters of Government, Consisted of his *Barons Spiritual, and Temporal*; and therefore these only were mentioned in the beginning of these *Charters*. But for *Aid, and Assessments*, all the *Free-Tenants*, who held immediately of the King, were to give their own Consent: And therefore in the latter part of the *Charters* which relate to the Grant made by the *Parliament* to the King, these were added to the others, to shew, that they also were, as of Right they ought to be, Consenting to it. But for the *Lower Clergy*, we meet with them neither in the One, nor in the Other; and may therefore safely conclude that they were not at all there.

Sect. 57.
⁶ Walt. Covent. Mf. ad Ann. Claus. 10 Hen. III m. 14. dors. Et 11 Hen. III. m. 9. dors.
⁷ Prynn's Records. Vol. 2. p. 396. & Vol. 3. p. 71, 72.
⁸ Claus. 9. Hen. III. m. 14. dors. Et m. 12. dors.

To clear this Matter yet more; let it be observed, that the ⁶ *Pope*, to Gratify the King, had at the same time sent a Letter to the *Clergy of England*, to cause a Collection to be made for him in their several *Dioceses*. This Letter the *Archbishop* sent to his *Suffragan Bishops*; requiring them to call together all the ⁷ *Religious* of their *Dioceses*, of whatsoever Order they were, together with their *Clergy*: And to admonish them to make a suitable Grant to the King, of all such their Revenues as were not taxed to the xvth before Granted in *Parliament*. Thus were the *Lower Clergy* brought into this Grant: They were Called together, not by the King to *Parliament*, but by their *Bishops* in their *Respective Dioceses*; and there they gave their *Subsidy* to the King.

I shall add only this one thing more, that in two of the King's ⁸ *Writs*, relating to this Grant, where he speaks of the *Persons* by whom it was made, he, in the One, calls them by the general Name of *Fideles*; in the Other, more particularly, recounts the several Orders of them; *Archbishops, Bishops, Earls, and Barons*, but no where speaks of any *Ecclesiasticks* under the degree of *Barons*; which the *Regulars*, who held Lands of the King by *Knights Service*, were looked upon to come under the Character of.

1225.
Sect. 58.
⁹ Mat. Paris p. 324, 325.

The year following the *Archbishop of Canterbury* seems to have held another ⁹ *Synod* with his *Bishops* only: And therein to have made those Constitutions of which our Historians speak, with Relation to the *Concubinage* of the *Clergy*.

¹⁰ Ib. p. 325.

Not long after this ¹⁰ *Cardinal Otho*, the *Pope's Legate*, came into *England*: He proposed his Business to the King; but it being a Matter of *Publick Concern*, the King refused to do any thing alone in it. By the Advice therefore of the *Arch-*

bishop

bishop of Canterbury a day was fixed, on the *Octaves of Epiphany*; on which the Clergy and Laity being assembled at *Westminster* this Business might be Debated on by them. Before that day came, the King fell Sick; yet nevertheless the Bishops, and the other Prelates, with a Multitude of the Laity, met; and there the Legat declared his Business to them. It was, in short this, to obtain two Prebends for the Pope in all Cathedral, and Conventual, Churches: And the maintenance of Two Monks, in all the Monasteries of England. They Excused themselves on Pretence of the King's Sickness, and the Absence of many who were concerned in it: And the King, at the same time, sent a Prohibition to such as Held of him by Barony, not to Oblige his Lay Fees to the Church of Rome; and so another day was appointed to meet on, about *Midlent*, and nothing more done, at that time, in that Matter. But before this day came, the ² Archbishop of Canterbury procured the Revocation of the Legat, and that the Business for which he came might be left to his Management. In pursuance hereof, he called a Council at *Westminster* after Easter; and Summon'd to it all whom the Affair did concern: *Vocatis ad Concilium Cunctis* (says the Historian) *quos Negotium tangebatur*. The King and his Lords were present with the Clergy: They all agreed not to set an Example in this Case to other Churches and Countries, and so the Assembly brake up.

K. HENRY the III.

Ibid. p. 328.

Ibid. p. 331.

It is Evident from all the Circumstances of this Affair, that neither of these two were Common Assemblies, either of the Realm, or Church of England. The former was no proper Parliament, nor was the latter any Ecclesiastical Synod. They were extraordinary Meetings of the Clergy and Laity; and, as the Historians well observe, consisted of all *quos Negotium tangebatur*, who had a concern in the Business that was to be done there.

The same was the Case of that ³ Meeting about Three years after, which Dr. A. Produces as a true and regular Parliament. A new Legat being sent hither to obtain a Tenth for the Pope of all the Beneficed Clergy in England; the King caused the "Archbishops, Bishops, Abbats, Priors, Templars, Hospitalars, Earls, Barons, Rectors of Churches, and All that Held in Chief of him, to Assemble at *Westminster*, the Second Sunday after Easter. Being thus Assembled, the Laity absolutely Refused to give any thing: The Clergy for fear, yielded, and paid what was demanded of them. Who these Rectors, or, as they are afterwards called, ⁴ Prelates, of Churches were, I shall not Dispute with Dr. A. Let them be Deans, Archdeacons, or (if he Pleases) Ministers of Parochial Churches, to me it is indifferent. That which I insist upon is, that this was an extraordinary Assembly, not a Regular Parliament; as both the Occasion shews, and the Persons mentioned to have been called to it no less evidently declare.

1219.

Sect. 59.

Mat. Paris p. 361.

Ibid. p. 361.

And accordingly *Mat. Paris* does not give us the least Ground to suppose, that he look'd upon it as a Parliamentary Meeting. Nothing was debated or done after a Parliamentary manner init. The King being engaged before to the Pope, said nothing either for, or against, the Demand: The Legat managed all. The Laity utterly refused to comply with his Desires. And when all the Clergy, for fear, yielded; yet the Earl of Chester would not suffer his Religious, or Clergy, to pay any thing. In this Meeting not only the Principals, as in Parliament, appeared; but their Vassals, and Tenants too: "Tam Laici, quam Clerici; & Eorum Subjecti. So that if all are to be looked upon as proper Members of Parliament, who came to this Meeting; we must quite alter the nature of our Great Councils; and make the Feudatories not only of the King, but of the Laity and Clergy, to become a part of those Assemblies also. But indeed, the Meeting was as Extraordinary as the Occasion: The whole Clergy were to be taxed, and therefore the whole Clergy were called to Consent to the Tax that was to be laid upon them.

Hence it is that in the following Parliaments, which were truly such, we hear no more of the Lower Clergy. In that of 1230, January the 26th, ⁵ "Convenerunt ad Colloquium apud Westmonasterium, Rex, cum Prelatis, & aliis Magnatibus Regni. In that of 1231, March 7th, there met by the King's Summons, says the same Historian, ⁶ Magnates Angliæ, tam Laici quam Prelati. In that of 1232, at *Lamhithe*,⁷ there met before the King Episcopi, & alii Ecclesiarum Prelati, cum Proceribus Regni. These gave the King the XLth part of all their Moveables: As they did, in the very same manner a XXXth some years after. Regn. XXI.

1230.

Sect. 60.

Mat. Paris p. 367.

1231.

Ibid. p. 372.

1232.

Mat. Paris

p. 377.

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the III.

Rights, &c.

p. 315.

2 Claus. 16

Hen. III. m. 7.

dors.

Claus. 21 Hen.

III. m. 7. dors.

3 Pat. 15 Hen.

III. m. 3. intus.

See Pryn. Re-

cord. Vol. 3.

p. 81.

4 Annal. Wav.

p. 193.

Seft. 61.

Rights, &c.

p. 301.

Seft. 62.

1233.

6 M. Par. p. 386.

387.

7 Ib. p. 397.

1234.

8 Ib. p. 403, 404.

9 Claus. 18 Hen.

III. m. 10. dors.

But here ¹ Dr. A. interposes: It is true, that in both these *Parliaments* the *Persons* Called by the King to it, are said to be only "*Archiepiscopi, Episcopi, Abbates, Priores*, but in the ² Grant, others are mentioned in both, viz. "*Clerici terras habentes quæ ad Ecclesias suas non pertinent*. And these therefore must be taken into the number of those who made the Grant, tho' not specified in the *Writ* of *Summons* to the *Parliament*. The Answer to this is not difficult: For, ¹st. It is not certain for all that, that these were *Members* of the *Parliament*. In the *King's Writs*, those are said to Grant, who Grant by *Others*, as well as those who are present in *Parliament*, and Grant for themselves. In the former of these very *Writs*, the *Villani de Regno nostro*, are said to have Granted, in the same Words that these *Clerici* were: Yet it is certain that the *Villani* were never *Members* of *Parliament*; but, as in the other *Writ* it is expressly set down, the *Liberi homines* Granted "*pro se, & Villanis suis*. In some other ³ *Writs*, *Abbeesses & Prioreesses*, are said to have Granted; yet Dr. A. will give me leave to affirm, that these were not proper *Members* of *Parliament*, for all that; nor did make their *Grants*, in *Person*, in those Great Councils. In like manner, be these *Clerici* whom they will; it does not follow that they were actually at the *Parliament*, because they are said to have Granted: All that follows is, that either by *Themselves*, or by *Others*, they did Grant a *Subsidy* to the King there.

Now this seems to be the meaning in which the ⁴ *Annals of Waverly* understood this Grant: Which speaking, in the very Words of the *King's Writ*, only change *Granting*, into *Receiving*, "*the King, say they, Received from the Archbishops, Bishops, Abbots, Priors; & Clericis terras habentibus quæ ad Ecclesias suas non Pertinebant*—

But however, Secondly; suppose that these *Clerici* were in *Parliament*, and there Consented to this Grant; yet this must be allowed, that they were there not as *Clergy-men*, but as *Land-holders*; not as *Representatives* of the *Body* of the *Lower Clergy* in *Parliament*, but as *Persons* who had *Lands* which did not belong to their *Churches*: And if any *Clergy-men* were such *Free-Tenants*, and had such *Estates*, I see no reason why they were not intituled, under that Capacity, to come to *Parliament* as well as any others. That which I deny is, that the *Lower-Clergy*, as an *Estate*, or *Part* of an *Estate*, of the *Realm*, were Called to *Parliament* before, after such a manner as they were from the 23^d of *Edward the First*; which is what this *Author* would have us believe, but is not able, by any one tolerable *Instance*, either of *Law* or *History*, to prove.

It is a wonderful thing what could move him, to offer a Passage to this Effect, so foreign to the Business of a *Parliament*, as another which he brings of this same year; ⁵ Page 301. "*On the xvi. Kal. Jan. says M. Paris, there was held at St. Albans a great Consistory of Abbots, Priors, Archdeacons, with almost all the Nobility of the Realm, Doctors, and Clergy. And how came they to meet there? Per mandatum Domini Papæ; at the Popes Command; who did not usually call Parliaments in England. But what did they meet for? To hear the Controversy between the Earl and Countess of Essex; and to proceed to a Divorce between them, if they saw it Reasonable. But where were the Bishops? How came they to be Omitted, and yet the Meeting be a Good Parliament for all that? In short, to Crown all, when did this Consistory meet? xvi. Kal. Jan. (i. e. December the 17th) 123¹. says Dr. A. A new Way of Computation; and very fit to be joyned with the Assembling of such a new kind of English Parliament.*

What to Call those ⁶ Meetings, to which the King the year following, "*Vocavit Omnes COMITES & BARONES*, I cannot tell; unless we shall suppose that under the latter of these, the *Ecclesiastical Barons* were included. But the year after, ⁷ April the 9th, at a *Parliament* at *Westminster*, we find the King with his *Earls* and *Barons*; the *Archbishops*, *Bishops*, and *Prelates*. So we do again at ⁸ *Gloucester* in June following: And either to this, or some other of the same year, ⁹ that *Writ* of this King to the Sheriff of *Lincoln* must Relate, concerning the Holding of the *County-Courts*, which was determined in presence of the *Archbishop* of *Canterbury*; "*Et Majoris & Sanioris Partis Omnium Episcoporum, Comitum, & Baronum, totius Regni*. There is, indeed, in one part of that *Writ* added & *Aliorum*; but that extends no farther than to the other parts of the *Baronage*; nor can reasonably be construed to include any others than the usual *Members* of *Parliament* under it.

†

To

To accommodate the Differences between the King, and his Barons, the An-¹ HENRY
nals of Teuksbury tells us, that the Archbishops and Bishops held a Provincial Coun-^{the 11d.}
cil at Gloucester, November the 26th 1233. To this the King sent his Prohibition,
to forbid their meddling without their proper Bounds; Dated at Hereford, No-
vember the 23d: And by the Writ it appears that only the Bishops were called to
it; as indeed they were, a long time after, esteemed the only proper Members of
such Assemblies. ^{Prynne Re- cords Vol. 2. p. 443.}

But to return to our present Business, of State-Councils: Anno 1234, the King
at Christmas kept his Court at Westminster, "Præsentibus Episcopis & Principibus
Regni quam plurimis; Says ² M. Paris. After which, upon the Octaves of Hi-³ Mat. Paris
lary, a Parliament was called; "Congregatis—Venerabilibus Patribus G. Cant. Ar-^{P. 419.}
chiepiscopo, Episcopis, Comitibus, & Aliis Fidelibus nostris, as the King's ³ Writ⁴ Apud Prynne
to the Archdeacon of Canterbury Expresses it. And these are All called, in the
same Writ, Magnates nostri; to shew us more plainly what kind of Fideles were
meant by him. ^{Regist. Vol. 1. Pref.}

The next Month after, ⁴ Frederick, Emperour of the Romans, desiring Isabell ⁴ Mat. Paris
the King's Sister, in Marriage, the King Debated three days about it with the ^{P. 414.}
Bishops, and Great Men, of his Realm.

It was, as I conceive, after Whitsuntide the year following, that the Parliament ^{1235.}
met, to which the King's ⁵ Writ to the Sheriff of Suffex, dated the 10th of July, re-^{Sect. 63.}
fers. It recites that the "Archbishops, Bishops, Abbots, Priors, Earls, Barons, and all
Others who held in Capite, had granted an Effectual Aid to him. And that we
may know that those only were called to that Parliament, by another ⁶ Writ, Da-⁶ Claus. 19 Hen.
ted the 16th of the same Month; the King Summoned all such other Abbots, and ^{III. m. 7. dors.}
Priors, as held not of him in Chief, by Knights-Service, except Cistercians, and
Pramonstratenses, to appear before him at Woodstock, July the 23d; in order to
the same End, as Mr. Prynne seems probably enough to Conjecture. ^{Apud Prynne Records Tom. 3. p. 90.}

At Christmas following the King Consilio Magnatorum suorum, as ⁷ Hemingford ⁷ W. Hemingsf.
speaks, was Married to Alienore the Earl of Provinces Daughter; and upon the ^{Lib. 3. cap. 13.}
23d of January following; ⁸ held his Parliament at Merton, "ut ibi Revocati ⁸ Annal Bur-
Magnates, una cum Rege, de Regni Negotiis contrectarent. There the fa-^{ton. p. 287.}
mous Laws of Merton were made, de Consilio Magnatorum, says ⁹ Hemingford, ⁹ Hemingsf. cap.
again. But the ¹⁰ Annals of Burton are more full; they twice Repeat the Per-^{12. ibid.}
sons who were present at the making of them; namely, the Archbishops, Bishops, ¹⁰ Loc. Supr.
Earls, and Barons. And this they took from the "Record it self, which runs ^{Citot.}
thus; "Provisum est in Cur. Dom. Regis apud Merton, die Mercurii in Crast. ¹¹ See 2 Instit.
"S. Vincentii, Anno Regis Henrici, filii Johannis, Vicessimo, Coram E. Cant.
"Archiepiscopo & Coepiscopis Suffraganeis suis, & Coram majore Parte Comitum &
"Baronum Anglia; ibid' Existentium Cum tractatum esset de Comuni Uti-
"litate Regni super Articulis Subscriptis, ita provisum fuit & Concessum tam
"a Prædict. Archiepiscopo, Episcopis, Comitibus, Baronibus, quam ab ipso Rege, &
"Aliis. Thus the Record of these Laws declares the Authority by which
they were made: And in a Writ of the 30th of the same Month, directed
to the Sheriffs of Norfolk and Suffolk, concerning them, I find the same Members
of this Parliament reckon'd up, almost in the same Words; "Scias quod die
"Mercurii in Crast. S. Vincentii in Curia Nostra, & coram Nobis, & coram Ven-
"Patre E. Cant. Archiepiscopo & Coepiscopis suis, & coram Majori parte Comi-
"tum, & Baronum nostrorum Anglia, pro communi Utilitate totius Regni no-
"stri, Provisum fuit tam a prædictis Archiepiscopo, & Episcopis, Comitibus, & Ba-
"ronibus, quam a Nobis Concessum, &c. This is so Clear, and so Authentick
a Record of the Members of our Parliaments in those days, that I do not see how
it is possible to make any reasonable Exception against it.

And the same was the Case the next year after: April the 28th, ¹² "Con-^{Sect. 64.}
gregati sunt Magnates Anglia ad Colloquium, de Negotiis Regni tractaturi, ^{1236.}
says M. Paris. At this Parliament, the Clergy Granted to the King a Scutage ¹³ Mat. Paris
of Two Marks of every Knights-Fee: And the King to preserve their Li-^{P. 419.}
berty, and that this Liberality might not be drawn into Consequence against
them, gave them his ¹³ Letters Patents for Prevention; Dated May the 4th, ¹³ Pat. 20. Hen.
wherein he mentions the Persons who made this Grant to him; "Archbishops, ^{III m. 8. in}
"Bishops, Abbots, Priors, & Alii Personæ Ecclesiastica; who must be such only as ^{Prynne's Re-}
held Lands in Capite of the King, as both the Writ it self shews, and we shall ^{records, Vol. 3.}
presently see it more fully Explained to us. ^{p. 473.}

K. HENRY
the III^d.

¹ M. Par. p. 435.
M. Westminster
p. 298.

² M. Par. p. 436

³ Claus. 12 Hen.
III. m. 7. dors.

⁴ Wikes Chron.
p. 43.

1237.
Sect. 65.
⁵ M. Par. p. 446
⁶ Mat. Paris
p. 446.
Annal. Burton.
p. 290.

⁷ Annal. War.
verl. p. 197.
⁸ M. Westminster.
p. 298.
⁹ M. Par. p. 447.
¹⁰ MS. in Bibl.
Cotton. Cleopa.

A. 7.
1239
¹¹ Mat. Paris
p. 523.

1241.
Sect. 66.
¹² Ib. p. 577.
¹³ See Prynn's
Records, Vol.
2. p. 578.

¹⁴ Mat. Paris
p. 579. 580

¹⁵ Ibid. p. 581.

At *Christmasts* following, the King issued out Writs for a *Parliament* to meet at London, upon the *Octaves* of the *Epiphany*; So *M. Paris*; but it should be on the *Octaves* of *Hillary*. The King's Design was to demand an Aid of his People; and for that a full *Assembly* was to be held. Let us Enquire therefore who by Virtue of these *Scripta Regalia* were called to it. Now of that we have a very Authentick and very Particular Account. For, First, Our *Historians* thus Report them; *Archbishops, Bishops, Abbots, Priors Installed, Earls and Barons*: These they afterwards call in one Word *Magnates, Fideles, Barones*; in another Phrase *Infinita Nobilium Multitudo*, scilicet *totius Regni Universitas*. And the manner of the Grant one of them thus ² Relates: "First the *Archbishop* of *Canterbury*, with his *Bishops* and *Clergy*, Consented; and then the *Others* followed.

Thus *M. Paris* Reports this Matter: And that this he did upon the Authority of some *Publick Instrument*, the King's *Writ* Relating to that Aid, sufficiently shews. ³ "Upon the *Octaves* of *Hilary*, says he, in the Twenty first year of our Reign, came together, at our Command, the *Archbishops, Bishops, Abbots, Priors, and Clergy* of our whole *Realm*; and Treated with us of our *State*, and of the *State* of our *Realm*: And the same the *Archbishops, Bishops, Abbots, Priors, and CLERGY* HAVING LANDS WHICH BELONG NOT TO THEIR CHURCHES, Granted as before. These were the *Members* of this full *Parliament*; and these again demonstratively shew that the *Lower-Clergy* were not yet called to come to it.

And yet tho' all this be so, yet ⁴ *Wikes*, an accurate Historian, thus briefly, and generally Reports this Matter; that a Thirtieth was Granted to the King, tam a *Clero*, quam a *Populo*; and thereby shews how those *Phrases* are, upon other Occasions, to be understood by us.

About the latter end of *July*, the next year, Cardinal *Otto*, the *Popes Legat*, came again into *England*. The King held his *Parliament* at *York*, the *Legat* being present, Cum Omnibus *Magnatibus suis*, September the 14th. In November following a *Legantine Council* was Assembled, in which, tho' I am not concerned, yet it may not be amiss to take thus much Notice of it; that the ⁶ Persons Summoned to it, were *Archbishops, Bishops, Abbots, and Installed Priors*; with *Procuratorial Letters* to Act in the Name of their *Convents*, as well as their Own. To these the ⁷ *Annals* of *Waverly* add, *Aliisq; Ecclesiarum Prælati*. So does ⁸ *M. Westminster*; *Convocatis omnibus Prælati Anglia & Wallia*. ⁹ *M. Paris* takes notice of the *Archdeacon* of *Canterbury* being present: And it is not unlikely but that the rest of that Order were there. The ¹⁰ *Annals* of *Tueksbury*, expressly name both them, and the *Deans*; *Archidiaconis, Decanis, & Aliis*.

But not to meddle with these kind of *Councils*, in which our Argument is not concerned: ¹¹ In the *Octaves* of *Epiphany*, Anno 1239, another *Parliament* was held; and at it were Assembled the *Archbishops, Bishops, and Great Men*; according to the Custom of those times.

In November, Anno 1241, the *Bishops* of *England* had a Meeting at *Oxford*, with many other *Grave, Religious, and Discreet Persons*, to Treat about the manifold Desolation of the *Church*, as ¹² *M. Paris* Expresses it. To these the King sent a ¹³ *Prohibition*; and in that tells us, who those other Persons were, viz. the *Prelats* of the *Church*; whom they thought fit to call together to that *Colloquy* with them.

And about the End of the same year a *General Parliament* was Summoned to meet at *London*, the *Tuesday* before the *Purification*. To it were called all the *Great Men, Archbishops, Bishops, Abbots, Priors, Earls, and Barons*, to Treat with great Deliberation, de *Arduis Negotiis Regni*, as the ¹⁴ *Historian* (from the *Writ* of *Summons*) speaks. The day appointed being at hand, the *Nobility* of all *England*, as well *Prelates* as *Earls* and *Barons*, according to the King's Command, were gathered at *London*.

The Answer which the *Parliament* made to the King's Demands, is worthy of our Remark, because it affords us a Full, and Authentick Testimony of the Persons who were Assembled at it. It begins to this ¹⁵ Effect: "Whereas the Lord *Archbishop* of *York*, and all the *Bishops* of *England, Abbots, and Priors* by *Themselves*, or by their *Proxies*; as also all the *Earls*, and almost all the *Barons* of *England*, were Called together by the King's *Writ*, and the King having laid before them the *State* of his *Affairs*, desired all the *Great Men* of his *Realm* to give him their Advice and Assistance; at length the said *Bishops, Abbots, Priors, Earls,*

"Earls, and Barons, having Treated together, &c. These were our *Parliament-Men* at that Meeting: No others mentioned throughout the whole History of it. K. HENRY the III.

To Confirm this, let us Consider, how the very *Writ of Summons* to this *Parliament* runs. It is directed to the *Archbishop of York*; and he is Summoned to be at *London* a die *S. Hillarii* in xv. dies, "ad Tractandum Nobiscum, *Una cum Ceteris Magnatibus Nostreis*, quos similiter fecimus Convocari. Yet in this *Parliament* a Subsidy was demanded by the King; and tho' the *Laity* Refused, yet the *Prelates* (so the *Historian* calls them, and mentions no other of the *Clergy*) being set upon singly by the King, did, at last, Comply with his Demands. Dors. Claus. (26) Hen. III. m. 13. Apud Selden. Tit. Hon. part. 2. pag. 523. Dr. Brady's Introd. p. 87. M. Westminst. p. 307.

The Terms in which *M. Westminster* speaks of these Persons, may deserve to be taken Notice of: "Convenit tota *Anglia Nobilitas*; tam *Prelatorum* quam *Magnatum*. Yet these he afterwards calls, "Homines Regis Fideles & Naturales, without any other Addition; and thereby shews, how those Terms also are, in other places, to be Understood, with Relation to these Assemblies.

But to proceed in our View of this Reign: About the latter End of the year 1244, another *Parliament* was called, and that for *Aid* too, at *London*. The Persons Summoned to it were again, as before, *Archbishops, Bishops, Earls, and Barons*. These breaking up without Answering the King's Desires, met again at *London* three Weeks after the *Purification*; *Magnates cum Prelatis*; as *M. Paris* Phrases it. Here the King attained his Purposes, and Received a *Parliamentary Supply*. On the *Morrow* after *All-Souls* the same Persons met again: *Convenientes Magnates*, says the *Historian*; and the King again Demanded an *Aid* of them. 1244. Sect. 67. M. Paris p. 639. Ibid. 643. Ibid. p. 650. M. Westminst. p. 318.

Who they were that chose the *Proctors* whom the King sent the next year to the *General Council of Lyons*, has been a Question of some difficulty: *M. Paris* tells us that they were chosen, *Nomine totius Universitatis Regni Anglia*; which *Universitas* sent an *Elegant Epistle* to the *Pope* by them. *M. Westminster* says that the King sent them: But *N. Trivet*, almost a Contemporary Writer, delivers the plain Truth of the Matter, and puts an End to the doubt; that the King, by the Advice of his *Parliament*, the Representative of his whole *Realm*, sent them: "Missi sunt ad hoc Concilium per Regem Anglia, de Consilio *Prelatorum, Comitum, & Baronum, Viri Nobiles, &c.* 1245. M. Paris p. 659. M. Westminst. p. 321. Nic. Trivet. p. 591.

This Complaint having not had its due Effect, the King upon *Midlent-Sunday*, towards the end of the same year, called his *Parliament* to consider how to deliver the *Church*, and *Realm*, from their Oppressions. And because this is a *Parliament* which makes a great Figure in our *English History*, it will be fit that we Consider with the more Care, who were the Members of it. *M. Paris* speaking of the *Summons* of it, tells us, that the King, by his *Writ* Called to *London* at *Midlent* "totius Regni *Magnates*. *M. Westminster* styles them *Nobiles Regni*. The *Annals* of *Burton* distinguish the *Lay-Members* from the *Ecclesiastical*; and call them *Magnates cum Clero*. The *Chronicle* of *Dunstable* thus reckons up the *Church-Members, Bishops, Abbots, and Priors*. M. Paris p. 693. M. Westminst. p. 327. Annal. Burton p. 306. M. Cotton. Tiber. A. 10.

The time assigned for their Assembling being come, "Convenit ad *Parliamentum* Generalissimum, totius Regni *Anglicani* totalis *Nobilitas*, says *M. Paris*: And to take away all doubt whom he comprehends under that Character, he adds, viz. of the *Prelats*, as well *Abbots*, and *Priors*, as *Bishops*; with the *Earls*, and *Barons*. These were his *Nobility*, and these, he says, were *Edicto Regis Convocati*, called by the King's *Writ* to this *Parliament*. M. Paris, p. 696. Mat. Westminst. p. 329.

Being thus Assembled, the King first of all, spake to the *Bishops* by themselves; then to the *Earls*, and *Barons*; and afterwards to the *Abbots*, and *Priors*: And Complained greatly, says the *Historian*, *toti UNIVERSITATI Congregata*; to the whole *Council* of the *Realm*, there Assembled, of the *Papal Exactions*, The Heads of the *Grievances* being drawn up, and Considered by the *Parliament*; the Conclusion was, that Letters and Messages should be solemnly sent to the *Pope* for Redress of them. M. Paris, p. 698. M. Westminst. p. 328.

The *Parliament* being broken up, they Wrote their Letters according to what had been agreed: *Episcopi per se, &c.* the *Bishops* by themselves; the King by himself; the *Abbots* and *Priors* by themselves; *Earl Richard*, and all the *Nobles* by themselves; says *M. Westminster*; and the Letter of these last is thus Intituled, "Devoti Filii Comes Cornubiæ, &c. Et alii totius Regni *Anglia* *Barones*, M. Westminst. Loc. Citat. M. Paris, p. 700.

K. HENRY
the III.

"rones, Proceres, & Magnates; ac Nobiles Portuum Maris habitatores; nec non
" & Clerus & Populus Universus. The others had before Written every one in
their own Names; the Baronage therefore took in all the Rest of the Realm, which
had not particularly sent themselves to him.

1246.
Sect. 68.
M. Westmin.
p. 329.

When these Letters thus sent, ¹ ex Parte Regis (&) Universitatis tam Magna-
tum, quam Prelatorum, had no Effect; but a New Imposition was laid upon the
Realm by the Pope, they were all astonished: And the King forbidding the
Bishops to yield to the Collection of what was demanded; took notice that it was
contrary to the Provision made by his GREAT MEN, as well Prelates, as Earls and
Barons, in the Council before mentioned. In which Council, the Historian tells
us, were gathered together totius Regni tam CLERI, quam MILITIÆ, (so from
their Tenures by Knights-Service he calls those whom he had before Stiled
Nobiles, & Magnates) Generalis Universitas.

² Annal. Burton
p. 305, 307.
Comp. Mat.
Paris p. 716.

Let me Observe this one thing farther: The ² Annals of Burton reciting the
Letter which M. Paris tells us was sent by the Regular Prelates upon this occasion,
gives it this Inscription, *Litera ex Parte Cleri*; and Confound the Answers af-
terwards made by the Clergy to the Pope, with the Letter sent by Order of this
Parliament.

From this Account of this Parliament, these things are plain; that of the Cler-
gy, none but Bishops, and Prelats, were present at it; of the Laity none but
Nobles, and Barons. That these are in the Language of those times called UNI-
VERSITAS REGNI Assembled together in Parliament, so one stiles them: *Tam
Cleri, quam Militia Generalis Universitas*, so another describes them. That
these are the Magnates & Clerus; the Magnates & Prelati; of the Parliaments
under this King; to which it is as plain as any thing can well be, that the Lower-
Clergy were not hitherto Convened.

³ M. Paris
p. 709.

On ³ July the 7th, the Messengers being returned, which went to Rome, the
King called another Parliament to meet at Winchester. The Magnates were a-
gain the Members of it. The Pope threatned; and the King with his Lords,
were incensed against him: But Earl Richard joyned with some of the Papal
Bishops against the King, and so all these Attempts for the Deliverance of the
Church from its Servitude, came to nothing.

Sect. 69.
⁴ Rights, &c.
p. 301.
⁵ Mat. Paris
p. 719.

And now we come to that Parliament to which ⁴ Dr. A. tells us the Archdea-
cons were called. He Relates the matter fairly, as it stands in ⁵ M. Paris; and
it is, I think, the first plausible Instance that has occur'd, of what he has been
Asserting. The Bishops of England had, in the Council of Lyons, Obliged the
Clergy to a great Subsidy to be paid to the Popes Use. The Pope pressed the
Payment of it; and the King was desirous by some means or other to prevent it.
To this End he called his Great men, and with them, the Archdeacons of Eng-
land, to London. Whither being come at the day appointed, the Bishops volunta-
rily absented themselves, that so they might not seem to go against their own Act.

⁶ lb. p. 720

Upon the day after the ⁶ Purification, the King had a diligent Treaty with his
Lords, protracting the Council many days. The Subject of their debate was, how
to preserve Gascony which the King of France was preparing to subdue; and
which it would be both a Dishonour and Damage to the King to lose.

At this Meeting the Archdeacons of England were assembled, as I before Obser-
ved; and no small part of the Clergy of the whole Realm, together with the Great
Men, complaining of the intolerable Exactions of the Pope. The Con-
clusion was, that solemn Messengers should again be sent to the Pope, and
the Letters, inserted by the Historian, be Written on behalf of the Community
of the Clergy, and People of England, to him, and to the Cardinals. This is the
Account which M. Paris gives of this Assembly: From which those things are
clear; That the Archdeacons were present at this Parliament; That only those of
the Province of Canterbury came to it; For they only Wrote the Letters to the
Pope; which, had those of York been present, we can hardly think they would
have done. That a great number of the Clergy came with them: That these
together made their Complaints of the Grievous Exactions of the Court of Rome:
That in the other Debates of this Parliament, none but the King, and his Lords,
deliberated. The only Question, is, Whether these Archdeacons were Summon-
ed in Course to this Parliament, as Ordinary Members, to Debate, and Conclude
with the Lords, upon the Affairs of the Realm, there? Or whether they were
only now Summoned, Extraordinarily, for this particular Purpose; to Remon-
strate

strate to the King, and his Great Council, the Grievances of the Clergy, and to joyn K. HENRY the III. in such Resolutions as should be taken by them thereupon?

Now the latter of these I affirm to have been the Case, and that for these Reasons: First, That they did not joyn with the Lords in their other Debates; so *M. Paris*, clearly enough, shews. Secondly, He only says of them that *Convenierunt*, they came thither; and with them a great many Others of the Clergy, Unsummoned, for ought appears. There they *Complained* on behalf of the *M. Westminst.* Clergy, and joyned with the Lords in the Letters which were sent to Rome: *p. 334.* And this was necessary to be done by them, because the Bishops, having before Engaged themselves to the Pope, could not now Act in Parliament for the Clergy. To all which let me add (lastly) that in the very next Parliament they were not Summoned, as I now come, in Order, to shew.

The ² Parliament I mean, is that of Oxford, on the first Sunday after Easter: Of which the same Historian gives this account; that the King called the Nobility of the whole Kingdom to it; but especially the Prelates, who were most impoverished by the Papal Exactions. The Pope had moderated his whole demand to the Sum of Eleven thousand Marks. To this the Bishops and Prelates consented. *M. Paris* says, all but the Exempt Prelates, and three of the other Clergy. But ³ *M. Westminster* says, the Bishops shut out the Exempt (whether upon the account of their Obstinacy, I cannot tell) from a share in the Composition; and left them to the Rapine of the Court of Rome.

Thus we have the Story of these two Authors: ⁴ *Wikes* takes no Notice of it at all; but only says that in the xv^e. of Easter, a General Congregation was held of all the Great Men of England; Bishops, Earls, and Barons; before the King at Oxford; with whose Counsel and Assent he changed his Money, because it had been Clipp'd, and so was not of Value.

In the Octaves of the Purification another Parliament met at London. This Dr. A. fairly enough Reports; but forgets to tell us wherein it makes for his Advantage. The Relation of it runs thus: That on the Octaves of the Purification, all the Nobility of England being Summoned by the King's Writs, met at London. There came beside a Multitude of Barons, Knights, and Nobles; as also of Abbots, Priors, and Clergy; Nine Bishops, and as many Earls. These are afterwards stiled Magnates; and do plainly refer to such Prelates and Clergy, as by Vertue of their Tenures had a Right to a Summons; not to the Body of the Inferiour Clergy.

This Parliament refusing to Supply the King's Needs, another was held the xv^e. of Mid-Summer following. The Persons our Historians do not particularly reckon up: But their Characters are plain, ⁶ *Totius Angliæ Nobilitas*, ⁶ *Omnes Regni Primates, Magnates, Universitatis Barnagium*: And sufficiently Exclude all but such whose Tenures or Priviledges intituled them to a part in this Honourable Assembly.

But more Express is the Account which the ⁷ *Annals* of Burton give us of the next Parliament, which I shall take notice of, Anno 1252. To which, they tell us, were Summoned, the two Archbishops, the Bishops, Abbots, Earls, Barons, and Great Men of the whole Realm of England. ⁸ *M. Paris* leaves it almost a doubt whether this was a Parliament Summoned to Attend, or a Voluntary Meeting of the Barons to Celebrate the Feast of St. Edward with the King. But for the Ecclesiasticks who came thither, he says they were "*totius Angliæ Prelati fere Universi*"; that is, the Bishops and Regular Prelats, with the other Clergy before mentioned.

On the Quindene of Easter following, all the Nobility of England was Summoned to London, by the King's Writs; ⁹ "*de arduis Regni Negotiis, simul cum Rege, tractaturi*." Of the Church side, we find mention of the Archbishop of Canterbury, Bishops and Prelates: The Chronicle of Dunstable speaks only of Bishops, Earls, and Barons: ¹⁰ But *N. Trivet* is more large; he says that at the Instance of the Prelates, Earls, and Barons, the King Confirmed the Two Charters. And from a * Bull of the Popes relating to this Matter, it appears, that presently after, the Archbishop of Canterbury, with the Consent of the Archbishop of York, and the Concurrence of Fourteen Bishops who were assisting at it; did in the presence of the King, the Earl of Cornwall, Et aliorum OPTIMATUM Angliæ, ad hoc, quasi ad Concilium, Specialiter Vocatorum, Excommunicate all who should Violate these Charters; which Sentence the Pope Confirmed. In this they

K. HENRY the III. all Agree, that of the *Clergy* none but *Prelates* were Concern'd in this Affair; under which we may take in such *special Clergy-men*, as held *Lands* of the King, not amortiz'd to their *Churches*, and who, upon that Account, were wont to be called to these Councils.

The same were the Members of the next *Parliament* of the same year, which met *January* the 27th, "*Universi fere Angliæ Magnates*, as *M. Paris* calls them. Of the *Church side* he mentions *Bishops* only in particular: But the other term is more large, and comprehends all *Barons*, as well *Spiritual*, as *Temporal*; and so intitules the other *Prelates*, as usual, to a place there.

M. Paris Reports that this *Parliament* brake up without Granting any thing to the King: Yet by the *Writs* issued out not long after to all the *Archbishops* and *Bishops*, to Call together the *Clergy* of their several *Dioceses*, and ask a Supply, in the King's Name, of them, it appears, that the *Regular Prelates* had made him some promise in that *Parliament*, which he took Care to hold them to. The Persons to be called to these *Diocesan Assemblies*, were the *Archdeacons*, *Religious*, and *Clergy* of the *Dioceses*, who in these separate Meetings were now wont to Consent to their own *Taxation*; and therefore, we may the rather conclude that they were not Called to *Parliament*: The *Regular Prelates*, tho' present there, yet being only Asses'd for their *Baronies*, not for their *Own*, or *Convents*, *Revenues*, which were held in *Frank Almoigne*, or otherwise accounted meerly *Spiritual*.

Of this Gift a Return was to be made to the King's Council at *Westminster*, in xv. *Pasch.* and about the same time I conceive it was, that his next *Parliament* met, of which *M. Paris* tells us again, that the *Magnates* were Assembled at *London*. These he afterwards calls *Proceres*, and gives us no other account of them.

But of the next *Great Council* which met, at the same time, the year following, we have a more ample Relation, in our several Histories. *All the Nobles* of *England* came to it, as well *Ecclesiasticks*, as *Laicks*; says one: The *Bishops*, *Abbots*, *Earls*, and *Barons*, of the whole Kingdom, a very few excepted says another. These they all afterwards Call *Magnates*; *Great men*; but in all their Accounts of this *Parliament*, which are very particular, they take no Notice of any of an *Inferior Degree*.

The same was the Case of the next *Assembly* at *Westminster*, *October* the 13th, where *M. Paris* tells us, there Assembled *Omnes fere Angliæ Magnates*. Together with this *Parliament* a *Legantine Council* was held by *Rustandus* at *London*, the very same day. To this were called all the *Prelates* of *England*, says the same Historian: The *Annals* of *Burton*, (which Confound these two Meetings together) add the *Procuratores Cleri* too. The Reconciliation will be plain, if we say, with *Dr. A.* that the *Archdeacons* Came with *Procuratorial Powers* to Act for the *Clergy*, as on other Occasions we are told they were wont, about this time, to do.

These Meetings proving Ineffectual to the King's, and the Legat's Designs, a New *Parliament*, and *Synod*, were held about *Midlent*, the year following. As for the *Parliament* the *Writ* it self informs us, both when it was to Sit, and who were Called to it. The *Pralati* and *Magnates*, were the Members Summoned: And these were to Come to *London*, the *Friday* before *Midlent*. Upon the *Sunday* Seven-night, (Ten days after) in the *Chapter-house* at *Westminster*, the *Archbishop* of *Messina*, the *Popes Legate*, declared his Business, before the *Prelates*, *Clergy*, and *People*, who were gathered together in great Numbers there; and upon the *Passion-Sunday* after, *Rustandus* the other Legat, before the *Archdeacons* there Assembled from every *Bishoprick*, Published his *Bulls* too. Then the *Archbishop* admonished them to get their *Procurations* Ready, within the *Octaves* of *Easter*: And about the same time the King demanded of the *Clergy* an *Aid*, to clear the Obligation which he lay under to the *Pope* for the Kingdom of *Sicily*.

I have put this Account of the *Burton Annals* together, as well as I could, tho' it be plain that there must be a great Confusion in the Relation. For *Rustandus* was certainly gone out of *England* before the *Archbishop* of *Messina* came hither: And though he returned again, yet that was not till after these last Meetings were over; and then too his powers were taken from him, as *M. Paris* informs us. Of the *Parliament* in *Midlent* the same Historian takes notice. He says that there was present at it, "*tota fere Angliæ Nobilitas*: But for the *Convocation* he speaks nothing of it, unless it be included in that account, where having mentioned

tioned the Popes Grant to the King of a Tenth upon the Clergy for Five years, He K. HENRY
says, at last they promised the King to supply his instant Necessities; and after- the III.
wards, mentions both a Council and Parliament, *Solutio Concilio & Parlamento Me-*
morato.

The want of distinguishing these Assemblies, and remarking this Confusion of Time, and History, has misled Dr. A. into several Mistakes as to these Matters, which must now be Corrected; or they may be apt to Mislead others into the like Errors. For, First, he applies the Passage of 1255, to the Parliament then Sitting; which M. Paris shews us belongs to the Legantine Council which Annal. Bur-
was held at the same time. It was in that the Bishops, and Clergy, Appealed ton. p. 355.
from the Legat to the Pope. Fulco Bishop of London began the Opposition; Wal- M. Par. p. 915.
ter Bishop of Worcester seconded him: And thereupon *Invocata Sancti Spiritus Consolatione*, they Appealed to the presence of the Pope; as the Burton Annals also observe. To this Assembly therefore, not to the Parliament, the *Procuratores Cleri* were called; *Praelati Angliae Universi*, says M. Paris; that is to say, the Archdeacons on behalf of their Clergy.

Sect. 74.

Secondly, The Bishop of Lichfield's Order to the Archdeacon of Stafford to have the Papal Procurations ready to be paid to him at a certain day in London; does not, in my Opinion, at all argue that the Archdeacons were to bring it themselves thither, or to pay it, in Person, there; much less does it follow that the Archdeacons were Members of that Parliament. The Writ sufficiently explains it self. The Bishops were to meet at Parliament; there they were to Agree whether these Procurations should be paid to the Legat, or not. The Archdeacon therefore was to be ready to Assign the Money for his Archdeaconry, if they should conclude to Pay it. This is the Purport of the Writ; And this was all that was meant by it.

But here therefore the Confusion of the Burton Annals again misled him. For having supposed, upon the Grounds now mentioned, that the Archdeacons then Attended the Parliament; he thus adds one Error to another. 2 "And accordingly the next time it (the Parliament) was Assembled, we again find them Rights, &c.
" (the Archdeacons) there. For a Debate arising, this Resolution was taken, p. 302.
" *Commune Consilium super hoc refedit, quod Decani, Praelati Regulares, ac*
" *Archidiaconi, tractabunt cum suis Capitulis & Clericis, ita quod ad Menssem post*
" *Pascha Redeant per procuratores instructos ad plene Respondendum.* But
Dr. A. will give me leave to say, that he applies this Passage to the Parliament without any manner of Authority for his so doing. In all that part of the Annals there was not the least word to shew, or imply, that this was done in Parliament; nor could it be the next time the Parliament Assembled; for Rustandus was gone before the Archbishop of Messina came hither; and the true state of time, according to M. Paris, who is here very Exact, lies thus.

3 Rustandus came over hither about Michaelmas, 1255. October the 13th he M. Paris p.
held his First Council, at the same time that the King held his Parliament. Not 913, 915.
long after, he had a Second Meeting with the Clergy: 4 There not concluding 4 Ibid p. 917.
upon any thing, they 5 Adjourned till Hilary following 1256: Upon Palm-Sunday, Ibid. p. 920.
after, 6 that Meeting must have been held of which Dr. A. speaks. On the 6 Annal Bur-
xve. of Easter, 1256; (according to his appointment) the Clergy again met: ton. p. 373.
And the 7 beginning of June the Legat went out of England: And tho' true it M. Paris,
be that in 1258, 8 he returned hither again, yet it was for his own Private p. 924.
Affairs that he return'd; without any Character that he owned from the 8 Ibid. p. 960.
Pope.

About the beginning of the Lent, after Rustandus was gone, the 9 Archbishop of M. Paris, p.
Messina came in his place. He immediately required his Procurations to be 944.
raised, and the Sunday next after Midlent-Sunday, declared his Business in the
Chapter-house at Westminster. The King had Summon'd his Parliament to meet
Ten days before, viz. the Friday before Midlent-Sunday, as by the Dates of the
Writ does appear. This I take to be the true account of this Confused matter;
and it plainly shews all Dr. A's Pretence of the Archdeacons being in Parlia-
ment, to be a meer Mistake, for want of rightly distinguishing the Contemporary
Parliaments, and Convocations, from one another, and of placing the several Relati-
ons not in the order that the Annals have entred them, but in the true Course of
time to which they belong.

1257. The next ¹ Assembly to which the *Archdeacons* were *Summoned* and ordered to come with *Procuratorial Letters*, to enable them to act for the *Diocesan Clergy*, ² Dr. A. himself tells us was purely *Synodical*; and is therefore foreign to his present purpose of bringing the *Lower Clergy* to *Parliament*: So was the ³ *Convocation* of *Merton* the year after. But before that, on *Hoke-day*, a ⁴ *Parliament* met at *London*. Here we again find the *Old Members*, *Nobilitas Regni*, & *Magnates*, *Assembled*. This continued till the *Sunday* after *Ascension-day*; when the King engaging to *Correct* his *Errors*, an *Adjournment* was made till *Barnaby-day*, at which time they were to meet at the famous *Parliament* of *Oxford*: Some account whereof must therefore be given here.

The *Barons* having obtained such a promise of the King, as I before observed, at the *Parliament* of *London*, ⁵ Caballed together how to manage their Affairs at the next Meeting. The day agreed on being come, *June* the 11th, ⁶ *Magnates* & *Nobiles terræ* all hastened to ⁶ *Oxford*, where they were to meet; Commanding, at the same time, all such as held of them by *Knights-Service*, to attend them with their Arms there. What was done at that Assembly would be too long for me to recite: But in all this *Parliament*, *M. Paris* makes no mention of any but the *Magnates*, and *Barones*, and their *Milites*; the One the Persons who came to the *Parliament*, the Other such as were required to *Attend* upon them there.

1258. With him agrees ⁷ *M. Westminster*; or rather indeed he speaks more fully to the same Purpose: That the *Milites*, *Barones*, & *Prelati*, being Called by publick *Writ*, came to *Oxford*, and made the *Provisions* there. That some Opposed these, but were not able to Resist the Faction: All the other *Prelates*, *Earls*, and *Barons*, Sware to the Observation of them.

The same is the account which ⁸ *Eversden* gives of this Meeting: He says that the King's Foreigners enraged the *Proceres Regni* against them. That thereupon, *Convenientibus cunctis Proceribus Angliæ apud Oxonford*, the Establishments, there made, were published: And the *Proceres Regni* Obligated themselves to the keeping of them.

Of these *Provisions* it is, that the ⁹ *Annals* of *Waverly* tell us, that *Comites*, & *Barones*, *Archiepiscopi*, *Episcopi*, & *Cæteri Magnates Angliæ*; All Conspiring together, began to Renew and Reform the *Ancient Laws* and *Customs* of *England*.

In the same manner does ¹⁰ *Wykes* in his *Chronicle* speak of this *Parliament*. He calls the Actors in it *Magnates*: He says that they agreed to take all the Power of Government out of the King's hands, and to Elect xxiv "de Majoribus Potentioribusq; Regni, to Govern both the King and Kingdom; ¹¹ and Sware to adhere to what these xxiv should Establish. These Orders he afterwards calls *Providentia Baronum*; And we meet with nothing to make us think that any others were at all concerned in them.

¹² *Hemingford* goes on in the same Language: The *Magnates* were angry at the King's Conduct; the *Comites* & *Barones*, went to the King and Complained of his Foreigners: These were Ordered to meet at *Oxford*: These did what was done there: And *Nine Bishops* who came thither, Excommunicated all that should go against their Appointments.

The ¹³ *Chronicle* of *Dunstable* proceeds in the same Stile: On the Feast of St. *Barnabas* the King caused all the *Magnates Angliæ* to be called together to *Oxford*; as well of the *Clergy* as of the *Laiety*. So does ¹⁴ *Walsingham*, more plainly: The King, says he, Call'd his *Parliament* to *Oxford*; to which the *Prelates*, *Earls*, and *Barons*, being come, those *Statutes* were made, which to this day are called the *Oxford Provisions*.

And lastly, the King's own ¹⁵ *Writs*, all run in the same manner. By one dated the 2d. of *May*, a little before the Rising of his *Parliament* at *London*; he declares that he had granted and Sworn, *Proceribus* & *Magnatibus Regni*; to Reform the Government, by Twelve Persons whom he calls his *Fideles*, then chosen, of his own *Council*; and Twelve others to be chosen ex parte *Procerum*, who should meet at *Oxford* on *June* the 11th.

In his ¹⁶ *Letters Patents* to those who were Chosen of his *Council*, for this end, dated at *Oxford June* the 31st. he repeats it several times that he had granted *Proceribus*, & *Magnatibus Regni*: That he promised *Proceribus*; & *Magnatibus*; That Twelve others were to be Chosen, ex parte *Ipsorum Procerum*, &c.

Not long after this Parliament a new Legat coming over hither to Fleece the *K. HENRY* Realm, solemn Ambassadors were sent, according to the Government now Settled, *the III.*
Ex parte Regis, & totius Anglia Universitatis, to the Pope concerning the Affairs of the Realm. These had a Letter given them Wrote a *Barnagio*, says *M. Paris*, *M. Paris*, p. the Copy of which that *Historian* has preserved. ² The Title is, "The Letter sent to the Pope, by the Community of England: And what this Community was, the Inscription it self shews, "*Communitas Comitum, Procerum, Magnatum, Aliorumq; Regni*; the whole Body of the Lords and Barons of England. Here they take notice of the Reformation agreed to be made of the Realm, de *Procerum & Magnatum Consilio*; that Twelve should be Chosen by the King, and as many "*Ex parte Communitatis*, for this End. To this Letter two of them Subscribed, "*Vice totius Communitatis*; which from all that has been said plainly appears to have been the Community of the Great Men; the Barones, & *Milites Regni*; No others of the Clergy or Laity being concerned in it.

And now it may be time to Consider what Account the *Burton Annals* give of this Matter, which Treat the most largely, and fully of it. In the first place, ³ they tell us that this Ordering of the State of the Realm was made by the Barones Regni at Oxford. That the *Magnates totius Regni* were called, and came thither, "*una cum Clero*, which therefore must be the *Praelati*, mentioned by the other Historians. *Annal. Burton.* p. 387, 406, 407.

The ⁴ Petitions here made to the King, are thus Prefaced; "*Petunt Comites & Barones: Item Petunt Barones: Item Petunt Remidium, quod cum Ipsi Comites & Barones, &c.*" *Ibid.* p. 408.

The ⁵ Resolutions agreed to, are called the *Barons Provisions*: The *Barons Ordination*, and *Provision*: And of the Barons one Writing from the Parliament at Oxford, says, that the Barons had a great and difficult work in hand; that they proceeded fiercely in their doings; he wished all might end well. *Ib.* p. 410, 411.

Of the Twenty four, the same *Annals* speak thus: ⁶ That Twelve were Chosen, "*Ex parte Regis, & totidem ex parte Communitatis*. And in the Catalogue of these they are thus inscribed: "*Electi ex parte Domini Regis. Electi ex parte Comitum & Baronum*; who therefore were the Community before meant. *Ib.* p. 412.

The same therefore must be ⁷ *Le Commun*, who as those *Annals* Relate, Swore to stand by One Another on this Occasion. *Ib.* p. 413.

Among other Provisions one was to have ⁸ Three Parliaments every year. To these Twelve persons were Chosen, by the Barons, to Come, and to Act with the King's Council, formed according to their Model, *Pur tut le Commun de la Terre*, of the Publick Needs. They had the Barons Power Committed to them; and were to do that, which the whole Baronage was wont to do in Parliament. Among all these there were, on the Church-side, the Archbishop of Canterbury and two Bishops; and no more. *Ibid.* p. 414, 415, 416.

These things being thus Effected, ⁹ the account I before mentioned of them from *M. Paris*, which is here also inserted, was sent to the Pope, *Ex parte Domini Regis, & Communitatis*: that is of the same Community of the Great men; and so the King and Barons of England, departed from this Parliament. *Ib.* p. 418, 419.

And now let us Consider a little what we have been relating: Here was a Parliament held for the Weighty Affairs of the Realm. The whole Government was settled upon a new foot; and all the Kingdom concluded by what was done at it. Yet in all this great Transaction no appearance of the Lower Clergy is taken notice of; Nothing that had Ground enough to Warrant even Dr. A. himself to make any such use of it.

About the latter End of this year, the King of the Romans purposing to come over hither, the ¹⁰ Barons being jealous of his design, sent Messengers to him to know the meaning of it. These in the *Historians* Phrase, were said to be sent a "*Communitate Anglia*, that is of the Baronage. The Earl of Leicester was yet abroad, and the Barons were doubtful what the King intended: It was also Reported, that King Richard would bring one, or more, of his Exiled Brethren with him, "*quod Baronum Communio*, says *M. Westminster*, *ægre sustineret*. *Mat. Paris* p. 982. *M. Westminster* p. 365. *Chro. Wyket* p. 53. *M. Westminster* p. 365. *M. Paris* p. 984.

Being come to ¹² London, on the Octaves of the Purification, a Parliament was held there, and the Nobles of England gathered to it. It was not long after this that the Committee of Lords Chosen by the King, and the Barons, to provide for the better Ordering of the Realm, debating upon that Occasion; ¹³ a Quarrel happened. *M. Westminster* p. 365. *M. Paris* p. 985. *M. Westminster* p. 366.

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the III.

1259.
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¹ Annal. Burton.
p. 427.

¹ Annal. Burton.
p. 427, 428.

⁹ M. Westminst.
p. 370.

1260.
Sect. 79.
⁹ M. Westminst.
p. 370.

¹ Chron. Tho.
Wykes, p. 54.

pened between two of the *Barons* side, the Earls of *Leicester* and *Gloucester*. The former being the Head of the Faction against the *King*, thought that the latter did not proceed so Vigorously as he should in the Common Cause; and the Dispute rose so high, that *Montford* in a passion left *England* upon it.

This being heard by the Earl of *Hereford*, and other Lords, & *sui Compares*, they all fell upon the Earl of *Gloucester*, desiring that *Leicester* might presently be Re-called; and that *Gloucester* should go on more steadily in the Common Cause; or they would all fall upon him. *Gloucester* promised to Comply; but yet by the Account of the ¹ *Burton Annals*, seems to have done but a little as to what had been agreed at *Oxford*. For at *Michaelmas* following the Faction of the Earl of *Leicester*, and their Adherents; whom I take to be meant by the *Communitas Bachilerie Anglie*; Remonstrated to the Prince, and to the Earl of *Gloucester*, and the rest who had been Sworn of the *King's Council* at *Oxford*; that tho' the *King* had done all that the *Barons* had Required of him, yet the *Barons* themselves had done nothing of what they had promised for the publick Good; nor minded any thing but their own private Interest: And that if some Amendment were not made by them, they must Recur to other Methods. The Prince declar'd that he was ready to stand to his Oath, and venture his Life for the Community of *England*. Whereupon the *Barons* (those I mean who had got the Government into their hands, but had made, as was said, a very bad use of it, for so the *Annals* imply, *Barones de Concilio jurati*) met in *Parliament* according to the Establishment, and there caused their *Provisions* to be published; which they call *Provisiones Baronum*, and tell us, were made at *Westminster* at the *Michaelmas* Parliament, by the *King* and his Council, and the Twelve Chosen for the Common-Council; *Pordevant le Communance de Engleterre*: That is, says Dr. A. before the Community of *England*, as distinguished from the Community of *Barons*, Represented by the Twelve. It is not any part of my present Concern to dispute this Matter with him: Let him enjoy his Conjecture if he pleases. But as we have before seen, that the Twelve who were to come to the fixed *Parliaments* of the Realm, were chosen in the *Parliament* at *Oxford*, where we cannot find that any besides the *Barons*, and their *Milites* were present; so it is evident, that they who were then Chosen, for that Purpose, were the very Persons who made these *Provisions*. The *Communance de Engleterre* therefore must be the Community of the *Parliament* which had been held at *Oxford*, not of this which now met at *Westminster*; for in that these Twelve were Chosen, not in this: And if no *Commons* therefore, as we now understand them, were there, neither can they be meant by the *Communance* here. The passage then which Dr. A. seems to me to have misunderstood, I should rather render thus; ² "These are the *Provisions*, and *Establishments* made at *Westminster*; at the *Parliament* at *Michaelmas* (by the *King* and his Council, and the Twelve chosen by the Community of *England*, for the Common-Council;) which was then held at *Westminster* in the Forty third year of the Reign of Henry the Son of *King John*. This I take to be the true Translation of that Passage; and this puts the meaning of the Community of *England* out of all doubt.

It will be much the same thing if we take it in his Sense: The *Communance de Engleterre*, will still be the *Confederate Barons* called before *le Commune*; only it seems more odd that a *Select Council* should make *Provisions* in the Name of the whole *Baronage*; at a *Parliament* where the *Baronage* it self was present. But for this let Dr. A. take his own way: It is none of my Concern to Oppose him in it.

At this *Parliament*, it seems to have been, that ³ *Justices Itinerant* were also settled to go through all *England*, before *Easter* following. The Historian calls it *Parliamentum Generale Baronum*; and thereby sufficiently declares who were called to it.

It was not long after this ⁴ *Parliament* before the *Kings* Affairs called him over into *France*: From whence being ready to Return about *Easter*, he was informed, that Prince *Edward*, by the Counsel of his *Barons* and *Lords*, and out of an ambitious Love of Rule, began to Aim at his Imprisonment and Deprivation. The *King* being afraid hereupon to come into *England*, his Brother the *King* of the *Romans* Assembling all the *Lords* at *London*, caused the Prince, and all the *Nobles*, to give him a full Assurance that he might freely and safely Return. This was, I suppose, the *Parliamentum Baronum Port Pascha*, of which ⁵ *Wykes* speaks. After *Michaelmas* another was held "totius Anglie Magnatibus apud *London* Con-

"vocali."

"*vocatis*, says the same Historian. There they treated about the *Justiciaries* of ^{King HENRY the III.} England, the *Chancellor*, and *Treasurer*, as ¹ *Mat. Westminster* informs us. In February, the same year, a third ² *Parliament* was held; and that too "*Convocatis Magnatibus*, as the others before had been. ³ *M. Westminster* p. 375.

The next year following the Pope sent a New *Legat*, *Walter de Reygate*, hither. ⁴ *M. Westminster* p. 377, 378. He Summon'd all the *Prelates* of England to appear before him at London in *Quindena Paschat*. ⁵ But the Meeting was held in two *Provincial Synods* before the two *Archbishops*; in the Province of *Canterbury* the Monday before the Feast of *St. Dunstan*, May the 16th. In that of *York* the Monday after, May the 23d. ⁶ *M. Westminster* p. 379. The *Persons* cited to these *Synods* *Mat. Westminster* thus Enumerates, *Archbishops*, *Bishops*, *Abbats*, *Priors*, *Archdeacons*, and other *Ordinaries* of Churches. The *Archbishop* of *Canterbury* had just before held his own *Provincial Council* at *Lambeth*, ⁷ *M. Westminster* p. 380. and therein published his *Constitutions*, May the 13th; *Concilium Prasulum Provinciae suae*, says our ⁸ *Historian*: And the ⁹ *Acts* of this *Synod*, yet more plainly shew ¹⁰ *Spelm. Concil.* Vol. 2. p. 305. that none but *Prelates*, that is, his *Suffragan Bishops*, Acted in it.

About two years after, a *Legantine Synod* was held at *Westminster* after *Trinity-Sunday*. Upon the 8th of *September* following a *Great Parliament* met at London: The Members of it, as set down by *Mat. Westminster* were *Proceres & Cateri Prelati*. ¹¹ There the *Provisions* of *Oxford* were publickly Promulged, and ordered to be generally observed: But the differences between the King and his *Barons*, were grown too great to be easily Composed. Another *Parliament* therefore met after *Michaelmas*; and about *Midlent*, a Third. ¹² This was held by the King, with his *Nobles* at *Oxford*: ¹³ *Hemingford*, in his Account of it, speaks of ¹⁴ *M. Westminster* p. 385. *Bishops*, *Great-men*, and *Barons*, but of no others. Here, by the Interposition of ¹⁵ *Hemingford* Lib. 3. cap. 28. the *Bishops*, it was Agreed to Refer the Debates between the King and his *Barons* to the *French King*, who giving Sentence for the *Prince*, the *Barons* Refused to Acquiesce in his Determination.

But ¹⁶ *Wykes* speaks of more of these Assemblies: One at the *Purification* 1261, ¹⁷ *Chr. Wykes* p. 55. in which the King and his *Barons* Referred themselves to the Arbitriment of the *Kings of France*, and of the *Romans*.

A fortnight after *Easter*, 1262, the *Barons*, says he, came again to London to Treat with the King; and were content to Abate many of their *Articles*, provided the King would Confirm the rest.

At ¹⁸ *Whitsuntide*, 1263, there was another *Congregatio Magnatum* at London. On the *Nativity* of the *Blessed Virgin* there was another, which lasted three days; and an innumerable Confluence of People, on the *Barons* side, came to it. This too, the *Historian* says, the King held "*cum Magnatibus*, nor mentions he any others. ¹⁹ *Ib.* p. 56, 57.

After divers Treaties between the two Parties, about ²⁰ *Christmas* it was agreed by the King and all his *Friends*, and by the *Earl of Leicester* and his, to Commit all things to the Arbitration of the *French King*, and ²¹ the King of the *Romans*. *Prince Edward*, the *Earls*, *Barons*, and *Knights*, *Archbishops*, *Prelates* of the Church, and, in general, the *Clergy* and *People*, All came into the Agreement, and All Sware, and set their Hands and Seals, to abide by it. ²² *The King's Patent is Signed in December. See Dr. Brady's Hist.* 1 Vol. Append. 233.

The King of *France* Pronouncing for King *Henry*, the King called such of his *Lords* to *Oxford*, about *Midlent*, as held firm to him, to deliberate how he might best Defend himself against his Enemies, or Punish them according to their Deserts. ²³ *Chr. Wykes* p. 58.

From this time forth all went into Confusion; till, at last, the King himself was taken Prisoner at the Battle of *Lewes*. ²⁴ In this State, *Writs* were issued out, after a new manner, for holding of a *Parliament* upon the *Octaves* of *Trinity*, ²⁵ *Dr. Brady's Hist.* 1 Vol. Append. p. 235. June the 22d. Four of the more discreet *Knights* of every County were ordered to be sent to it; to Treat with the *Prelates*, *Great men*, and other *Faithful* in it.

But we do not yet see any Change on the *Ecclesiastical side*. On the contrary, in the ²⁶ *Writs* dated the 1st. of *September* following, the Subsidy is said to have been Granted in the Old form, *per Prelatos & Magnates Regni nostri*; and the *Writs* to the *Barons* for this very *Parliament* ran in the ancient manner, as ²⁷ *Dr. Brady* shews. ²⁸ *Ib.*

It is in the next year then that we must look for the first Considerable Change on the Church, as well as on the Lay Part of our *Parliaments*. In that we find not only several *Deans*, but a numerous Roll of *Religious Prelates* assembled. And though

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though the *Summons* be not Extant, yet it appears by our *Records*, that *All* the *Priors* of *England* were called to that Convention : Whether any others of a *Lower Order* were Summoned to it, I cannot tell ; it is probable that none were.

Here then it is that, as far as I can Observe, the number of our *Parliament Clergy* received its first Enlargement. From the time of the *Conquerour*, till the latter End of King *John*, the *Bishops* and *Clergy* who *Held* by *Barony* of the *King*, were the only Persons of our Order who were wont to be Called to the *Great Councils* of the *Realm*. After the passing of his *Charter*, such others as *held* in *Chief* of the *Crown* may probably have been Summoned to them on the *Ecclesiastical*, as they were agreed to be on the *Lay Part*. The *King* Obligated himself to Cite all such, and I know of no Exception that was made to exclude the *Clergy* from their Right to it. Thus, I conceive, this Matter stood, till the present *Parliament*, the 49th of *Henry the Third* ; when not only the other *Priors* who held not at all of the *King* were *Universally Summoned*, but, with them, *Five Deans* too ; under what Capacity, whether as *Chief* of their *Churches*, or by *Virtue* of their *Tenures*, I am not able to say.

¹ Authority,
&c. p. 209.

But against this Notion, Dr. A. is more than ordinarily Violent : He charges me with two Assertions, relating to this *Parliament*, which he affirms to be utterly false ; and indeed as I Expressed my self, I cannot say that they were altogether true. The words which he reflects upon are these : " Whereas before the 49th of *Henry the Third*, only the *Bishops*, and *Abbots*, who held of the *King* by their *Baronies*, were wont to be Summoned to *Parliament*, that year, when the *Commons* began to be Called, several of the *Inferiour Clergy* were called with them ; and that, for ought appears, in a larger Proportion than the *Laity* themselves were.

² Rights, &c.
p. 435.

" Here (says Dr. A.) are two Assertions, in the last of which he is kinder to his Function than will Consist with Truth, and in the first not so just as he ought to be. For long before the 49th of *Henry the Third*, not *Bishops*, and *Abbots* only, but (I hope) some *Priors* too, were Called to *Parliament*. I do Confess there were ; and therefore instead of *Abbots*, I should have said *Prelates*, or *Clergy* ; had I expressed my self so properly as I ought to have done.

Sect. 83.

But Dr. A. goes on : " We will suppose him to have Comprehended these under *Abbots*, yet even thus his Account is very Defective : For not those *Abbots*, and *BARONS* (he meant *PRIORS*) only, who held by *Barony* ; (for I know no other *Barons* that there were before that time who held not by *Barony* :) " were Called, but many more than these, and OFTENTIMES the WHOLE ORDER. " The ³ first *Parliamentary Summons* left Calls ALL the *ABBATS*, and *PRIORS* of the *DIOCESE*, together with the *Bishop*, to it : And the *Priores Installati*, & *Ple-num sub se Conventum habentes*, are (I have shewn already) several times mentioned by *Paris*, as having a *General Call* to *Parliament*.

³ Vito. Jo.

What Dr. A. has shewn already, as to this Particular, has been already Considered ; and, I think, Satisfactorily Answered. As for his Assertion now advanced, " That the WHOLE ORDER, of REGULAR PRÆLATES, had, before this, been OFTENTIMES Called to *Parliament* ; It is an Assertion that I will then Subscribe to, when he can prove it. 'Tis true in that *Summons* which he mentions vi^{to}. *Johan*. the *Bishop* of *Sarum* is Required to cause the *Abbots*, and *Conventual Priors* of his *Diocese*, to be Cited to that *Parliament* : But when Dr. A. says that that *Summons* Called them *All*, he Mistakes himself, and misleads his Reader. The Words of that *Writ* are these : " The *Abbats* and *Conventual Priors* of the whole *Diocese* : Not ALL the *Abbots*, and *Conventual Priors* ; no, but such of them as held of the *King* by *Barony*, and stood upon the *Parliament Rolls* ; and so were wont to be Called to *Parliament*. Thus I understand that *Writ*, and that, among others, for this Reason, which if he apporves not, I should be glad he would give me some plain Answer to it.

Apud Seld.
Tit. of Hon.
part. 2. p. 607.

In the time of King *Edward the Third*, the *Abbot* of *Leicester* being Summon'd to *Parliament*, desired to be Discharged of his Attendance, because he neither *Held* of the *King* by *Barony*, nor after any other Manner ; nor had any of his Predecessors ever been wont to be called to *Parliament*, before the 49th of King *Henry the Third* : Quo Anno in which Year ALL the *Abbots* and *Priors* of the *Kingdom* of *England* were *Voluntarie Summoniti*, freely Summoned ; that is, as I understand it ; with a Liberty to Come, or not Come, as they should think fit. If

†

this

this Allegation were true (and that it was found true upon Inquiry, the King's ^{King HENRY the III.} Writ Testifies;) then 'tis plain this Abbot was neither Summoned, nor went to that Parliament, in the 6th of King John. By Consequence, the Summons then issued out, was not, as Dr. A. pretends, a General Summons of ALL the Regular Prelates; like that other here mentioned; but a Common Summons of such Parliamentary Prelates, as were wont to be Called to Parliament, in those days.

But however to allow (which yet cannot be Proved) that King John did, that Year, Summon ALL the Abbots and Priors of England, as King Henry the Third did now: Yet it is plain from the Remonstrance of the Abbot of Leicester before mentioned, and allowed of by the King upon Examination, that this was a special Case, and of very Rare Practice. It is taken notice of in that Pleading, as a singular Instance, that ALL the Abbots and Priors of England, were this year *Voluntarie Summoniti*; and that therefore this Abbot's being Cited then, was to be no president against him, to oblige him to come at any other time. Which being so, Dr. A. must give us some more Instances of the like kind, before he can with any Truth affirm himself, that "the WHOLE ORDER was before this OFTENTIMES Called to Parliament; or with any Justice expect that we should believe him.

Here therefore he Recurrs to *M. Paris* Authority, who (he says) mentions these Priors several times as having a GENERAL CALL to PARLIAMENT. Dr. A. must not forget what it is he Asserts, viz. that the WHOLE ORDER (of the Regular Prelates, Abbots and Priors) were OFTENTIMES Called to Parliament. Now if *M. Paris* affirms this, I must submit: But if the Historian speaks only Indefinitely of Abbots and Priors, as *K. John's* Writ does, not Universally of ALL the Abbots and Priors of England; Dr. A. must Excuse me if I understand him, as I do that Writ, of such Abbots and Priors only, as either by their Tenures were Obligated to Come, or as the King thought fit sometimes, by a Special Summons, to Call to Parliament.

But this is not all: " *M. Paris*, he says, speaks also not seldom of the *Decani*, ^{Sect. 84.} *Archidiaconi*, & *alia persona Ecclesiastica*, as present. Dr. W. who would be ^{Rights, &c. p. 436.} thought to know all our Historians so intimately, should methinks have had some sort of Acquaintance with the best of them, *M. Paris*, at least he should not, till he had Read him, have ventured to determine any thing concerning the Constituent Members of the Great Councils in Henry the Third's Time, of which we have no where so just an Account as in that Accurate Writer. Who is best acquainted with our Historians, Dr. A. or Dr. W., is a point that shall never be Disputed by me. Let Dr. A. think as highly of himself, and as meanly of Dr. W. as he pleases. It is enough that Dr. W. has Read *M. Paris* sufficiently, to know that Dr. A. does Egregiously mis-represent him; and to have given, I believe an abundant Proof to Convince any impartial Person that he does so.

I will rather Observe that my Expression, unaccurate as it was, in that One Word, *Abbots*, for *Prelates*; or *Clergy*; yet, as to the Substance of it does give the true Account of this Matter, had Dr. A. thought fit to make a fair Representation of it. From the time of the *Norman Conquest*, ^{Authority, &c. p. 207.} I say, p. 207. that "All the Great Men and Clergy who held by Barony, were Summon'd to these Councils: And with those all such Others also as held in *Capite*, were Obligated to Attend at them, whensoever their presence should be required; and particularly when the Prince wanted Money, and expected a Supply from them. For this I refer to the Charter of King John, and affirm it to have been the true Constitution of our Parliament, till about the latter End of King Henry the Third's Time.

Here therefore I fully deliver'd my Opinion, and from hence, in all Reason, Dr. A. should have taken my Sense, of the Constituent Members of our Parliaments. The Passage he ^{Authority, &c. p. 208.} Descants upon in the next page, touches this Matter only by the by; and that with the less Accuracy, because I thought I had fully Explained my meaning before. Now in the very same Opinion I continue still, only to prevent his Mistake hereafter, I will a little more fully Repeat it to him.

First then, I take it for Granted, that All the Abbots and Priors of England, were not wont to be Called to our State-Councils: The Constant Members of them were only such of These as Held of the King by Barony first, and afterwards in *Capite*; who only, strictly speaking, were Obligated to come to them. This we

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¹ Vid. Seld. Tit.
of Hon. par. 2.
p. 598, 607,
&c.

² In Register.
Arundel. Arch.
Cant. par. 1.
ad fin. Lib.

³ Apud Selden.
Tit. of Hon.
part. 2. p. 605.

are sure was the Case from the time that we have any *Records* of those who were wont to be *Summoned* to our *Parliaments*; and from the ¹ *Pleas* of such as desired to be Discharged from this Service afterwards, we have good Ground to conclude, that the Case was the same before.

But tho' such only of the *Prelates*, and *Clergy*, were Obligated to Attend at these *Great Councils*, as held by these *Tenures*, yet if the King at any time thought fit to Summon any others, they were bound to Come; and would have been punished for their *Contumacy*, if they had refused so to do. This the *Modus tenendi Parliamentum*, intimates: And tho' that piece be of no great Antiquity it self; yet may it sometimes serve to point out to us the Antient Practice in these Matters. Let us hear what it says in the present Case: ² "To the *Parliament* there ought to be *Summoned*, and to *Come*, *Archbishops*, *Bishops*, *Abbots*, *Priors*, and such other *Great Clergy-men*, as hold by *Barony*: But no *Lesser Ones*, *NISI EORUM PRÆSENTIA ET ADVENTUS ALIUNDE QUAM PRO TENURIS SUIS REQUIRATUR. Nec debent ejusmodi Celerici minores SUMMONERI ad PARLIAMENTUM sed REX Talibus taliter mandare BREVIA sua Rogando quod ad Parliamentum suum interressent.* But the Plea of the *Abbot* of ³ *St. James* by *Northampton* is more full, and of better Authority; wherein 'tis expressly acknowledged, as to this matter, "*Quod Omnes de Regno, de quocunque, vel qualitercunque teneant, veniant ad Citationem Domini Regis*"; and that under the Pain of *Contumacy*, as it is before said.

Now this being so, I shall not deny but that our *Kings* may, and, I believe, did oftentimes call several of the *Prelates* to their *Parliaments*, who were not strictly bound by their *Tenures* to come to them. But that they Called the *WHOLE ORDER* at any time before the 49th of King *Henry the Third*, (the *Parliament* of which we are now speaking) does not yet appear to me, nor is there any thing, except that *Summons* of King *John*, *Anno Regni VIto*, (which in truth is nothing) to give the least Colour to such a Supposition.

That among those who held of the King, by *Barony*, or in *Chief*, and so were Obligated to come to his *Parliaments*, if *Summoned* by him; there may have been several other *Clergy-men*, besides *Bishops*, and *Regular Prelates*, I shall not deny. But as Dr. A's Romance of the 7411 *Knights Fees* Vested by the *Conquerour* in *Parochial Churches*, is an Extravagance beyond Expression; so I do not think that there were very many, whose *Benefices* gave them this *Right*, or rather laid this *Obligation* upon them, to come to these *State-Meetings*.

The *Clergy* then who were hitherto wont to be *Summon'd* to *Parliament* under our present Division, seem to have been these: The *Bishops*, *Abbots*, *Priors*, and other *Clergy*, who held of the King, of what *Kind*, or *Order*, soever they were; together with such other particular *Persons*, as our *Kings*, at any time, thought fit by their *Writs* Specially to Call to it. But for any *General Summons* of *Deans*, *Archdeacons*, or *Proctors*, either of the *Chapters*, or *Diocesan Clergy*; there was yet none, nor do I believe we shall hereafter meet with any before the 23^d of King *Edward the First*. To this first Charge therefore of Dr. A. let this be the Return; My Assertion, in the Substance, and Import of it, was True; let him disprove it if he can.

Seet. 86.

In his other Charge he has greater Reason against me: For indeed it does not appear that the *Lower-Clergy*, properly speaking, were Called to this *Parliament* at all; and therefore it must have been an Error in me to say not only that they were Called, but were Called in a larger Proportion than the *Laity* themselves were.

But will Dr. A. give me leave to say, that here again the Mistake was in the Expression more than in the Sense; and the Proposition was faulty only by the *Impropriety* of the Word *LOWER*. For of the *Clergy*, in general, I still think it will hold True, and that Dr. A. is very much out in the Censure of it upon that Supposition. Let us hear how he delivers his Judgment against me. "It may be the *Abbots*, *Priors*, and *Deans*, that held not by *Barony*, are Dr. W's *Inferiour Clergy*? He is in the *Right*; they were the very *Persons* that Dr. W. meant, tho' his Expression was not so proper as it should have been. "Let them be so, says He;

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" Their Number, in this Instance, did
 " not amount to above Eighty, whereas
 " the *Knights, Citizens, Burgeses,* and
 " *Barons* of the *Cinque Ports*, must have
 " been, *Four or Fivetimes* that Number.

Will Dr. A. give me leave to say, that notwithstanding his second thoughts, he is still much more out, than he will ever be able to shew me to have been, in this Computation? The *Abbots, Priors, and Deans*, entred upon the *Roll*, are 106.
 " Besides these, the *Writ*, I before mentioned, tells us that this year, "*Omnes Ab-*
 " *bates, & Priores Regni*, All the *Abbots*, and *Priors* of the *Realm*, were *Summon-*
 " *ed to Parliament*. So the *Record* speaks, and so the Learned Mr. *Selden* under-
 " stood it. The Question then, is, How many *Abbots*, and *Priors* there were at
 " that time in *England*? And whether was the Greater in *Proportion*, the Number
 " of the *Ecclesiasticks*, with Respect to the Number of the *Clergy*, or the Number
 " of the *Lay-Commons*, with Respect to the whole *Commons* of the *Realm*?

To this Dr. A. roundly Replies, That the *Knights, Citizens, and Burgeses*, and
Barons of the *Cinque Ports*, must have been *Four*, or *Five times* that Number.
 How many they were at that *Parliament*, neither Dr. A. nor I, can tell. But
 more they cannot be supposed to have been in that time of *War*, and *Disturbance*,
 when some *Cities*, and *Boroughs*, (as that of *London*) were not *Summon'd* at all
 to it; than afterwards they were, towards the latter end of King *Edward the*
First's *Reign*. Now in the 23^d of his *Reign*, the whole Number of the
Commons called to *Parliament*, amounted but to about *Two hundred and Thirty*, and
 that is not *Three times* as many as himself Computes the present *Clergy* to have
 been. To suppose then the *Laity*, now *Summoned*, to have amounted to the
 same Number, that they did in that other *Parliament* the 23^d of *Edward the*
First. The Question is, *Whether* there were not above *Two hundred and thirty*
Abbots and Priors, at that time in *England*; and by consequence whether the *Ec-*
clesiasticks then *Summon'd*, may not reasonably enough be *Conjectured* (for that
 is at last all, that we now pretend to on either side) to have been rather more
 than the *Laity* were? Which is the sum of what I said; and against which he
 has made so great, but withal so insignificant a *Clamour*.

Nay, but this is yet too much: For I did not say that the *Clergy* called to that
Parliament were *Absolutely* more in Number than the *Laity*; but that they were
 more in *Proportion*: That is, that the Greatness of the Two Bodies Consider'd,
 the *Commons* and *Clergy*, under the Degree of *Barons*; the latter were called
 to this *Parliament* in a *Greater Proportion*, as I thought, than the former were.
 Here therefore we must again Consider, what *Proportion*, in point of Number, did
 the *Clergy* then bear to the *Laity*? I shall be thought too liberal, to allow the
 One, to have been One Third with Respect to the other. However let us fix
 here: Then, supposing, the whole Number of *Commons* *Summon'd* to this *Par-*
liament to have been *Two hundred and Thirty*: The Question will be, *Whether*
 the *Abbots*, and *Priors*, under the Degree of *Barons*, at that time in *England*, did
 not amount to above *Seventy six*? 'Tis a trifling Point, and not worthy a se-
 rious Examination: Yet if Dr. A. insists upon it, I will try my Skill in Compu-
 tation, and see whether I may not venture to abide by my Assertion, thus truly
 Represented; That the *Clergy* were *Summon'd* to *Parliament* in the 49th
 of *Henry the Third*, in a larger *Proportion* than, for ought appears, the *Laity*
 themselves were.

In the mean time, I cannot conclude this Matter, without Observing with what
 quickness Dr. A. is pleased to take me up here, for Asserting that very thing,
 which I really thought, he had hitherto been endeavouring to Prove to have been
 the constant Practice for Six hundred years before, viz. that the *Lower-Clergy*
 were *Summon'd* at this time to *Parliament*. " Were they so? says this Blustering,
 Impetuous Author; " How came then our *Histories* and *Records* not to have
 " mentioned it? From none of which can it be learn'd certainly, that there
 " were any of the *Clergy* Called to this Meeting below *Abbots and Priors*, but
 " *Five Deans* only. It may be, many of *Inferiour Rank* might be *Summoned* too;
 " but if they were, 'tis more than can be proved; for there is not, I believe,
 " the least Hint of such a *Summons* remaining. Thus Dr. A. falls upon me, not
 Considering that he, at the same time, stabs himself through my Sides. * The

The Second Edition Corrected.

" Their Number will amount to a-
 " bout an Hundred, whereas the *Knights,*
 " *Citizens, Burgeses,* and *Barons* of the
 " *Cinque Ports*, must have been, at least,
 " *Three or Four times* that Number.

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Addit. p. 72.

Vid. Apud

Selden. Tit.

Hon. part. 2.

p. 599, 627.

Scct. 87.

K. HENRY the III. Lower-Clergy were not Called to this Parliament : * If they were, 'tis more than can be proved. * Our Histories and Records make no mention of it. So says Dr. Rights, p. 310. A. The same say I of all the Other Parliaments preceding : There is no more Proof of their being Called to them, than to this. And therefore from Dr. Brady's Introduc. p. 144, 153. his own Arguing, I will, for once, beg leave to Conclude, that they were not Called, as yet, to any of our Parliaments at all. Authority, p. 208. "That I should now go on to the remaining Parliaments of this Reign; but before I do that, I must remove one other Stop which Dr. A. has thrown in my Way. Having shewn, as he supposes, that the Commons were called to Parliament before this time; he concludes in these Words: "It cannot be therefore said that the Commons were first call'd to Parliament in the 49th of Henry the Third, but that they then, or thereabouts, began to be Summoned thither Uninterruptedly, and to grow a fixed, and necessary part of their Meeting. The Learned Advocate, I know, on the other side has doubted (and Dr. W. therefore is very pardonable in doubting after him) whether from the 49th of Henry the Third, to the 18th of Edward the First, ANY SUMMONS went out, because the Writs are lost; but this I think will bear no doubt: For that loss, as it happens is pretty well supplied by our Histories, and I shall produce the passages from thence that prove it.

What Dr. A. here means, it is pretty hard to know: Whether that Dr. Brady doubted whether any Parliamentary Summons, at all, were issued out from the 49th of Henry the Third, to the 18th of Edward the First; or whether his doubt were, whether Any were issued out like those of this Parliament; to Call the Commons to it. But indeed I do not find that he doubted of either. On the contrary, he expressly proves from that very Parliament, of the 49th of Henry the Third, to the 18th of Edward the First, by many Subsequent Parliaments, under both these Kings, that the Commons (as we now understand the Word) were not Called from the time of the One, to the time of the Other. And for Dr. W. he doubts of nothing in this Case but of the Constancy of the Practice now begun; in which he is indeed out of doubt, that there was, if not a Total, yet a frequent Interruption, in it; between the two Periods, here assigned: So that, in Truth, Dr. A. does utterly Mistake, or I am sure does very much Misrepresent us both.

The Fortune of the King prevailing, the next year, over the Barons; he Asssembled his Parliament at Winchester. To it, say the 4 Annals of Waverly, were called "Omnes Magnates terræ; and particularly, on the Church part, All the Bishops, Abbots, and Priors, who held by Barony; by whose Decree the King had all the Rebels Lands Granted to him, "Unanimi Consilio & Voluntate MAGNATUM Nostrorum apud Winton Convenientium, says the Record relating to this very Parliament.

But there was more Required to Settle the Kingdom than could at that time be done by them; and therefore the Parliament was, by Consent, Adjourn'd to Westminster in the Feast of St. Edward; when all the Rest were disinherited who stood out against the King after the Battle of Lewes, as the others had been before. At Christmas following, Regionis Nobiles, says M. Westminster, came again together to Treat about the Peace of the Realm, after their accustomed manner.

The year following several Great Councils were held: 8 One at Kennilworth, on St. Bartholomew's day; where we Read of Bishops, Abbots, and Barons, Meeting, and Acting, but of none else. 9 Another at Northampton the Tuesday before All Saints: Whither the King Called the Bishops, and Abbots, Priors, Earls, and Barons. 10 A Third at Westminster after Christmas; cum Potentioribus terra sue, says M. Westminster. To all which Wykes adds a Fourth at St. Edmundsbury, on the Octaves of the Purification; to which the King, by his Writs, Call'd all the Magnates Regni, as well Ecclesiastical Persons, as Seculars.

'Tis true, as to the first of these, the Record which relates to it after having mentioned the Common-Assent, and Common-Counsel of the Bishops, Abbots, Priors, Earls, and Barons, adds, & TUZ AUTRES; And All Others. And these Others, some will have to be the Commons there Assembled. To this Dr. Brady gives another Sense, more agreeable to the Practice of those times, that they were the King's Tenants in Chief, or by Knights Service. I meddle not

1266. Sect. 89. 4 Annal. Wav. p. 220. 5 Rot. Pat. 49. Hen. III. m. 9. dors. Brad. Introd. p. 144. 6 Annal. Wav. pag. 220. M. Paris p. 999. 7 M. Westminster. p. 397. 8 Annal. Wav. p. 223. 9 lb. 10 M. Westminster. p. 398. 11 Chr. Tho. Wykes p. 78. Compare M. Paris, p. 1092. Eversden. ad An. 1267. 12 Brady Intr. p. 35.

not with the Dispute; it is enough for me that they were not the *Lower-Clergy*; K. HENRY or, at least, that it does not appear that they were. *the III.*

How the Grant made to the King by the Legate *Ottobon*, in the *Pope's* Name, upon the *Clergy*, about this time, was raised, I cannot certainly tell. But by his Order ¹ dated at *London*, *Idus Julij* 1267, and directed to the *Archbishop* of *York*, the *Bishops* of *Durham*, and *Carlisle*, and to all the *Abbots*, *Priors*, *Deans*, *Arch-Deacons*, *Rectors*, *Vicars*, and *Other Prelates* of the *Church*, within their several *Diocesses*, desiring and admonishing them to raise a Subsidy for making Peace between the King and his Barons, it seems to have been transacted in their several *Diocessan Synods*. This Subsidy, as appears by some ² Other Instruments, was a *Tenth* imposed upon both *Provinces*, and Consented to, in Obedience to the *Pope's* Order, by both. ^{1267. Sect. 90. Regist. W. Giffard. Arch. Ebor. fol. 44. Ibid. fol. 44. 81, 84, 97.}

Upon the *Octaves* of *St. Martin*, 1267. the *Parliament* met at *Marleberg*, where the *Famous Statute* of that Place was made. In the *Preface* to which all that is said of the Members of that Assembly is this; that there were met together the "*Discretiores Regni, tam Majores, quam Minores*. And who these were; that they were the *Greater*, and *Lesser Barons*, of whom *King John's* Charter speaks, two *Antient Authors* will tell us: the ³ One of which says, that "*de Consilio DISCRETORUM, & Unanimi* — *Voluntate MAGNATUM Suorum*, he made these *Statutes*: The ⁴ Other names the very Person who drew them; viz. *Robert Walerand*, "*per comune Assent des GRAUNTZ* — *Seignours due Realme*. To which last let me add the Authority of another accurate ⁵ Writer, where speaking of the *Parliament* of *Marleberg*, he has these express Words; "*in quo de assensu Comitum & Baronum, edita sunt Statuta que ad Marleberg vocantur*; These are the very Words of the ⁶ Continuer of *M. Paris*, and were probably transcribed from him. ^{Walt. Henr. ingford. lib. iii. c. p. 23. pag. 588. Britton. cap. 36. fol. 95. b. Walsingham Hypodigm. Neustr. pag. 471. Mat. Paris. pag. 1006.}

It is in the next Year following that our Historians Generally Place the *Legantine Synod* of *Cardinal Ottobon*: At this, ⁷ One tells us were Present, All the *Prelates* of *England*, *Wales*, *Scotland*, and *Ireland*. ⁸ Another Explains who those *Prelates* were; All, as well *Greater*, as *Lesser*, "*qui quocunque Prælationis titulo præsidere Videbantur*. And a ⁹ third Enumerates the Particulars; Five *Arch Bishops*, besides a multitude of *Bishops*, *Abbats*, and *Other Prelats*. But this by the way. As for the *Parliaments* of this Year, in which our present Concern lies, the ¹⁰ *Waverly Annals* tell us that one was held at *Northampton*, where the *King*, and *Other Great Men*, met; Another at *Winchester*, the Members of it not described. ^{1268. Sect. 91. Mat. West. pag. 400. Chron. Th. Wykes. pag. 85. Petr. de Rckham. ad Ann. M. S. 10 Annal. Waverl. pag. 224. Comp. Everiden ad Ann.}

Of the former of these two, that at *Northampton*, ¹¹ *Wykes* says, that there came to it the *Legat*, the *Bishop* of *Winchester*, and an *Innumerable Multitude* of the *English Militia*. Among these he in the next Words speaks, of the *Earls* of *Gloucester*, and *Warren*, *William Lord of Valence*, and *Other Milites*, to the Number of 120, who took the *Cross* upon them. But *Dr. A's* Carelessness, (for I am unwilling to Call it *Prevarication*) in the Representation of this Matter, is inexcusable: Where speaking of this *Parliament* of *Northampton*, he tells us ¹² *Wyke's* Words are, "*that the King convened all the Prelats, and Great Men, nec non cunctarum Regni sui civitatum pariter & Burgorum potentiores; Confluente pariter Plebejæ Multitudinis (i. e. of the Commonalty of every County) turba non modica*. ^{12 Rights, &c. pag. 310. 13 Wykes Chron. pag. 88. 89.}

The truth of the Matter is this: ¹³ The Year following, 1269. the *King* being returned into *England*, On the *xiiijth.* of *October* Resolved to remove the *Reliques* of *K. Edward* the *Confessor* out of the *Old Shrine* in which they lay, and to put them in a more noble *Repository*. To Grace the Solemnity of this Translation, he called together says the *Historian*, ¹⁴ All the *Prelats*, and *Great Men*, together with the *Chief* of all the *Cities*, and *Burroughs* of his *Realm*. Besides these, there came together (*Un-Called*) *Plebejæ Multitudinis Turba non modica*; *Dr. Atterburies* *Parliamentary Commons*; and in the Presence of All these this Translation was made, in the *Conventual Church* of *Westminster*. ^{1269. Sect. 91. CONVOCATIS universis Angliæ PRÆLATIS & MAGNATIBUS, nec non cunctarum Regni sui Civitatum pariter & Burgorum POTENTIORIBUS: CONFLUENTE pariter Plebejæ Multitudinis turba non modica.}

What *Wykes* thus Relates, the ¹⁵ *Annals* of *Waverly* more fully distinguish. They tell us, that in Order to this Solemnity, a *Convention*, or *Assembly*, was held of *Bishops*, *Earls*, *Barons*, *Abbats*, *Priors*, and *Many Others*. ¹⁶ The Translation being

¹⁵ Annal. Waverl. pag. 225. ¹⁶ Wykes. pag. 89. Celebrata tandem tantæ Translationis Solemnitate, cæperunt NOBILES, ut ASSOLENT, Parliamentationis Genere de Regis & Regni Negotiis pertractare, &c. Annuentibus Regni MAJORIBUS, a Twentieth was Granted.

K. HENRY
the III.

ing over, the NOBLES began, according to Custom, to Treat after a Parliamentary manner of the Affairs of the King, and Kingdom: And by the Consent of the GREAT MEN, a xxth Part of all the Movables of the Laity was Granted to him; and the same Lords and Prelates who gave this Money, assigned a great Part of it, to the Intended Expedition of Prince Edward to the Holy Land. Here is Wyke's distinct Account of the Translation, and of the Parliament. To one a Great Company of the People flowed together, and so were present with the Prelates, and Great Men, at it. But in the Other none but the Nobles, *Majores Regni, Proceres & Prælati*, are once mentioned. Let Dr. A. therefore tell us with what Conscience he could make so false and delusory a Representation of it.

But I must look Back to an Antecedent Parliament of this Year, which, to follow Dr. A's mistaken Application of this History to the Parliament of Northampton, the Year before, I was forced to pass by. Fifteen days after Easter the King having called together a Great Multitude *Magnatum Angliæ*, of the Great Men of England, treated a long time *cum proceribus*, as it was Customary to do. In this Parliament I conceive it was, that the xxth was Granted to the King for his Expedition to the Holy Land. † For by a Writ dated the vijth of August, for Swearing those who were to Chuse the Assessors of it in the County of Worcester, and the time limited, within which they were to Execute their Commission, viz. the next day after Michaelmas; 'tis plain the Grant could not be made in the Parliament in October following, as it must have been, if done in that Other Council to which the Chronicle of Wykes applies it. This xxth the Writ tells us was Granted to the King *a Magnatibus & Aliis regni nostri fidelibus*. To all which, let me add this Remark of the same Historian, that the Earl of Gloucester, being ill advised, about this time, refused to come to the Parliaments, of the King, and the Nobility, *ad Parliamenta Regis & Procerum*; to which he was called, and among which He ought to have been the Chief.

It was about the time of the latter of these Parliaments, in October, that the King pretending that the Triennial Tenth Granted him by the Pope, and now Ending, had not been Collected according to its full Value, demanded in Recompence of that Loss, the Continuance of it for a fourth Year. In Order hereunto, a General Assembly of the Bishops and Clergy met at the New Temple London. The Bishops were willing to Gratify the King in his Demand: But the Body of the Clergy Appealed against it. This Eversden tells us, and this is all the Account that I have any where met with in our Historians of this Matter. But the very Copy of their Appeal is fallen into my Hands: It mentions the Abbots, Priors, Rectors, and Vicars, being Assembled for this Subsidy; and that, as the Subscription shews, out of both Provinces. But there were no Bishops of York Province present; so their Appeal, was made before those of the Province of Canterbury only. The piece is a Curiosity that deserves to be known; and I shall therefore insert it in my Appendix, as it stands in an antient Manuscript of Corpus Christi College in Oxford.

Appendix
ad Ann. 1269.

1270.

Sect. 93.

Annal.

Waverl. pag.

225. Annal

Winton, pag.

313.

Wykes,

Chron. pag.

90. 91.

Dr. Brady's

Hist. Append.

Vol. I. pag.

249.

Regist. VV.

Giffard, Arch.

Ebor. fol. 74.

Append. ad

Ann. 1270.

And now the time drew on, when the Expedition was to begin to the Holy Land. To determine about this, and some other Affairs of the Realm; a Parliament was held of all the Prelates, and Great Men of England, xv days after Easter; where the E. of Gloucester, and some Others of the Nobles not agreeing, the Matter was deferr'd to the Octaves of St. John Baptist. Then almost all the Great Men again Assembled, to treat of the same Matters: And by the good Conduct of the King of the Romans, all things were Accommodated, and the Earl came to the Parliamentary Treaties of the King, and Lords, as he was wont to do. What the Great Resolution here taken was, we may learn from the King's Letters Pattents, dated ivth of August following: Where he says, that tho' he was desirous to Go, together with his Eldest Son, to the Assistance of the Holy Land, yet because it seemed to the Prelates, Great Men, and Commonalty of the Realm to be neither Expedient, nor Safe, therefore by the Advice of the said Prelates, and Great Men, he committed that Affair to the Prince alone.

In the Parliament after Easter, the Bishops Granted to the King a Twentieth of their own Lands, and of the Lands of their Villains. This the King Raised, even upon such Bishops as were not present, nor had Consented to it. All the Ceremony that He used was to send his Letters to them to acquaint them with what the Others had done, and to desire them to Consent to the same; One of which, for the Curiosity, more than Pertinence, of the thing to my present Argument, I have inserted into my Appendix. That

That which will more deserve to be taken notice of is, that the King desiring ^{K. HENRY the III.} this xxth not only of the *Bishops*, but of the whole *Clergy of England*, the *Bishops* called them together for this End, in their Respective *Diocesan Synods*. The answer which those ^{Ibid. fol. 98. a. Et 107. a.} of *York* made, was to this Effect, that they would follow the Example of the *Clergy of the Province of Canterbury*, which being much larger than theirs, they thought it was also proper should first begin. To this I find the *Clergy of our Province* agreed, and made a present Payment of it. This I conceive they did in their *Diocesan Synods*, having not met with any Account of a *Provincial Convocation* called for this Purpose. The *Clergy of the* ² *Diocese of York*, I am sure were Assembled for this End, as I shall presently shew; And we cannot doubt but that the rest of the *Clergy of that Province* were Called together, in their respective *Dioceses*, after the same manner. From all which it appears that the *Lower Clergy* in this whole Transaction, were neither Present at these *Parliaments*, nor did meet in their *Provincial Synods*, as *Attendants* upon them; so that *Dr. A.* must either-way be mistaken in his Opinion with Relation to them.

After *Christmas*, another *Parliament* was held by ³ the *Great Men*, at *London*, ^{Annal. Wi-gorn. pag. 499.} about the *Octaves of Epiphany*, and the *Disinherited* were Restored to their Lands again. The second Week in *Lent* following, a *Convocation* of the *Bishops* met at *Reading*, to treat of the *Jurisdiction* of the *Church of Canterbury*, whether they ought to Obey the *Chapter of Canterbury* or not. ⁴ The Occasion of it was this: ^{Petr. de Tckham ad Ann. Chron. Wykes, pag. 95.} In *January* this Year *Walt. de la Wyle* Bishop of *Salisbury* died. Into his Place was Chosen *Robert de Withampton* Dean of the same *Church*. The See of *Canterbury* being Vacant, he was Confirmed by the *Chapter of Canterbury*, "which *Chapter*, " says my Author, has, and Exercises, All, and All manner of *Jurisdiction* in a " Vacancy, that the Archbishop does when the See is full. But this was a *Jurisdiction*, which, it seems, the *Chapter* had not been wont to Exercise before. The King therefore Refused upon their *Certificat* to Restore the *Temporalities* to him. Yet the *Monks* went on, and Summon'd all the *Provincial Bishops* to come to *Canterbury*, on a Certain Day, there to Consecrate their *Bishop*, whom they had Confirmed. The *Bishops* met at *Reading* to Consult of this matter; and there resolved to stand upon their *Authority*, and not to Obey the *Chapter's* Summons in this Particular. ⁵ To put the Whole of this Matter together: The 17th of *May*, the Day appointed for this *Consecration*, being Come, only One *Bishop* appear'd at *Canterbury*; the Rest had Appealed to *Rome*, and so the *Consecration* proceeded not. There was then no *Pope* there, as there was no *Archbishop* here. But the *Cardinals* determined on the *Chapter's* side, that, in the *Vacancy*, the *Confirmation*, and *Ordering* of the *Consecration* of *Bishops*, belongs to the *Chapter of Canterbury* as *Petrus de Tckham* Reports the Matter. ^{Petr. de Tckham loc. cit. 1271.}

The *Clergy of the Province of Canterbury*, had not only agreed to pay the xxth demanded of them for the *Expedition* to the *Holy Land*, but paid it in too, before those of *York* had finally agreed to it. To settle this Matter, ⁶ the *Archbishop* by his *Official* ^{Reg. Giffard. Ebor. Arch. fol. 107. a.} Summon'd the *Clergy of his Diocese* to appear in the *Conventual Church* of *St. Leonard* at *York*, upon *All Saints day*, to agree to this Contribution. But neither then did they fully conclude of it. The King had sent down two Persons to lay this Tax upon them; but by the Interposition of the *Archbishop*, was prevail'd with to Recall them; ⁷ In the Presence of those very Persons (if I take the *Pro-* ^{Ibid. fol. 98. a. Append. ad. Ann. 1271.} cess aright) He press'd his *Clergy* with all Earnestness to agree to what was demanded of them. But they still persisted in their former Resolution, " That " they would follow the *Clergy of the Province of Canterbury*, which was much " larger than theirs; and of whose Grant, it should seem by this Answer they were not yet thoroughly Convinced. For this Reason the *Archbishop* wrote to his *Archdeacon* of *York*, who was then at *London*, to Certify to Him what was Generally done in that *Province*, and what he would advise should be done in his Own. By the same Letter it appears, that a *Parliament* was held the Week after *Midlent*, about the xixth of *March*; in which He left it to the same Person to Excuse his Absence. The date of this *Instrument* is vi Kal. *Januarij*, or *Decemb. 27th. Pontificatus Vto.* *Archbishop Giffard* was translated from *Bath* and *Wells*, *October* the 9th. and Enthroned *November* the 1st. 1267. So that this Report must have been made Anno 1271. after the Meeting of the *Clergy* in *November*, of which I before spake.

K. HENRY
the III^d.

1272.
Sect. 94.
Eversden: ad
Ann. 1272.
Hist. Norwic.
pag. 399.

Sect. 95.

K. EDWARD
the 1st.

² Rights: pag.
219.

³ Anual.
Wigorn. pag.
499. Mat.
Westminster,
pag. 401.

⁴ Mat. West-
minst. l. c.

⁵ Rights. pag.
319.

We are now come to the *last Year* of this long Reign: in which some Disturbances at *Normich* gave occasion to a three-fold Assembly; a *Diocesan*, a *Provincial*, and a *Parliamentary Council*.¹ The first was held by *Roger Bishop* of *Normich* at *Eye*, not long after the Tumult there, *August* the 29th. In which the *Bishop* and his *Clergy* Excommunicated all those who were concerned in the Insult made upon the *Priory*, and in the mischiefs which followed thereupon. This Sentence was Confirm'd in a *Council* of the *Bishops* at *London*, *October* the 18th. Before which, on *September* the 1st. the *King* held his *Parliament* at *St. Edmunds Bury* upon the same Occasion, and call'd to it "*Universos totius Anglia Proceres & Magnates*, says *Eversden*; all the *Barons* of *England*; and *de Consilio Magnatum Anglia*, say the *Normich Annals*, by the Advice of the same *Great Men*, went himself to *Normich* to Enquire into the Matter.

Hitherto then it does not appear that the *Lower Clergy* were so much as Once Summon'd to *Parliament*, during the Reign of this *Prince*. The *Bishops*, with such *Abbots*, and *Priors*, and Other *Clergy Men*, as were either by their *Tenures* Obligated, or else were sometimes, by *Special Writ* from the *King*, Required, to Come to it, being All of the *Ecclesiastical State*, that as yet met in those *Great Councils*.

In the beginning of the next Reign, *Dr. A.* thinks he has a full Testimony for his *Commons* in *Parliament*; but the *Inferior Clergy* were not there. "In his first Year (says ² He) while he was yet Abroad in his Expedition, we find the *Commons*, (as we now understand the Word) Present in *Parliament*; and that in a Greater Number than they were in the 49th of his Father. But is *Dr. A.* sure that this was a *Parliament*? If so, I would be glad to know by whose *Commission* it was call'd? Or whether the *Nobility* had, of themselves, Power, in *Law*, without any *Commission*, in the *King's* Absence, to Call a *Parliament*? The plain Matter of Fact was this. *King Henry* the III^d. died *November* the 16th. His Son *King Edward* 1st. was absent in the *Holy Land*.³ Before the *King* was buried, the *Earl of Gloucester* in presence of the *Archbishop* of *York*, and Other *Bishops*, *Earls*, and *Barons*, swore to maintain the Peace of the Realm: so did all the Rest of the *Lords* and *Bishops*, who were there Assembled. After this they met together in a Greater Body at the ⁴ *New Temple* *London*. There they made a *New Great-Seal*, and under that, appointed *Guardians* and *Ministers*, to preserve the *Treasure* of the *King*, and the Peace of the *Kingdom*. After *Hilary* they all met again; and then caused All the *Prelates* of *England*, and all the *Great Men*, viz. *Archbishops*, *Bishops*, *Earls*, and *Barons*, *Abbots*, and *Priors*; four *Knights* out of Every *County*; and as many out of Every *City* to come to *Westminster*: And there they All again in Presence of the *Archbishop* of *York*, *Roger Mortimer*, and *Robert Burnell* Elect *Bishop* of *Bath* and *Wells*, who were appointed *Guardians* of the Realm, swore the same thing. There they made *Walt. de Merton* Lord *Chancellor*, and Commanded him to Reside at *Westminster* till the *King's* Return. And, lastly there they agreed, that there should be no *Justices Itinerant* in the *King's* Absence, but only the *Justices* of the Bench.

This was the Meeting which *Dr. A.* Calls a *Parliament*; but which was indeed a *Convention* of the *Nobles*, and of such a certain Number of *Knights* out of Every *County* and *City*, as they thought fit to Call to them, to secure the Right of the *King*, and Peace of the *Kingdom*: And the *Annals* of *Waverley*, which in Other Places Use the Proper term *Parliamentum*, here (as also those of *Worcester* do) call it a *Convocation*, as knowing it indeed to be no Other.

I will not now dispute who the *Milites* were of whom these *Histories* speak; tho' I look upon them to have been the *King's* *Tenants* in *Capite*; under the Degree of *Barons*. I will only leave it to *Dr. A.* to Consider these two things; If this were a proper *Parliament*, and if these were not such *Knights*, but proper *Members* of *Parliament*, as we now speak; then, 1st. How the *City-Members*, as well as the *County* Representatives, came to be call'd *Knights*, and not by their proper term *Citizens*. And, 2^{dly}. How the *Burroughs* came to be forgotten; who I suppose did not stand upon their Priviledges, and Refuse to come, to *Parliament*; as He confidently tells us, without any manner of Authority, the *Clergy* did.⁵ His Words are these: "But it does not appear that the *Inferior Clergy* were at this Meeting, who, it seems, standing upon their Priviledges, and *Exemptions*, were not so easy to be dealt with, in this Respect, as those of the *Laity* were. If he has any Authority for this Suggestion, let him shew us,

us, that they were *Call'd* to this *Meeting*, but that for the Reason which he al-
 ludes They Refused to Come. If he has none, let him Confess that He here
 wrote History upon his own Fancy; and gave a Reason for the Absence of the
Lower Clergy for which he had no Ground, but the *Exigence* of his *Cause*, and a
happy Invention in the defence of it.

The Bishops being come together upon the Occasion of this *Meeting*, agreed
 about the same time to the *Subsidy* which the *Pope* had Granted to the *King*, and
 his Brother, to help defray the Charges they had been at, in their Expedition to
 the *Holy Land*. As for the *Inferior Clergy*, they were not so much as ask'd
 their Consent, but the Bishops having agreed to comply with the *Pope's* Grant,
 his *Nuntio's*, by his Order, oblig'd them to do likewise. Here therefore was
 no Assembly, either *Convocational*, or *Parliamentary*, in which they were Con-
 sulted; nor were they, tho' on such a reasonable Occasion, Called together,
 even to the Granting of their Own Money.

The next Year, tho' it affords no *Parliament*, yet presents us with a proper
 and Remarkable *Council*. Archbishop *Kilmarby* being come from *Rome*, was
 Consecrated at *Canterbury* the first Sunday in *Lent*. In *May* He Received his *Pall*,
 and was inthroned about the 7th. of *September* following. The same day he issued
 out his *Mandats* for a *Convocation* to meet at the *New Temple London*, the *Wednes-*
day after the *Feast* of *St. Denis*, *October* 11th. *Super Statu Ecclesiarum, & Ecclesi-*
asticarum libertatum, ac aliis quibusdam Articulis, Nobiscum tractaturi. To this
 He Summon'd the Bishops of his *Province*, and Commanded that every one of
 them should bring along with him three or four Persons *de Majoribus, Discretio-*
ribus, & Prudentioribus, sue Ecclesie & Dioceseos, by whose Counsel the Business
 for which they met, might more happily be Expedited.

What the *Articles* were which chiefly fell under the debate of this *Assembly*, we
 are no where told; but if I might be allow'd to Conjecture, I should think that
 one of the Chief was, concerning the *Peace*, and *Security* of the *Scholars* in the
University of *Oxford*. There had happen'd not long before great *Disturbances*
 among them; insomuch that the Place was left almost *desolate*, and in *Danger* of
 being totally forsaken. This was thought a matter of such *Public Concern*, that
 a *Writ* was issued out in the *Kings Name* to the *Archbishop*, *August* 12th, to
 take Care of it. The *Archbishop* transmitted his *Orders* to all his *Suffragans* there-
 upon; and we can hardly doubt, but that now it was brought under a *Publick*
Consideration before them. To encourage our *University* the more, not only
 the *King* and this *Archbishop* took such Care of it, as I have said; But in the
Council of *Reading*, six Years after, a *Provincial Constitution* was pass'd in
 favour of it; and very particular *Priviledges* were therein Granted to it. A Copy of
 this *Constitution* being fallen into my Hands, I shall take the Liberty in Duty to a
 Place to which I owe so much Respect, to publish it in my *Appendix*: And by the
 Addition of so *Authentick*, and *Memorable* an Order, of that Venerable *Assembly*,
 make some amends for depriving it of those *Canons* which the *Liberality* of our
 late Editors have without all Reason ascribed to it; as by an *Irrefragable Autho-*
rity, I shall hereafter be forced to do.

The Year following *King Edward* was Solemnly Crown'd at *Westminster*, *Aug-*
ust the 19th. He came into *England*, *August* the 2d. Made his Entry into *London*,
August the 18th. And was the next day Crown'd with his Queen. To this Ceremo-
 ny of his Entry and Coronation, flock'd together not only the *Citizens* of *London*,
 but all the *Barons* of the *Realm*, both *Clergy* and *Laity*, says *Wikes*; who,
 as well for the Novelty of the Sight, as for the Honour of their Prince, were
 Gathered together, *per Evocationem Regiam*: For to those I referr the *Kings Call*;
 not to the *Turba* which follows; tho' the Pointing of the History, as it now stands,
 turns it to the Other, and, I think, the wrong Sense.

Besides these, there came to this Solemnity a *Multitude* of Others from all
 Quarters. The *City* of *London* was Richly adorn'd; The *Citizens* were all in
 their best Apparel; Many Pageants were Erected; and in, short, the Entry was
 made upon *Saturday*, and the Coronation Solemnized upon the *Sunday* follow-
 ing. The *King* appear'd in Glory, "*Coram Regni sui Proceribus*: Nor was
 there wanting, together with the *Citizens* of *London*, those of the Other *Cities*
 and *Towns* of the *Realm*, who seem'd to outvie one another, in their Ornaments,
 and Dresses, upon that Occasion.

K. EDWARD *the 1st.* Will the Reader excuse me for transcribing such impertinent Stuff? But it was necessary to shew him Another of Dr. A's *Parliaments*. This, and this only Confluence, is the Assembly which he calls the *Parliament* of 1274. and from Wykes, delivers in such a formal manner to Us. ¹ "The Assembly that met per *Evocationem Regiam*, upon E. the 1st. Return into England, was composed of *Comitum, Baronum, & Militum Copiosa Caterva*; besides the Representatives of the City of London; & *Caterarum Civitatum & Oppidorum totius Regni*; to wit (says he) of such as sent Members to Parliament. But who told him, that the Citizens and Towns-folk who came to this Sight, were only of such Places, as sent Members to Parliament? This again is a New-Comment, for which he has no Authority; but that which never fails him at a push, his own Invention.

About the beginning of Lent, the Archbishop held an Ecclesiastical Council; concerning the Relief of the Holy Land, and the Affairs of the Church. To this the Bishop of Worcester, being Indisposed, sent his (a) Proxy: But what Resolutions were taken, or what Affairs were done there, I have not found.

(a) Registr. Giffard, fol. 48. a. 1275. Sect. 98. ² 2d. Instit. p. 156. In the last Year Dr. A. produced a strange Assembly of People, under the Name of a Parliament. He has now a true One, and that (as He might have observed from the Preamble to the Statutes of it) the first of this King: ² Son primer Parliament General apres son Coronement; are the Words of the Record. Who were call'd to it, on the Lay-side, has been a matter of Dispute, which I shall not Engage in. But on the Clergy, the very Record Cited by ³ Dr. A. is clear against his Notion; the Statutes being said expressly to have been made by the Assent of the Archbishops, Bishops, Abbots, and Priors; and no Others so much as Pretended to have been there.

⁴ Registr. Giffard, Vigorn. fol. 50. a. Append. ad Ann. 1274. The Writ of Summons to this Parliament, I suppose, is lost; but ⁴ the Writ of Prorogation to the Archbishop of Canterbury, remains: And that Recites the King's Intention to have held it, *cum Prelatis, & Magnatibus*, on the Quindene of the Purification; but that for Certain Causes he had Prorogued it to the Morrow after Claus. pasch. and therefore Required the Bishop to be present at that time to Treat and Ordain, *una Cum Prelatis, & Magnatibus Regni*, as it a Second time Runs.

If after these Records it be needful to hear our Historians in this Case, they All close in with the same Language. XV days after Easter, a famous and solemn Parliament, was held at Westminster, ⁵ *Congregatis totius Regni MAJORIBUS, tam VVykes, p. 102. "Secularibus quam personis Ecclesiasticis; says One. ⁶ "Facta Communi Convocatione Omnium MAGNATUM Regni, says Another. ⁷ "Rex ad Parlamentum Westmonaster. Omnes NOBILES Regni sui jussit Congregari, says a Third. A ⁸ Fourth, ⁷ Mat. West. pag. 407. "Facta Convocatione Omnium MAGNATUM Regni. Not one that I know of, dissenting from this Language.*

In October following, Another Parliament was held. To that (as to the foregoing) Regni PROCERES jusserat Evocari, say the ⁹ Waverly Annals. And who the PROCERES were, they particularly tell us, Archbishops, Bishops, Earls and Barons. ¹⁰ Wikes calls them the MAGNATES: so does ¹¹ Eversden: The (a) Worcester Annals speak of the Archbishops, Earls, Barons, and All the Great Men of the Kingdom, as present at it.

But that which is more Considerable, is the ¹² Proxy of the Archbishop of York, still Remaining, to this very Parliament, and framed upon the Form of the King's Writ: Wherein he Empowers his Official to Appear in Parliament for him, and to concur in what the King should there Treat, and Ordain, *cum Regni PROCERIBUS & PRELATIS*; Who therefore were to be sure the proper Constituent Members of it.

The King having here obtain'd a xvth of the Temporality; call'd together before him the Bishops of the Realm, with totius Cleri MAJORIBUS, All the Greater Clergy, who were Summon'd to Parliament, and ask'd a Voluntary Contribution of them. But they neither thinking it fit to Grant such a Benevolence without consulting their Clergy, nor yet totally to deny the King, agreed, before Easter following, to Call together the Clergy of their several Diocesses, and to Consult with them about it; and to intimate to the King their Resolution, within xv Days after Easter next. How they perform'd this Promise, ¹³ the King's Writ of the next Year will, in part, inform Us: where having Recited the xvth Granted by the Parliament, it takes Notice of the Archbishops and his Suffragans Voluntary Contribution; and declares that it should not be drawn into Custom.

¹³ Pat. 4. Edw. I. m. 6.— Apud Brady. Hist. 2. Vol. p. 6. Prynnes Records. Vol. III. pag. 179.

Of the *Parliaments* of the next Year, I find little said; but that they were held: *K. EDWARD*
Only of that after *Easter*, ¹ *M. Westminster* has this Expression, to our present ^{the 1st.}
Purpose, that the King called a Great many of his NOBLES to it.

Nor does the next afford any Remark as to this Point. But by the ² *Mandate* ^{1276.}
for a *Convocation*, the *Morrow* after *Hilary*, it appears, that the *Clergy* had some- ^{Sect. 99.}
time before met at *Northampton*, where not having finish'd their Business, they ^{*M Westminster.*}
were again Call'd to *London*, at this time, to make an End of it. The Persons ^{P. 408.}
cited to this Meeting were the *Bishops*, with some of the *Greater Members* of ^{1277.}
their *Chapters*, the *Archdeacons*, and *Proctors* of the *Diocesan Clergy*: No *Regulars* ^{See it in the}
Summon'd; Nor any *Deans*, or *Priors*, of the *Cathedral Churches*, Called to it. ^{Appendix.}

Three Weeks after the *Easter* following, the King held his *Parliament* at ^{1278.}
London; but whom he summon'd to it, is not said: Nor do our *Historians* tell us
who were Cited to that at *Gloucester* on the *Octaves* of *St. John Baptist* after. But
in the ³ *Statute* of *Westminster* the ^{2d} *Anno* *xiii* of this King, a distinct Account ^{3d Institur.}
is Given us of them; "*Rex in xv^a St. Johan. Baptist. Anno Regni sui vi^{to} convocatis* ^{fol. 331.}
"*Prelatis, Comitibus, Baronibus, & Concilio suo, apud Gloucestre, &c.* which plain-
ly shews that none of the *Lower-Clergy* were call'd to this *Parliament*, or had any
thing to do in the *Statutes* that were made in it.

There was yet a ⁴ *Third Parliament* held at *London* about the Middle of *Octo-* ^{4 Annal. Wa-}
ber; but the Members of it are not mentioned. And by a ⁵ *Summons* sent to the ^{verl. p. 233.}
Bishop of *Worcester*, to be with the King at *Windsor* upon *Christmas Eve*; there ^{Annal Wigorn.}
seems to have been either another *Parliament*, or *Council*, held there: But ha- ^{p. 502.}
ving no further Account of it, I shall not insist any longer upon it. ^{Regist Gif-}

About the End of *July*, the *Pope* having advanced the *Archbishop* of *Canterbury* ^{lxxxiii.}
to the Dignity of *Cardinal*, and *Bishop* of *Porto*, He took a Solemn leave of his
Brethren in a *Synod* of his *Provincial Bishops*, and did no Other Business that we
Read of in it. ⁶ To Him succeeded, by *Papal Provision*, the famous *John Peck-* ^{1279.}
ham, who was no sooner come into *England*, but He called a *Provincial Synod*, and ^{Sect. 100.}
published his *Provincial Constitutions* in it. And this being all he designed in this ^{6 Chron Tho.}
Synod, ⁷ He cited only his *Suffragan Bishops* to it; as by his *Mandate* dat. *June* ^{Wykes, p. 107.}
the *12th.* does evidently appear. ^{7 Append. ad}

At *Michaelmas* following the *Parliament* met; and the *Archbishop* being called
to Account for his late ⁸ *Acts* in his *Synod* at *Reding*, was forced to Retract some ^{8 Claus. 7.}
part of his *Provisions*, and to consent to the Repealing and Annulling of them. ^{Edw. I. m. 1.}
In the same *Parliament* was the famous *Statute* of *Mortmain* made, "*de communi-* ^{dors. Revoca-}
"*Consilio & Assensu PROCERUM*, says our ⁹ *Historian*: The King, the *Bishops*, ^{tiones Provisi-}
and *Princes* of *England* came together, and establish'd it; so ¹⁰ *Mat. Westminster.* ^{onum Concilij}
But the Record it self as it is the most Authentick, so is it the clearest Evidence ^{Reding: A-}
of the *Members* of this *Parliament*; ¹¹ We says the King, by the Advice of the ^{pud Prynn Re-}
Prelates, *Earls*, and Other *Faithful* of our *Kingdom*, being of our *Council*, have ^{records. Vol. III.}
Establish'd. — And who they are, whom that Phrase denotes, has been Suffi- ^{p. 235.}
ciently seen before. ^{9 Tho. Wykes,}

At this *Parliament* the King seems to have demanded an *Aid* of the *Clergy*. ^{Waverl. p. 234.}
¹² To comply with whose Desire, the *Bishops* agreed that at their next Meeting ^{10 M. Westmin.}
after *Hilary* they would give him their Answer as to this Matter; And, in the ^{ad Ann.}
mean time, (a) Every *Bishop* should call his *Clergy* together, and dispose them ^{11 Apud Prynn.}
to a liberal *Aid* to the King, as soon as the time of the *Tenth*, then Running, ^{Records. Vol.}
should be expired: And that they should either by their *Bishops*, or the *Proctors* ^{III. p. 235.}
of their *Bishops*; or else by *Proctors* of their own sent on purpose for this End, ^{12 See the Ap-}
(as the *Bishop* should think Expedient) let the *Archbishop* know, at his *Council* ^{pendix. Anno.}
after *Hilary*, what they would Give. To remind the *Bishops* of this, the *Arch-* ^{1279.}
bishop sent out his *Mandate* to the *Bishops* of the Province to do their Duty Ef- ^{(a) Regist.}
fectually herein, and to make them the more Careful and Vigorous in their En- ^{Giffard. Wi-}
deavours, the King seconded it, with *Letters* of his own, sent in like manner, to ^{gorn. fol. 100.}
every *Bishop* for the same End. ^{101.}

Whether the *Archbishop* acted sincerely with the King in this Matter, and
could not prevail with his *Clergy*; or whether, as our *Historians* seem to inti- ^{13 Chron.}
mate, he had no mind to Grant what the King desired; I cannot pretend to ^{Wykes. p. 110.}
judge. But so it was, that the *Clergy*, being met at *Hilary*, either came to no ^{Petrus de}
Resolution about it, or the *Archbishop* gave not in their *Resolution* to the King. ^{Yckham, &}
¹³ For it was not till the *Parliament* after *Easter* that He agreed to a *Fifteenth* for ^{VValt. Hem-}
three Years, as our *Historians* inform us, and the ¹⁴ *Records* of the *Archbishop* plain- ^{ingford, M. S.}
ly imply as much. ^{ham fol. xxv.}

K. EDWARD
the 1st.
Regist.
Vickwaine.
fol. xi. b.
xxxix. a.
lxxxiii. b.
Sect. 101.
Rights, &c.
p. 10.

What the Method was which was taken in the *Other Province* for this Affair, I cannot tell; but do think that there also it was transacted wholly in the *Diocesan Synods*. Of that of *York*, the Case is clear; ¹ The Clergy met at *Pontfract*, and Granted a *Tenth* to the King; those of the *Archdeaconary* of *Richmond* Excepted; as by the *Instruments* themselves yet Remaining, does plainly appear.

But before I leave this part of our History, I must take Notice of one Capital Error, so often Repeated by ² Dr. A. and employed to so many Purposes by Him, that one would think he should have been very secure of the Truth of a Fact which He intended to lay so Great a Stress upon. That which he Affirms is this, that it was agreed in the *Council* at *Reading* that the Clergy of the *Diocese* should appear (not by their *Arch-deacons*) but by two *Proctors* of their Own, which (says he) I suppose, has ever since been Constantly Practised.

This p. 10. * He applies to their *Synodical Meetings*, and that not only as to their Representing of the Clergy, but for a Power of Treating with the Bishops, p. 11. * Pag. 38. He proves by it another Point; Of the Clergys Customary Meeting in Convocation, at the same time that the King held his Parliament. An Assertion as false, as the Proof of it is feeble and fallacious. * Pag. 39. He cites it to shew that the Numbers of the Lower-Clergy Called by the Archbishop to his Parliamentary Convocations, had born some Proportion all along to those of the Lower Laity, called at the same time to Parliaments. * Pag. 219. 220. He finds out no less than three several Reasons, why the Archbishop should, at this time, make such a Constitution in this Synod. * Pag. 303. He affirms that the Constitution of *Reading* (so often Cited) first made distinct Proctors for the Rural Clerks of every Diocese, a fix'd and necessary part of the Clergies Parliamentary Assemblies; that this was done not as a Privilege, but a Burden to the Clergy; Who were more Easy, as to their Charges, while the Arch-deacons were Commissioned to Act for them.

And now, would One not think, that Dr. A. should have been well assured that some such Constitution as this had certainly been made in the Council of Reading? And yet, after all, it is clear, even to Demonstration, that no such thing was thought of in that Synod. I insist not upon the other M. S. S. of these Constitutions tho' I have Examined several of Good Antiquity, and not found this Chapter in any One of them. I appeal to a Transcript made the very same Year, and probably within few Weeks, after that Synod met; That of the ³ Registry of Worcester: which precisely contains those Constitutions, and those only which have been publish'd in Sir William Dugdale's Copy of that Council; and wants all those Additional Articles, which the Editor of it, to whom Dr. A. Referrs, has (I know not by what Authority) Connected to the true Constitutions of it.

It was both the Law, and Practise of those Times, for the Bishops within a certain Term after the End of every Provincial Council, to Assemble their Clergy, and to Publish, or cause to be Publish'd, the Constitutions made in these Provincial Synods to them. This Order the Archbishop in Effect Renew'd in this very Synod, Cap. de senten. Excomm. publ. denuntiand. which ought to be placed (as in the Register of Worcester it is) in the Close of the Acts of this Council. Now as we cannot doubt but that for this End every Bishop had a Copy of the Constitutions which were here made, to carry, or send into his Diocese, so we may venture to conclude that the Copy Entred this same Year, and that within six Weeks after the Council was ended, into the Register of the Bishop of Worcester, ⁴ was taken from that which He brought with him to Publish, or Cause to be Published, in that Diocese. Here therefore we have an Evidence, beyond denial of the Falsity of Dr. A's Supposition; viz. That the Council of Reading made any such Appointment as he, so often, descants upon: And then the Foundation failing, all his Imaginary Reasons for the making of it, and a Great part of his Consequences too which He builds upon it, must fail also.

When this Constitution was truly made, has been probably enough conjectured by a * Learned Writer on this Subject. To that I Referr Dr. A. Only I must beg leave to add, that before I allow of any such Uses as he pretends to make of it, I must see it better proved than yet it has been, that any such Constitution was made even then, when that Other Author supposes it to have been: For hitherto I have not found it in any Ms. Copy that I have Examined, of our Provincial Constitutions.

³ Registrum
Giffard. fol.
lxxxix.

⁴ Regist. Giffard. fol. 92. b. Quae autem a Nobis in praesenti Ordinata fuerint, vel adjecta Concilio, his superscriptis, HIS in ANNO, vide licet in quibus Capitulis Generalibus singulorum Archidiaconorum, precipimus Singulorum Auribus INCULCARI.
Dr. Kennet.

It is plain then that there was no such *Constitution* published in the Council of ^KEDWARD Reading as Dr. A. pretends; I add, that neither did things pass that Year so, as, ^{the 1st.} in Consequence of this supposed *Constitution*, He would make us believe that they ^{Sect. 102.} did. ^{Rights, &c.} Dr. A's. Scheme is this; "that the Council of Reading order'd that ^{p. 219. 220.} "two Proctors should be *Elected* by the Clergy of every *Diocese*, and sent up to ^{Compare, 303.} "Represent them in the next *Congregation* of the Clergy to be held with the Next *Parliament*: And from thenceforward he takes it for Granted that such "Proctors were constantly Returned to all the Clergies *Parliamentary Meetings*; and therefore to be sure to the next of all, to which, if he be in the Right, they were particularly Summon'd.

The Words of the *Constitution* are these, *Duo Electi ad Minus*, that two at least should be chosen by the Clergy of every *Bishoprick*: The Number was not yet fix'd, as neither was it intirely settled a long time after. Dr. A. therefore is again in the Wrong when He represents this as the Stated measure, and manner of Representing the Clergy; which the very Words of the *Constitution* shew was but now beginning to be pitch'd upon; and not yet brought to any Certain or Regular *Proportion*. * And himself Observes that above ten Years after, *Anno* ^{Rights, &c.} 1290 more than two were, if not directed to be sent to the *Synod* at *Ely*, yet at ^{p. 39.} least were Allow'd to be deputed thither.

But his History is more faulty: For at *Michaelmas* the *Parliament* met, and the *Bishops* and *Prelates* came, as usually, to it. But the *Lower-Clergy* were not there, either in *Parliament*, or *Convocation*, as the History of what pass'd there does manifestly declare. ² Now that the *Archbishop* in his Letter dated November ^{Regist. Peck-} viith. (immediately after this *Parliament*) clearly shews: where he ^{ham. fol. 165.} ^{a. Append. ad} ^{Ann. 1279.} recounts how that the *Laity*, in *Parliament*, had Granted a *Subsidy* to the *King*; that the *Bishops* had set an Example in this Matter to their Clergy; and therefore Requires his *Suffragans* to Call their Clergy together in their several *Dioceses*, and to Excite them to a liberal Contribution. All which had been utterly needless, had the *Convocation* been sitting at the same time with this *Parliament*; and so the *Proctors* of the Clergy been there, in a Readiness to have done that together in their *Provincial Council*, which was here Required to be done by Every *Bishop* in his *Diocesan Synod*. But I proceed:

The account of what the Clergy would do, was Order'd to be sent to the next *Provincial Council* after *Hilary*, by the *Bishops* of the *Diocese*, or by special *Proctors* of their Own deputed for this End, to make Report of their Resolution in this Particular. It does not appear which of these the Clergy Chose: but having declined to Grant any thing that time, 'tis most likely they left it to their *Bishops* to make a Report of their Refusal.

Upon this, the *Archbishop* and *Bishops*, (at that *Synod* as I conceive) agreed ^{1280.} to have the Clergy Call'd again together, and that their Answer should now be Return'd to the next *Parliament*, which was to meet after *Easter*. *Anno* 1280. So the ³ *Archbishop* speaking of their Grant Implies; And our *Histories* tell us, ^{Registrum} that then the *Archbishop* of *Canterbury*, *pro se, & Clero*, Granted a *xvth.* for three ^{Peckham, fol.} Years to Come. Yet it does not appear that the Clergy were either at that *Par-* ^{25. a.} *liament*, or assembled in *Convocation* during the time of the *Parliament*, any more than they had been the *Michaelmas* before.

As for those of the Other Province, The Clergy of *York* met in their *Diocesan* ^{Fin. 9. Edw.} *Synod*, *February* 9th. and there agreed to a Benevolence. The ^{1. m. 14. de} ^{Decima Colli-} ^{enda. Pryme's} ^{Records. iii.} ^{Vol. p. 275.} ^{Regist. Gif-} ^{ard. Wigorn.} ^{fol. 108. a.} ^{1281.} ^{Sect. 103.} ^{Regist. Peck-} ^{ham. fol. 175.} ^{176. Vid. Ap-} ^{pend. ad Ann.} ^{1281.} ^{M. West. ad} ^{Ann. 1281.} ^{Append. ad} ^{Ann. 1281.} ⁱⁿ Other *Bishopricks* probably did likewise; so that to be sure they Attended not upon either the One, or Other, of these *Parliaments*.

Dr. A. then is utterly out in his first Attempt to bring the *Proctors* of the *Lower-Clergy* to his Imaginary *Parliamentary Convocations*. ⁵ What that Assembly was, which was Order'd to meet at *Lincoln* sometime before *Christmas*, this same Year, *Jo. E-* ^{versden} tells us: It was for the Consecration of the *Bishops* of *Lincoln*, and *St. David*, which was solemnly perform'd there.

Upon the viith. of *October*, the next Year, the *Archbishop* of *Canterbury* held his *Provincial Council* at *Lambeth*; and summon'd not only the *Bishops*, ⁶ but the other *Prelates* of his Province; the *Deans* of Collegiate and Cathedral Churches, with the *Proctors* of the Chapters, to it. But to the utter Ruine of Dr. A's. *Hypothesis*, the *Diocesan Clergy* were Omitted: as all the Others had been, in the *Council* of *Reading*, but two Years before. To this Council the ⁷ *Regulars* refusing either to Come in Person, or to send their *Proctors*, were order'd to be severely punish'd for their *Contumacy*, by the *Archbishop*. How his Order was Executed

K. EDWARD in the other *Dioceses*, we may in some Measure judge by the Return which was made to it by the Bishop of *Worcester*; which because it is a Curiosity that I have not elsewhere met with, I shall offer it to the Reader in my *Appendix*.

This *Synod* was hardly over, before a new Occasion was given to the *Archbishop* to Summon another. Upon ¹ December the 27th He received an Order from the *Pope*, to use his utmost Endeavours with the King for the Enlargement of *Almaric de Montford*. In Order thereunto He the very next day issued out his *Mandate* for an Assembly of his *Suffragan Bishops* to be held at *London*, three days after the *Purification*. To this none but the *Provincial Bishops* were Summon'd: Neither the *Inferior Prelates*, nor *Diocesan Clergy*, were called to it. Not long after this, a *Third Congregation* was appointed to meet at *Lambeth* upon the *Saturday* next after the *Jubilate*, or *Third Sunday* after *Easter*, *April* the 25th. ² The Business of this was to Regulate the Usurpations made upon the *Bishops Authority*, by the Judges and Officials of the *Archbishops Courts*. Several Projects were drawn, and a Constitution to that Purpose was agreed upon there. ³ But by some means or other it remain'd Unsealed, and was not publish'd for many Years after.

In the interval between these two *Synods*, the *Archbishop* seems to have been abroad upon his *Provincial Visitation*. A little before this last met, the Troubles of *Wales* breaking out, the King sent a ⁴ Letter to the *Archbishop*, being then in the *Diocese* of *Exeter*, to hasten his *Bishops* to this Assembly, and therein to do what He desired of them. What they did in Pursuance hereof, I have not yet been able to discover. ⁵ Most likely it is that the Expedition of the *Archbishop* into *Wales*, and the *Excommunication* of *Llewellyn Prince of Wales*, were concerted in this meeting: For the 25th of *April*, this *Synod* was held at *Lambeth*: The 2d. of *May* the Sentence of *Excommunication* pass'd upon *Llewellyn*, was publish'd, and sent to the *Bishops* of the *Province* of *Canterbury*; As by the Copy of it still remaining in the Register of the Bishop of *Worcester* does appear.

The King was now proceeding upon his Expedition into *Wales*: (a) He had order'd all which ow'd him Service to be ready to attend upon him at *Rothelan Castle*, *August* the 2d. But before that, He held his *Parliament* at *Worcester*, *June* the 24th. To it he called his (b) *Proceres* or *Barons*, to deliberate about the War which He was then entering upon. (c) Besides these, there was the *Communitas Regni* too; so the King's Writs relating to this *Parliament* tell Us. And by their Common-Advice, He proceeded upon that troublesome Undertaking.

The War of *Wales* being thus begun; and the *Archbishop* himself being still in those Parts, (as by a ⁶ Sentence of *Excommunication* dated at *Rothelan* ii Id. *Novembr.* this year appears) Upon the 22d of the same Month the King issued out his ⁷ Writs to the *Archbishops* to Call together their *Suffragan Bishops*, with the *Abbots*, *Priors*, and other Heads of *Religious Houses*, and the *Deans* and *Chapters* of the *Cathedral* and *Collegiate Churches* within their *Respective Provinces*, to meet the One, at *Northampton*, the Other at *York*, on the *Octaves* of *Hilary*; there to treat with the King, or such Other Persons, as He should send thither in his stead. This Writ the *Archbishop* of *Canterbury* not only Executed, but inserted it at large into his *Mandate*, dated at *Hereford*, ivto. Id. *Decembr.* Here now we have a proper *State-Convocation*, and yet no ⁸ *Proctors* of the *Diocesan-Clergy*; not so much as the *Archdeacons* called to it. To this Congregation the King deputed his *Commissioners*, the *Earl of Cornwall*, the *Abbot of Westminster*, (who was at that time his *Treasurer*) and the *Archdeacon* of *Coventre*, by his Letters dated *January* the 5th. *Regni* xio. But the Assembly being but thin, they would not Grant any Aid to the King then; but resolved that the ⁹ *Archbishop* should Call another Meeting, wherein they would Return their Answer to what had been demanded of them.

In pursuance of this Resolution, the very next day after the Rising of that Assembly, the *Archbishop* issued out his *Mandate*, dated at *Northampton*, *January* the 21st. for a ¹⁰ second Meeting at the *New Temple*, *London*, three Weeks after *Easter*; *Anno* 1283. To this he cited all his *Suffragan Bishops*; with the *Abbots*, *Priors*, and Other Heads of *Religious Houses*; the *Deans* of *Cathedral* and *Collegiate Churches*, and the *Archdeacons* to appear before Him. As for the Other *Clergy*,

¹ Registrum Peckham, fol. 101. b. ² Edw. — Ven. in Christo Patribus Jo. Eadem Gratia Cant. Archo. —
Episcopis, Abbatibus, Prioribus, & Aliis domorum Religiosarum Praefectis; Decanis, Capitulis Ecclesiarum
Cathedralium & Collegiarum de Prov. Cant. & Eorum Procuratoribus, apud Northampton, &c. Con-
ventus
³ Registr. Peckham, fol. 83. b. ⁴ Append. ad Ann. 1283. ⁵ Ibid.

Clergy, a Particular Provision had been made in the Meeting at Northampton K. EDWARD
with Respect to them: " That the Bishops of every Diocese should some conve- the 1st.
" nient Time before their next Meeting call together the Clergy of their Respe-
" ctive Dioceses, and acquaint them with the King's Demand; that so at the
" Time and Place appointed, the Diocesan Clergy might appear by two Proctors,
" the Cathedral and Collegiate by One, sufficiently instructed and empower'd to
" Act for them.

Being thus Assembled the Second time, in a Full-Convocation of the whole
Clergy, of the Province; the ¹ Annals of Worcester tell us that the Archbishop and
his Suffragans promised the King a Certain Sum of Money to be provided by Annal. Wi-
them. But that the Religious and Clergy delay'd their Answer till Fifteen-Days gorn. p. 507.
after Michaelmas, when they were to meet again for that Purpose. And true
it is that they were Summon'd again at that time to Convocation for such an End.
But then by the Orders of the Archbishop, to this Effect, the Case seems to have
been thus. ² That upon the last day of the Convocation after Easter, the Clergy ³ Regist. Peck-
being Called to Lambeth, agreed to the Triennial Disme which the King had at ham, fol. 84.
first demanded of them at Northampton: But demurr'd upon that farther Aid ⁸⁵.
which he had now, at this Meeting, Required of them; because that being not
before acquainted with it, they had Received no Instructions, nor brought any
Powers with them, concerning it. For this Cause it was agreed by the Archbi-
shop, with the advice of his Suffragan Bishops, that they should meet again at the
New Temple, London, three Weeks after Michaelmas; and that then the Proctors
of the Chapters and Clergy should again come, as they had now done.

This special Order, and Resolution, I take to be that which Dr. A. has so
often, and Erroneously put upon the World, for a General Constitution of the
Council of Reading. The time of their Assembly drawing on, to the End the
Clergy might be the better prepared for it, on the 6th. of August the Archbishop
issued out a ³ second Mandate, to require his Suffragans to call together the Cler- ³ Regist. Peck-
gy of their Dioceses to treat upon this New Demand of the King; that so when ham, fol. 87. a.
they met, they might presently Come to a Resolution concerning it. By this ⁴ Everfden. ad
Conduct the King seems to have Gain'd his Point here again: For both ⁴ our Ann. Heming.
Historians tell us, that about this time a xxth. Part of all their Ecclesiastical Re- M. S. Nic.
venues was Granted to the King by the Province of Canterbury, according to the Trivet. ad An.
Norwich Taxation; and the King's ⁵ Writ to the Archbishop, dated January the Walsingham.
28th 1284: to pay in the first Product, due the 11th of November before, more p. 475.
strongly confirms, that it was Granted in this Convocation. ⁵ See Pryn. Re-
cords, Vol. iii.
p. 347. Comp.
Brev. direct.
Episcopo.

About the same time, or not long before this last Assembly of the Clergy,
⁶ the King held a Council at Shrewsbury, and called to it the ⁷ " Majores Regni sui,
" & Sapientiores, tam de Civibus, quam de Magnatibus, as Wikes relates it. There Wigorn. dat. vi
David, Brother to Lewellin Prince of Wales, was " per Potentiores Anglia judged Kal. Martij.
to Death. This Dr. A. may fancy to be a Lucky Conjunction; that a Parlia- 1284. Giffard,
ment should meet at Shrewsbury, and a Convocation at London so near to One An- fol. 224.
other. But tho' this would be a Matter of no Great Moment, if it were true; yet ⁶ Mat. Westm.
indeed it was not so: That Assembly at Shrewsbury was only a Lay-Court for the p. 411. Annal.
Tryal and Condemnation of that Unfortunate Prince; not a Great Council of the Waverl. p. 238.
Nation, for the Publick Affairs of State. ⁷ Chron. Tho.
Wykes, p. 111.
(†) VValf. p.

It is more to be consider'd, that, about the same time, as our Historians in-
form us, the King held his Parliament at (†) Aton-Burnell; where the Statute
denominated from thence was made; and thereby proves this to have been such
a true Parliament, as the Other, at Shrewsbury, was not. This same Year the
Laity, as well as Clergy, Granted a (*) Subsidy to the King; whether at this,
or at what Other Meeting, our Historians do not say. ^{475. Annal.}
^{VVigorn. p.}
^{507. Nic. Tri-}
^{vet. ad Ann.}
^{1283.}
^{(*) Annal.}
^{VVig p. 507.}
^{N. 6 Trivet.}
^{ad Ann. VValf.}
^{Hyp. Neuest. p.}
^{475. Hemingsf.}
^{M. S. &c.}
^{1281.}
^{Seft. 104.}

Having thus endeavour'd to give the best Light I could to the Perplex'd Hi-
story of these three Years, let us now see what Account Dr. A. has, after his
manner, presented us of them.

In the beginning of the Year 1281, April 1st. he tells us " the Kings and the Arch-
" bishop's Authority were jointly, and interchangeably Employ'd (in calling the
" Clergy to Convocation.) The Archbishop signifying the Kings pleasure in his Let-
" ters Mandatory to the Clergy, and the King, on the Other side, Executing the
" Archbishops Mandate, by his Own Ministers. The Case he says was thus.
" The Bishops [and their CLERGY] were Summon'd to a Synod at London by an
" Injunction from the Archbishop, in which they were commanded also to meet
" at

K EDWARD " at ANOTHER TIME, and PLACE, appointed by the King. And that they might
 the 1st. " be sure so to do, LETTERS of CITATION are directed (not to the Bishop of
 " London, but) to the King himself, to be by him Communicated to the seve-
 " ral Bishops by Royal Messengers. This odd president we have an Account of
 " in the Register of Peckham. The Citatory Letters are dated: Kal. April
 " 1281.

Of this Letter I have met with two Copies; One that of the *Archbishop's Register*: The Other out of a Volume of *Peckham's Letters*; but could never till now find out the Year of it. The *Kal. April* I read indeed in the *Register*; but as for 1281. Dr. A. has I doubt by pure Invention added that; and, by Ill-luck, very Erroneously to it.

¹ See the Letter, Append.
 Anno 1282.

The Substance of this ¹ Letter, which Dr. A. makes such a Mystery of, is, as far as I can discern, no more then this. The *Archbishop* had some time before Summon'd his *Suffragan Bishops*, (for as to the Addition AND THEIR CLERGY, 'tis like the Year, intirely Dr. A's Own, nor is there in the Letter the least Ground for it) to a Congregation at London, three Weeks after Easter. The *Archbishop* was at this time at *Clyst*, in his Visitation of the Diocese of *Exeter*; when he received a Letter from the King, informing him of the New Troubles that were just then broke out in *Wales*. These began in the xth Year of this King: ² *Lewellin* having on Palm-Sunday surpris'd the Lord Roger Clifford, the Kings Justiciary there, and sent him Prisoner to *Snowdon*. Now this fixes the date of this Letter, to April 1st. 1282. And to the same time the Order of the *Archbishops Register*, which is very accurate, agrees. The King had (it seems) somewhat to be done at this Meeting which made him very desirous to have it as full as was possible. He therefore Wrote to the several Bishops of the Province himself; and he insinuated to the *Archbishop* after what manner He would have him also Write, upon this fresh Occasion, to Them. The time of their Meeting was very near; and the *Archbishop* thought that his Letters would be more quickly dispatch'd, and come more certainly to them, if they were Carried together with the Kings, to the several Bishops, by the Kings Messengers, than if he sent them by the Usual way, of a Mandate to the Bishop of London; to be by him Communicated to the rest of his *Suffragans*.

¹ Dr. Brady's Hist. Vol ii.
 p. 9.

Here now is all the Mystery, which Dr. A. makes such a work of: The *Archbishop* back'd his first Mandate, with a fresh and Earnest Order, after the manner that the King desired. The King join'd his Own Letters to the *Archbishops*; and by his Messengers conveyed both the One, and the Other, to the Bishops.

³ Regist. Giffard, Episc. Wigorn, fol. 133. 134.
 Regist. Peckham, fol. 46. b. 47. b.

³ The Bishops accordingly met at *Lambeth* on the Saturday after the Jubilate, or Third Sunday after Easter, according both to their first Summons, and to these Repeated Orders. There the Constitution which I before mention'd, was made for Regulating the *Archbishops Courts*, which is still Extant in the *Archbishop's Register*; and has from thence been publish'd in the Second Volume of Our English Councils.

⁴ Rights, &c. p. 221.

But ⁴ Dr. A. goes on, and improves this first Error, with a second. " And the same formality (says He) I suppose, was used in Convening the Clergy of York Province, who met about this time at York, as appears from a Writ extant in *Prynn*, empowering the Bishop of Carlisle to Collect the Tenth of his Own Diocese; Granted at that Provincial Assembly. How that Tenth was Granted, the King's Writ does not expressly determine. But by Commanding the Bishop to Collect it in his Diocess, " *Juxta formam Concessionis nobis inde facta in aliis Diocesibus Eborum Provincia*, does seem to imply, that this Tenth was Granted, as the Others before had been, by the Clergy in their Diocesan Synods, and not in any Council of the Province Assembled together for that Purpose.

Dr. A. therefore must first shew us some Authority for the Meeting of such a Synod at all, before he must expect to gain Credit with us that it was Assembled in any such Extraordinary way as he supposes. In the mean time, it may suffice to observe, that the King might have Other Designs to serve in the Meeting of the Bishops of this, than in that of the Other Province: and the *Archbishops Expedition* soon after into *Wales*, to compose Matters there, and his Solemn Excommunication of *Lewellin*, and his Brother David, before-mention'd, may Give us just a Ground to believe that He had.

" The next Year the King holding his Parliament at Northampton command-
 " ed the *Archbishop*, by Writ, to Summon his Clergy thither. This again is
 † intire

intire New History : The King held no Parliament at Northampton, but only K. EDWARD
Summon'd a Provincial Assembly of Bishops and Prelates, and the Cathedral Clergy the 1st.
there. To account for the Omission of his Friends, the Diocesan Clergy, Dr.
A. goes on upon pure Invention ; " that it may be these were by a Particular Writ
" to be applied to afterwards, and Requir'd to follow the Pattern which the
" Superior Clergy should set, according to the way sometimes practised in for-
" mer Reigns. Should I ask him whether this was done, His Answer would
be, that the Superiour Clergy not giving any thing, there was no Room for the
Inferior to be Assembled ; and the Resolution there taken of Calling Both toge-
ther, after Easter, (as I have shewn) superseded the Necessity of it. It is a
Great Sagacity that some Men have to discover the secret Designs of Courts and
Princes, at above 400 Years Distance. In the mean time, here we have a
Convocation without any of the Diocesan Clergy ; who, therefore, as yet were not
thought any Necessary Members of it. But he goes on : " And yet at the Synod
" called on the same Occasion by the Archbishop of York in his Province, we find
" the Diocesan Clergy appear'd ; and which is very Remarkable, the Laity of
" York Province, under Barons, had also their Summons to the same time and place
" with the Clergy.

What a strange Confusion does this Author make of these Assemblies ? A
Synod Called by the Archbishop of York, of Bishops, Abbots, Priors, Chapters, of
Cathedral Churches ; the Diocesan Clergy, with all the Free-men, Knights and
Communities, and All Others of EVERY COUNTY beyond Trent, Summon'd to the
same time and place with them. This is as odd a Council in One Province, as he had
before made a Parliament in the Other. But what then shall we say ? Does not the
King's Letter mention all these ? I agree it does ; the Diocesan Clergy Excepted ;
who being neither mention'd in the first Summons of November the 22d ; Nor in
the Letters of Credence sent into the Bishoprick of Durham, no nor yet in this, as
all the Others, (Bishops, Abbots, Priors, and Proctors of the Cathedral Churches)
are, neither do I take them to have been meant, by the *Communitas Cleri* ;
which I look upon as a General Phrase, and design'd to referr to the whole Body
of the Clergy, not to specify the Proctors of the Dioceses, as distinct from the
Other Orders before spoken of. It is in this Case, as in the Other of the Laity
which immediately follows in the same Writ ; where having particularly men-
tion'd Knights, Free-Men, Communities (of Burroughs and Towns) it adds, " Et
" *Omnibus Aliis de singulis Comitatus ultra Trentam*. Now the same that *Omnibus Aliis*
signifies on the one side, I conceive the *Tota Communitas Cleri* denotes on
the Other. It is a General Expression relating to the whole Body of the Clergy, as
the Other apparently does to the whole Body of the Laity. The one was no
more intended to stand for Proctors of the Clergy, than the Other to import the
Representatives of I know not whom, of the People. And therefore in the Writ
to the Bishoprick of Durham, where all the rest, both of the Clergy and Laity are
again specified as before, these General Words are on both sides Omitted : There
is no *Omnibus Aliis* of the One ; Nor *Tota Communitas* of the Other. In short ;
the King's WRITS Summon'd the same Persons, in both Provinces : In neither
were the Proctors of the Clergy call'd ; nor could they therefore be considered
by the King as Legally Present in either. Since therefore His Letters of Credence
were sent to those only whom his Writs of Summons Cited to Appear ; We must
interpret the Expressions of the Former, by the Terms of the Latter ; and not
make the King apply himself to any in the One, but such only as were Called to
be present by the Other.

But not to insist any longer upon this Point, which, but for the sake of Truth,
I am very little concern'd in. What shall we say to the Metting it self ? Was
it a Synod or Parliament ? Or what kind of Assembly was it ? A Parliament it could
not be ; because it was an Assembly only of some of the Northern Counties, not a
Convention of the Whole Realm, as all Parliaments ought to be. Neither was it a
Provincial Synod ; for then the Bishop and Clergy of Durham must have been there,
who now met separately in their Own Country.

To state this Matter aright, the Case was plainly this : The King was at this See the date
time in Wales, prosecuting his War there. The Barons and Others who held of these Let-
of him by Military Tenure were with him in his Service. The Spiritual Barons ters apud Ro-
had sent in their Services to him. A Parliament therefore He could not Hold in thelan : Jan. 1.
his Own, and his Barons Absence ; or if He could, yet that would not so well

K. EDWARD
the 1st.

have answer'd his Desires. To get an *Aid* therefore both from the *Clergy*, and *Other Laity* who were not with him, nor had sent any Help to Him, He took the Extraordinary Method that we here see. He commanded the *Archbishop* of *York* to Assemble the *Prelates* and *Capitular Clergy*, of *York* and *Carlisle*, at *York*. Thither he order'd the *Laity* of those Parts to come at the same time. To these by his *Commissioners* He Represented his *Needs*, and demanded an *Aid* of them.

The *Bishoprick* of *Durham* was a separate Principality. When the *Other Counties* sent their Members to *Parliament*, they deputed none: Nay they scrupled to do the *King* any Service in his *Wars* out of their Own Bounds; much less would they now have Gone to such a *Meeting* as this, without the Limits of their Own Territory. The *Assembly* of the *Clergy* being upon a *State-Account*, the *Bishop* of *Durham* might possibly no less have stood upon his Own Exemption, in that Respect, than the *People* in the other. It was therefore expedient to Summon both the *Clergy* and *Laity* within their Own Precinct; and so the *King* did, and sent distinct *Commissioners* to Them. And when four Years after He laid Claim to the Promise of the Supplies made at these very *Meetings*, and the *Archbishop* of *York* thereupon Summon'd the *Whole Clergy* of his Province together, yet the *Bishop* of *Durham* would not join either in the *Grant*, or *Return*, with the *Other Clergy*, but made a separate *Return* for his Own Territory.

Thus were these Assemblies held in the *North*: In the Province of *Canterbury*, the *Prelates* and *Capitular Bodies* were called at the same time to *Northampton*. Where the *Laity*, on this side *Trent* met, or whether they met at all about this time, I cannot tell. It is not improbable but that they might have met at *Worcester*, where the *Parliament* was held the *Midsummer* before; and at which we are told the *Communitas Regni* was present, with whose Approbation the *King* says he began this present *War*. But this I offer only as a *Conjecture*, till I shall meet with some better Information in this Particular.

1284.

Such were these *Meetings* of which *Dr. A.* Gives so odd an Account. To Return now to the Pursuit of our History. Anno 1284. the *King* held a *Council* at *Bristol* with some of his *Great Men*; but neither *Parliament* nor *Convocation* seem to have met that Year.

¹ Hemingsf. Mf.
Chron. Wikes,

p. 112.

² Chron. Tho.
Wikes, p. 113.

³ Annal. Wa-

verl. p. 229.

⁴ Mat. West.
p. 412.

Upon the *Quindene* of *Easter* following, the *King*, "*Convocatis Regni Proceribus*, held his *Parliament*. This continued, ² says *Wikes*, till *Midsummer*. The *Waverly Annals* speak of it, as meeting in *July*; "*Vocatus Terra Potentioribus ad Edictum Dommini Regis*: ⁴ *M. Westminster* after the same manner; "*Convocatis Potentioribus terræ suæ—condidit Rex Statuta quæ Westmonsterij Secunda dicuntur*. These were, as Usual, the Members of this *Parliament*; the *Lower-Clergy* neither in that, nor in *Convocation*, being at all Assembled with it.

1286.

⁵ Chro. Wikes,

p. 113. 114.

Or rather ad

Mens. Pasch.

Regist. Giffard

Wig. fol. ccxc.

a. tho' the

Memorand.

be without a

date.

⁶ Regist. 7a.

Romanzi, Epif.

Ebor. fol. 99.

At the same time, the next Year, another *Parliament* was, in like manner, Assembled, ⁵ "*Congregatio maxima Magnatum totius Regni tam Secularium quam Ecclesiasticorum—ad tractandum de Regni Regimine*, as *Wikes* represents it. During this *Parliament*, a Memorable Accident fell out, which will deserve our Notice. A certain *Dominican Fryar*, *Richard de Knapwell*, maintaining some *Erroneous Opinions*, the *Archbishop* calling to his Assistance certain of his *Suffragan Bishops*, and *Others* of a *Right* faith, by their Counsel condemn'd Them, and Excommunicated the Maintainers of them.

The *Parliament* being Risen, and the *King's* *Necessities* pressing him; He sent his ⁶ *Letters* to the *Archbishop* of *York*, dated *August* the 8th. In which he Charges the *Clergy* of that Province with a Promise made to him upon his late *Expedition*, to assist him, which as yet they had not taken any Care to fulfil: And therefore commands the *Archbishop* to Conferr with his *Clergy*, He having done that for which they Promised it.

In Obedience to this Message the *Archbishop* by his *Mandates* dated *September* the 6th. required his *Provincial Bishops* to call together their *Clergy*, and treat Effectually with them about the *King's* Demand, and to account to him before *Michaelmas* what they had done in Pursuance of it. Had the *Bishops* and *Clergy* agreed in their *Diocesan Synods* upon the *Grant* which was expected from them, there had been no Occasion for changing the Old Method, and Assembling them Provincially in Order thereunto. But the *Proposition* not taking in this Manner, Obligated the *Archbishop* to Call a *Provincial Convocation* for the more Effectual Prosecution of it. This he did by his *Mandates*, dated at *Ripon*, *October* the 6th.

and

and appointed the *Wednesday* after *St. Martin*, *November* the 20th. for the *K. EDWARD* Meeting of it. The Result there was, that the Clergy of the *Dioceses* of *York* and *Carlisle* agreed to a *Thirtieth* for three Years: As for the Clergy of *Durham* they made their Return by themselves, and the *Bishop* of *Durham* undertook to declare it personally to the King. the 1st.

A fortnight after *Michaelmas*, this same Year the *Archbishop* of *Canterbury* held his *Provincial Synod* at the *New Temple*, *London*. If the (a) *Bishop* of *Worcester's* Proxy to this Assembly be Accurate, and Framed, as commonly those Instruments were, upon the Words of the *Mandate* by which the *Convention* was Summon'd, for which it was designed; we must then conclude that it was a *Congregatio Prælatorum*, and that the *Lower-Clergy* were not Called to it. And in a (b) *Memorandum*, without date, entred not far after, either this, or some Other Assembly of the like Nature is thus described; Memorand. "that the *Bishops* of the *Province* of *Canterbury* are called to appear before the *Archbishop* at the *New Temple*, *London*, on the Feast of *St. Edward* the King, a Fortnight after *Michaelmas*. (a) Regist. Giffard, fol. cclix. a. b. (b) Ibid. fol. cclxxiii. b.

The same is the Character which the (c) *Bishop* of *Hereford* gives of the next *Provincial Council* which met the Year following, *May* the 2d, about three Weeks after *Easter*. He calls it a *Congregation* of his Brethren, and *Lower-Bishops*, but takes no Notice of any Other Clergy that were Called to it. About the *Purification*, the same Year "Convocatis Edicto publico Regni Magnatibus apud *London*, the *Bishop* of *Ely* the King's *Treasurer* demanded in the King's Name of all the *Earls* and *Barons*; and, generally, ab *Universis Incolis Regni*, a Subsidy for the King's Use. They made answer, by the Mouth of the *Earl* of *Gloucester*, that they would Grant nothing, unless they first saw the Face of the King in *England*. 1287. Sect. 106. (c) Regist. Swinfield, fol. xl. Chron. Tho. Wikes, p. 117.

The King being return'd, about *Michaelmas* following, did accordingly issue out his *Writs* for a *Parliament* to meet, upon the Feast of *Hilary* after. The Persons called were here again "totius Regni Magnates: The *Annals* of *Waverley* stile it a *Parliament* of all the *Lords*; and mention not any other as either Called, or Coming to it, 1288. Chron. Wikes p. 118. Ann. Waverl. p. 241.

In the 18th of this King, after *Easter*, a famous *Parliament* was held at *Westminster* in which the *Third Statute* of *Westminster* was made; and an Explication upon the *Statute* of *Quo Warranto*, as *Hemingford* Relates it. The *Records* agree with his Account, and will inform us who were called to it, and Acted in it. 1290. Mf. ad Ann.

For the *Statute* of *Westminster*, 'tis said, that the King, "ad Instantiam Magnatum Regni sui, Granted, Provided, and Established. c. 1. In that *de Quo Warranto*; "that the King of his special Grace, and Affection, towards his Prelates, *Earls*, *Barons*, and *Cateros de Regno suo*, Granted, &c. But there is another Record that will speak more plainly in this Case. For on the 1st of June, 7 the *Prelates*, *Earls*, *Barons*, and *Great Men* of the *Kingdom*, with one Assent in full *Parliament*, granted to the King for themselves, and the whole Community of the *Kingdom*, forty Shillings of every *Knights Fee* for an Aid to Marry his Eldest Daughter; as the Words of the Roll are. 2 Institut. fol. 500. Ibid. fol. 494. See Dr. Brady's Introduct. p. 149.

This *Parliament* first met after *Hilary*, Anno 1289. It Re-Assembled after *Easter*; and on the first of *June*, Granted the Aid I before mention'd. Upon the 14th of *June*, at the Request of the *Lords*, and *Great Men*, there Assembled, the King issued out *Writs* to the *Sheriffs* of every *County*, to Order two or three to be chosen for their Respective *Counties*, and Return'd up to this *Parliament*, (which was then sitting, and had sat so long, and done so much Business without them) within Three Weeks after the Feast of *St. John Baptist*, *July* the 15th. Before they Came, the King, with his *Lords* only, made the *Statutes* of *Westminster* before mentioned; which were pass'd in *Parliament* the xvth of *St. John Baptist*, that is to say, *July* 8th. The *Knights* being thus Summon'd for the several *Counties*, were return'd accordingly: From some Three, from others Two, as the *Sheriffs* thought fit; which shews this Matter not to have been yet come to any Certain Establishment. They were design'd to Represent all the *Military Tenants* of the *Counties*, in *Capite*; and they did accordingly Consent for them to a xvth then Granted, per *Archiepiscopos*, &c. by the *Archbishops*, *Bishops*, *Abbots*, *Priors*, *Earls*, *Barons*, & *Omnes Alios de Regno*; the very Stile that was used when the whole Body of those who held by *Military Service* were

K. EDWARD Personally Summon'd, according to the *Charter* of King *John*. This I confess is a Little Forreign to my present Purpose; nor should I have mention'd it, had the *Learned Person*, against whom Dr. A. disputes this Point, been living to speak for Himself. The Account here given is but a short Extract from his Own *Writings*, which Dr. A. should have Answer'd, or He should not, without Answering it, have publickly Censured his Opinion.

Sect. 108. It is now about four Years since we have heard of any *Provincial Convocation*, or found any thing to give the least Colour for a Pretence of the *Lower-Clergies* being call'd, in any way whatsoever, to *Parliament*. But this Year a *Convocation* was held at *Ely*; of which some Account must be Given on this Occasion. ¹ William de Luda, Archdeacon of *Durham*, and Dean of *St. Martins le Grand*, being Elect'd Bishop of *Ely*; was upon *Sunday* the first of *October*

¹ Eversden: Ms. ad Ann. solemnly Consecrated Bishop of that Place there. ² The next day, the Arch-

² Registr. Eccl. Cant. H. fol. xxvii. b. Registr. Henr. Prior. Cant. fol. xiv. b. bishop held his *Provincial Council* in that City, *pro Utilitate Ecclesie, & totius Reipubl. super quibusdam Arduis Negotiis*. The Design was to give the King a *Subsidy*, ³ which accordingly they did, viz. a Tenth of all their *Spiritual Goods* for One Year. For which Reason, the whole Clergy was Called to it, and had

³ Eversden. ad (as it was now become Usual for them to have) their * *Proctors* in it.

Ann. Registr. Ol. Sutton. Linc. fol. xxvii. * Vid. Append. ad Ann. 1290. (a) Rights, &c. p. 39. It is observed by (a) Dr. A. as an early Congruity between the *Parliament* and *Convocation*, that this same Year when the King Summon'd *duos vel tres de discretioribus Militibus* to the One, the Archbishop of *Canterbury* Summon'd in like manner, *duos vel tres procuratores* of the Clergy, to the other: And this is made use of to shew, that the Numbers of the Clergy cited by the Archbishop to his *Parliamentary-Convocations*, had born some Proportion all along to those of the *Lower-Laity* called at the same time to *Parliament*. Now this might have been a Notable Proof, but for one defect in it; that the *Parliament* to which these *Milites* were Called fate at *Midsummer*, and the *Convocation* not till the 2d. of *October*. But the Truth of the matter is this; The King now first began to Summon the *Knights*, or *Free-Tenants*, not in Person, but by Representatives: And it was but a few Years since the Archbishop had called the *Lower-Clergy* by *Proctors* of their own to *Convocation*. The Number of neither was yet fix'd; and that is all the *Mystery* of this Chance Parallel, between the *Parliament* and *Convocation*; which met this same Year indeed, but yet at a sufficient distance from one Another to destroy all the Pretence of its being a *Parliamentary Convocation*, as Dr. A. very confidently, but withal very improperly, Calls it.

How the xvth. which the King, at *Michaelmas* exacted both of the *Laity* and Clergy, was Granted, I have before shewn. *Hemingsford* tells us it was Given in Consideration of the King's Proceedings against the *Jews*, and their Expulsion, at last, out of the Realm. I shall only Observe, that notwithstanding what they now did, in *Convocation*, yet ⁴ the Clergy, as well as *Laity*, were included in it; and accordingly paid their part of it.

⁴ Registr. H. Eccl. Cant. fol. 38.

And here at last Dr. A. thinks he has found out somewhat to Countenance his *New Hypothesis*. The Archbishop and Bishops of the Province of *Canterbury*, met *October* the 1st. at *Ely*, to Consecrate the Bishop of that See. The next day they held a *Provincial Congregation* there, about the same time that the King held his *Parliament* at *Clipston*: From whence the Consequence is Clear; This *Convocation* met at *Ely*, as an Attendant upon the *Parliament* which was held at *Clipston*.

⁵ Rights, &c. p. 318.

⁵ "For these Clergy-Meetings; tho' Concurrent in time with those of the *Parliament*, yet were not necessarily to be held at the same Place also, where the *Parliament* was Open'd; but Assembled, often times, at some other, either in the Neighbourhood of it, or more Remote from it, as the Archbishop thought fit, or the Churches Occasions Required. This is a very strange Hypothesis; and if true, would prove that the Archbishop at his Pleasure might have defeated the King's Writs; and have so Order'd Matters, that neither the Bishops, nor Abbots, any more then the *Lower-Clergy*, should ever have come to *Parliament* at his Summons. And all the Ground of this strange Opinion is built only on the accidental Meeting of a *Provincial Convocation* at *Ely*, about the time that the King's *Parliament* (as he calls it) met at *Clipston*.

I will not now dispute whether that was a proper *Parliament*, as we now understand the Word: Let it be as Dr. A. pleases; tho' 'tis very certain, that in that too he is mistaken. But supposing it to have been a true *Parliament*, will he

he please to tell us where the *Convocation* of the Other Province sate at this time? K. EDWARD the 1st.
Or if that be too Remote, where the *Bishops*, and *Clergy*, of our Own met after *Hillary*, and in the *Summer Parliaments* of this Year before? We have very full and exact *Registers* of this time; and few *Convocations* I believe were held, of which some *Notices* do not Occur in some or Other of them. Let him shew Us from thence, or from our *Historians* who speak of this Meeting at *Ely*, and of most of the Other *Synods*; where the *Concurring Convocations* of those two Other *Parliaments* met in *Either Province*; or, indeed, of All the *Parliaments* of the many Years before mention'd. Or let him not think from a single Meeting, and that upon a *Just and Reasonable* Occasion, to raise an *Hypothesis* of such moment as this; and which all the *Subsequent Practice* as well as the *Preceding History*, does evidently Confute.

To shew the more clearly, that the Questions I propose are not without a just Ground, and withal to convince him, if possible, of the little Weight which there is in this Accidental Concurrence of the Council at *Clipston*, and the *Convocation* of Our Province at *Ely*, to prove the necessary Connexion of the One with the Other; He may please to know, that after both these Assemblies were over, on the * 4th. of November the King issued his *Writ* to the Archbishop of *York* to Summon the *Convocation* of the Other Province. In it he Recites what the *Clergy* of *Canterbury* had granted to him; and affectionately Requires them to Grant him the like. The Archbishop Cited his *Clergy* to meet for this Purpose the day after *St. Nicholas*; December the 7th. at a sufficient distance from Dr. A's New Parliament, and without any Regard to the sitting of it.

As for the *Mystery* which he discovers in the *Proxy* of the Church of *Canterbury* to the *Synod* of *Ely*; he is thus far in the Right, that it was held for a State End, to Grant an Aid to the King out of the *Spiritualities* of the *Clergy*, and for that Reason not only the " *pax & Consolatio Domini Regis & Regni Angliæ*, were inserted into that Instrument, but the very *Proctors* of the Lower-Clergy were Called to it, who were seldom Cited to these Meetings but upon such Occasions; at least were but seldom Obligated Peremptorily to come to them.

The next Year the *Worcester Annals* tell us, that the Archbishop of *Canterbury* upon the thirteenth of February, held a *Provincial Council* to deliberate of the Recovery, and Preservation of the Holy Land. Those of *York*, (if some Extracts which I have seen may be rely'd upon, and they do not confound this with the *Convocation* which was Assembled there the same Month the Year before) had met on the same Account, the 2^d Tenth of December before. In the Interval between these two a 3^d Parliament sate, after *Epiphany*: for by a Letter dated, vi. Kal. Februar. it appears that 4th the Bishop of *Lincoln* had Granted a Protection to one whose Barge he made use of to bring him Provisions, instanti Parlamento Durante; and to the End of the *Provincial Council* which was not long after, as is before said, to be held. So that here then Dr. A's Rule already fails him; for in the very next Parliament to that at *Clipston* (supposing that to have been a Parliament) two *Synods* met, and neither of them at the time of the Parliament: That of *York* was up before the Parliament sate; as, most probably, the Parliament rose, before that of *Canterbury* met.

But indeed these *Synods* were held for another Purpose than to Attend upon the Parliament. The Pope had sent over a Bull, by which he Granted to the King a 5th Six Years Tenth for the Aid of the Holy Land. This Bull was past at *Rome* in March, and came over hither about Michaelmas. The Management of the Contents of it was committed to the Bishops of *Winchester*, and *Lincoln*. For this these *Synods* were Assembled in each Province; that in *York* so early that the Archbishop, and Bishops, might have time after it was over to come up to the Parliament; that of *Canterbury*, so near to the Meeting of the Parliament, that the Bishops might have Opportunity to hold their *Synod* before they Return'd to their *Dioceses* from it. This was a Rational Order upon both sides; and this is all the *Mystery* that is to be found in this Matter.

I shall not insist upon those Parliaments of King Edward the 1st, which were held both this, and the Year following, in the North, upon the Occasion of the Scotch debate; which seem to Regard a particular Cause, and to have been held after an Extraordinary manner. That Affair being over, in the Beginning of 1293. the King return'd to London to hold his Parliament after Easter. There

* Regist. Jo. Roman. fol. v. a. — Affectuose requirimus & rogamus, quod Nobis, si placet, Curialitatem consimilem, vel aliam Honorem & decorem concedere. & Vestra Provincia Clerum ad Eam nobis similiter Concedendam modis quibus melius expedire videbitis, inducatis.

1291. Sect. 109. 1st Annal. Wigorn. p. 513. 2nd Regist. Jo. Romani. but without the folio. So that I cannot examine the truth of it. 3rd See Ryley's Placit. Parliament, fol. lxxvi. 4th Regist. Oliver. Sutton: fol. lii. 5th Annal. Wigorn. p. 513. Hemingford, Ms. 'Scribens (sc. Papa) Episcopis Winton & Lincoln. — quod Eadem Decima in Monasteriis recondita remaneret quousq; idem Rex in suo itinere versus Orientem Mare magnum esset ingressus, & tunc primo solveretur eis

1292. S. A. 110.

K. EDWARD There he met ^{the 1st.} *Universos Episcopos, &c.* All the Bishops, Earls, Barons, and a large Number of OTHERS of his REALM Assembled together, according to his Appointment, to Treat with him of the State of his Kingdom; and particularly of a War with France, as Hemingsford and Wykes inform us.

¹ Wykes. *Ve-*
nienſq; Lon-

² *donas circa unum mensem poſt Paſcha, invenit ibi congregatos univerſos Episcopos, Comites, Barones, & ALIO-*
³ RUM Regni SUI copioſam multitudinem, ut Colloquio quod tunc ibi ſtatuerat perſonaliter intereſſent, una ſecum de ſtatu Regni ſui ſalubriter proviſuri.— Et de bello Gallico. Hemingsford, Mi.

² Ryley Placit. After Michaelmas ² the Parliament met again; but of any Convocation that was held at either of these times, in either Province, I have not yet been able, with all my Enquiry, to meet with the least Foot-steps.

1294.

³ See Dr. Brady of Burroughs p. 29.

⁴ Ibid. p. 30.

⁵ Dr. Brady. Ibid. p. 31.

The next Year, Anno 1294. a Parliament was Summon'd, October the 8th, to meet at Westminster the day after St. Martins, November the 12th. To this the King by his ³ first Writs Summon'd two Knights out of every County, to be there for the Community of the said Counties, with Power to Consent, on their behalf, to what the Earls, Barons, and Lords, should unanimously agree to. The next day, by Other Writs, he order'd two more to be added to them, and to come up to this Parliament with them. ⁴ They came and join'd with the Lords in Granting a xth to the King; the Writs for Collecting of which, thus Recite the Grant of it: "Whereas the Earls, Barons, Knights, and ALL OTHERS of our REALM, have liberally done, &c.—

Who these ALL OTHERS of our REALM here spoken of, as on Other Occasions before, were, the following Remark will clearly shew. ⁵ The Cities and Burroughs were not Summon'd to this Parliament, nor did they Grant any thing to the King there. But the King by special Commissioners applied to the City of London first, for a separate Aid: There he obtain'd a Sixth; and having so done, he sent by Other Commissioners to All the Other Cities and Burroughs of England, exhorting them to follow the Example which the City of London had set to them.

Here then, as Our Learned Dr. Brady, I think, well Observes, is a plain Evidence, that neither to this Parliament were any Representatives of the Cities or Burroughs call'd. They gave separately, as before, for themselves; and were not yet accounted among the ALII DE REGNO, or the COMMUNITAS REGNI; which took in only the Baronage, and such Others as held of the King in Chief, or by Knights Service; not the Citizens and Burgeses of particular Corporations.

1295.
Sec. 111.

⁶ Ibid. p. 25.
26.

But the next Year after, these also were called to Parliament by Writs dated at Canterbury, October the 3d. to appear at London the Sunday next after St. Martin. The Terms of this Writ are Remarkable; and will yet more confirm the Account which has been given of some Phrases, the want of Understanding which, has led many into a Mistake in this particular. ⁶ Having therefore Recited his Design of holding a Parliament with his Lords, and Great Men; the King thus Commands the Sheriffs, with Relation to the Rest: "That he should cause to be Chosen, and to come thither at the time and place, aforesaid, Two Knights of every County; and of every City, Two Citizens, and of every Burrough, Two Burgeses: Ita quod dicti Milites, &c. So as the said Knights may have sufficient Power for Themselves, & COMMUNITATE COMITATUS Prædicti; and the Citizens and Burgeses, in like manner, for themselves, and the COMMUNITIES of the CITIES and BURROUGHS, for which they came.

"The Parliament did not meet on the Sunday after St. Martin (as had been appointed) but was Prorogued, before Meeting, to the Sunday next before St. Andrew, November the 30th. And All the Treating, Ordaining and Doing in this Parliament, was only to Grant, and Consent to raise, such Supplies as the King demanded.

When these Citizens and Burgeses were thus Called to Parliament, they did not Act conjunctly together with the Rest who had been the Elder Members of it, but after a manner altogether distinct from them. The King's Writ Required that the Milites who Acted for the COMMUNITY of the COUNTIES should have a full Power to Act for them; and the Citizens, and Burgeses, for their Cities, and Burroughs, divisim; separately from one Another: And that so they did Act, the Writs for Collecting what this Parliament gave, expressly affirm: The Words of which are these. ⁷ "Whereas the Earls, Knights, &

⁷ Dr. Brady. Ibid. p. 33.

" *Alii de REGNO nostro*, have granted us a *xith.* and the *Citizens*, and *Burgesses*, R. EDWARD the 1st.

I have laid the History of these two Parliaments together, to shew the more plainly by what steps the *Commons*, as we now understand that Word, were brought, about this time, to these Great Councils. To Return now where we left off, *Anno 1294.* After *Whitsuntide*, our ¹ Historians tell us that the King held his Parliament. To this only the *Great Men* were called; *Magnates Angliæ*; *Comites & Magnates*, as *M. Westminster* calls them: *Proceres Angliæ* (says *Everſden*) *tam persona Ecclesiastica, quam Seculares.* And these Consented to a Scutage for his War, of a hundred Marks upon every *Knights Fee*. 1294. Sect. 112. M. Westminst. p. 421.

But the King's Wants call'd for a larger Supply: To provide for which he issued out his ² *Writs* to All the Bishops of England, dated August the 19th. to call together the Clergy of their several Dioceses at *Westminster*, September the 21st. (being the feast of St. Matthew) to give their Counsel, and help to him. They met as he Commanded, and granted an ³ half of all their Goods to him; so both our *Records*, and our *Historians* inform Us. This Grant came hardly from them; as by the Account of One of our ⁴ *Historians* yet unpublish'd, from whom *Knigh-ton* seems to have borrow'd a Great part of his Relation, it does appear. About two Months after this Assembly of the Clergy, the King call'd the Lay part of his Parliament, the day after St. Martin, and had therein also a Subsidy Granted to him. Vid. Append. ad Ann. 1294. Vid. Regist. Memorand. Ol. Sutton. Lincoln, fol. cx. Prynn. Records Vol. iii. p. 587. Hemingsford, Mf.

The Meetings of this Year, were All upon a State Account; In the next we meet with one in the Province of Canterbury upon an Ecclesiastical. The Assembly I mean was the Provincial Synod of Archbishop *Winchelsea*, held at the *New Temple, London*, the middle of July. To this only the Bishops of the Province were called: The Business for which it was held was to treat about the Liberties of the Church. What the *Constitutions* were which *M. Westminster* says he revived there, in order to that End, I cannot tell: But by his Proceeding the next Year, it seems plain that he had already framed his Design, of withstanding the frequent Taxes which this King's Affairs had inforced him to lay upon the Clergy, as well as Laity of his Realm. ⁶ Not long after this, upon the first of August the King held his Parliament at *Westminster*. What this was called for, more then to Receive the two Legates whom the Pope had sent to make Peace between the Kings of England and France, I am not able to say. In September following new *Writs* went out for a Parliament to meet the Sunday after St. Martin. Here the *Premunitory Clause* was first inserted into the Bishops *Writs*. The Year before the King had divided the Laity and Clergy from one another; and called the Latter to Assemble Nationally at *Westminster*, in September; the former in November. Now he United both together; and at the same time joyn'd the *Commons* too, by bringing the Representatives of the *Cities* and *Burroughs*; as well as *Knights* of the Countys, to Parliament. This Parliament thus called to meet November the 13th. fate by *Prorogation*, November the 30th. The *Archbishops* and Bishops readily Executed the *Præmonition*; and the Clergy, for ought appears, as readily came to Parliament upon it. 1295. Everſden. Mf. ad Ann. 1295. M. West. p. 424. Regist. Winchelsea, fol. clxviii. b. Annal. VVi-gorn, p. 517. M. Westminst. p. 424. Annal. Norwic. p. 402.

And here I cannot but observe with what Exactness our Historians take Notice of these Changes. Of the Assembly of the Clergy, *Anno 1294.* (the first National Assembly to which the Lower-Clergy were ever called by the Kings Writ) "*Rex Colloquium habuit cum Omnibus Episcopis, & Archidiaconis, & Abbatibus: & CLERUS ibi similiter habuit PROCURATORES*; say the ⁷ *Annals* of *Worcester*. Of the Parliament of this Year, where the Commons were now called, ⁸ *M. Westminster* thus Expresses himself, "*In Vigilia S. Andrea accersito Clero, Magnatibus & POPULO apud Westmonaster.* Had not some Change been made in these Meetings, we should not have had so great a Change in their Expressions: And this Alteration the more fully assures Us, that as they before took no Notice of the *Proctors* of the Clergy and Commons in Parliament, so the true Reason why they did not, was, because till now they were not Called thither. Annal. VVi-gorn, p. 516. Ad ann. 1295.

Having thus given a just Account of the first beginning of the *Premunitory Call* to Parliament, (the Foundation of One Great Branch of the present Dispute) it will be necessary for me now to compare it with the Report which *Dr. A.* has made of it; and see which of Us has been the more Exact in our Relation of this matter. His Account of it is this. Sect. 113.

KEDWARD

the 1st.

¹ Rights, &c.

p. 223.

² Jo. Romanus.³ Keyleys Pla-

cit. Parlia-

ment, p. 141.

⁴ See Ibid. p.

113.

" At what time precisely this method was first set on Foot, I cannot be Positive, but SURE I AM that a Year before the xxiiid. *Edward the 1st.* (the Common Æra of the *Præmunientes*) it was Practised. *Peckham* was now dead, and *Winchelsea* not yet Returned with his Pall from *Rome*: and the See of *York* fill'd with an Obnoxious Person, ² fin'd lately Four Thousand Marks by Parliament; ³ and on that and ⁴ some other Accounts, now at the King's Mercy. Will Dr. A. Give me leave, before we go any farther, to ask him whether he be sure that the Archbishop was thus fined, as he affirms, BY PARLIAMENT? The *Roll* I am sure says Otherwise: and tho' it be not a very Material Circumstance, yet an Author that spares no body, but makes out-cries against Others for every the least Mistake, should be Careful not to slip, tho' never so little, Himself. Archbishop *Roman* was impleaded in Parliament, for publishing a Sentence of *Excommunication* against the Bishop of *Durham*, upon this Account; that his Servants had imprison'd the *Archbishops Officers*, whom he had sent to *Durham* to cite the Bishop to appear before him, to answer for his Refusal to Obey the *Canonical Commands* of the Archbishop; and that after three Admonitions, the Bishop continued still to detain them. The Bishop pleaded his *Temporal Authority*; that his *Officers* who had imprison'd them were his *Temporal Officers*; and the Prison they were Committed to, the Castle of *Durham*, which belong'd to his *Baronie*; and that from thence they were to be delivered by the Bishops *Lay-Ministers* according to the *Law* and *Custom* of the *Realm*. Upon this Ground the Archbishop was found Guilty of an Offence against the *Crown* and *Dignity* of the *King*; and it was agreed by the *Lords* that the *Archbishop* for his Offence should be committed to *Prison*; and that this should be the *Punishment* of all Others who should offend in the like manner. But before the Sentence was pronounced, the *Archbishop* submitted himself to the *King's Pleasure*; and desired the *Lords* to intercede for Him; by whose Mediation he compounded with the *King* for his Pardon under the *Obligation* of Four Thousand Marks; and gave Security to him for the same.

" This lucky Juncture the King seems to have laid hold on to bring the *Clergy* to a Compliance with his Will, when they had no body to head them in their Opposition to him. He Summons the *Prior*, and *Chapter* of *Canterbury*, therefore, as *Guardians* of the *Spiritualities* of that See during the Vacancy, and by them the *Archdeacon* of *Canterbury*, and two *Proctors* for the *Diocese*.
 " The Clause in this Writ differs IN NOTHING from what was afterwards Practised, Except that it begins with the Word *VOCANTES* instead of *PRÆMUNIENTES*, and mentions not the *Prior*, and *Chapter* of *Canterbury*, they being indeed the *Persons* Written to, and having already in the former part of the *Writ* been Cited under another Capacity.

⁵ Rights, &c.

Ibid. p. 224.

I will not here dispute with Dr. A. his Observation of the lucky Juncture which King *Edward the 1st.* took to Call the *Clergy* to *Parliament*. He had done as much long before, in effect, in Archbishop *Peckham's* time; and did much more in Archbishops *Winchelsea's*, the Year following. For then he called them *Nationally* together with the *Lairy* in *Parliament*; whereas now they were Assembled only into a *National Convocation*, by the *King's Writ*.

Let Dr. A. look into our *Historians*, and shew me any One of them, if he can, that complains of their being Assembled after this manner. What he quotes from *Knighton* discovers where they thought the Hardship lay: to wit, in the Demand of One half of their *Goods*, not in their *Call* to that *CONVOCATION*.

That this was no *Parliamentary Summons*, as Dr. A. here pretends, I will presently shew when I come to consider what he Offers to prove that it was. In the mean time till he had seen some other *Copies* of this *Writ* than that one which was directed to the *Prior* of *Canterbury*; he should not have pronounced so positively (give me leave to add, and so falsely too, as he does) that the *CLAUSE* of it DIFFERS IN NOTHING from the *PRÆMUNITORY CLAUSE*, but in putting *VOCANTES* instead of *PRÆMUNIENTES*. For tho' this be indeed true in such Churches where there was a *Secular Dean* and *Chapter*, (and even that I believe is more than Dr. A. was Aware of) yet in those Churches where there was a *Prior* and *Convent*, the Clause in ⁶ the Bishop's Writ, was altogether different; And summon'd only the *Archdeacons*, and *Diocesan Clergy*, leaving the Others to be Called by *Particular Writs* issued to the several *Priors* for that Purpose.

⁶ See the A.

pendix ad

Ann. 1294.

Whether the *Parliamentary Prelates* were summon'd to this Meeting by *Special Writs*, I am not able to say. *Eversden*, and the *Annals of Worcester*, tell us that they were. But for the Rest, they were 'Summon'd together with the *Diocesan Clergy* to chuse their *Proctors*, and so were Represented in Common with them.

R. EDWARD
the 1st.
Regist. Hen.
Prior. Cant.
fol. lxiii,

Dr. A. therefore is all over Mistake, when he makes that poor Pretence for the *Prior and Chapter of Canterbury's* being Omitted in this Summons, because they were the Persons, who under another Capacity, were sent to. In ² O-² *Claus. 5. R. 2.* ther Writs we have the same Case; yet were they nevertheless put into the *Premunitory Clause*. And in the Other Summons where the Writ was directed to the ³ Bishop of the *Diocese*, yet where there was a *Prior* belonging to the *Cathedral Church*, the same Method was taken: The Bishop Summon'd only his *Archdeacons*, and *Clergy*; but the *Prior* and *Chapter* had their *Special Writs*, as the *Parliamentary Abbots and Priors* had.

apud Dugd. p.
305.
Regist. Gif-
sard. Episc.
Wigorn. fol.
380. a. *Ap-*
pend ad Ann.

But since Dr. A. was now upon the Work of Collating, why would he not take the Pains to compare the other Parts of this Writ, with the Bishops *Parliamentary Writs*. Had he done that, he would have prevented another, and no less Capital an Error, of Calling this Meeting by the Name of a *Parliament*; and insisting with such Positiveness upon it (SURE I AM, &c.) that it was properly such; And thereby of advancing the date of the *Premunitory Summons* of the *Clergy* to *Parliament*, a Year before it began, as well as a Year before any Others had ever done it before. In the Writ there is no mention of any Persons to Meet besides the *Clergy*: No *Proceres*, *Magnates*, or *Incola Terra*, spoken of. No *Comites* or *Barones*: No, but 'tis, *Vestrum Consilium* (the Bishops) & *Auxilium*, sicut & *Ceterorum Prelatorum*, ac *Cleri*, de *Regno Nostro*. And again, *Ad tractandum una Vobiscum*, & *Ceteris PRÆLATIS*, ac *CLERO Ejusdem Regni*. These are All that were Called to this Meeting; the *Laity* being summon'd by Themselves above vii Weeks after, as I have before observed.

^{1294.}
Sect. 114.

And this⁴ Dr. A. himself is forced, at last, to confess: "Only still we may observe that tho' the Call were REALLY to PARLIAMENT, yet it is not mention'd throughout the whole Summons, either in that Part of it which commands the Bishop to Attend, or in that which warns the Lower-Clergy to accompany him; but they are Cited only to Treat and Consult among Themselves. Let him shew me the same of any One true *Parliamentary Writ* that was ever issued out since we were a Nation, and I will yield that this shall be a *Parliament*, or any thing else that he pleases: But if this cannot be done, he must then give me leave to say that it is almost a demonstration, upon the Form of our Constitution, that that Meeting can be no true *Parliament* of this Realm to which the Bishops and Clergy ONLY are Cited to Treat and Consult, without any *Laity* to Treat with Them.

⁴ Rights, p.
224.

"*Knyghton*, and the *Annals of Worcester*, and *Eversden* mention the Clergy as present in this *Parliament*. They were in the right; for as we have sufficiently seen, they were Expressly Called by the King to it; and as himself tells us but a little after, the King's Writ was Executed, and so became Effectual to the Summoning of them. "For the Clergy, says he, deputed two Common *Proctors* to Represent the whole *Diocese*; and those *Proctors* sate and Acted for them in *Parliament*: i. e. in that Assembly of the Clergy which was Summon'd by the same Writ, to meet at the same Time and Place, that the Lay Part of the *Parliament* were. Now this, I again affirm to be all his Own Invention: There was no *Laity* Summon'd to this Meeting; Let him produce but one *Authentick Instrument* of any Lay Summons, and I submit.

But Dr. A. goes on so fast in his Mistakes, that it will be hard to follow him in them All. "And accordingly (these *Proctors of the Clergy*) did thus meet at the Opening of it *Promiscuously*; (He means, together with the *Laity*) for Proof of which He produces two Authors, *M. Westminster* and *Knyghton*. As for the former, *M. Westminster*, he jumbles the two Meetings of September and November into One; and whether his Relation, or the King's Writs to which I have Appealed, be of Greater Credit, let the Reader judge. But *Knyghton* is all on the Other side: He took his Relation, in great Measure from *Hemingford*, and agrees in the main with the Writs in it. "Eodem Anno no vocavit Rex, per literas suas, Archiepiscopos, Episcopos, Decanos Ecclesiarum Cathedralium, & Archidiaconos, in propriis personis; Clerumque Uniuscujusque *Diocesis*

Knyghton
Col. 2501.

K. EDWARD " *Diocesis per duos Procuratores; quibus Existentibus ait Rex, &c.* Thus *Knyghton*:
the 1st. Nor does he mention any Others, as Called to this Assembly.

Ibid. Col.
 2502.

Shall I add yet more; that *Knyghton* plainly intimates the direct Contrary to what Dr. A. quotes him for. For the *Clergy* having Complied with the King's Demand, the King bid them ask any *Redress* of *Grievances* that they would. They asked to have the *Statute* of *Mortmain* Repealed. The King's Answer was; that that *Statute* had been made "*de Consilio Magnatum, & absque Eorum Consilio non erat Revocandum* : Which had been no Answer at all, if this Meeting had been a true *Parliament* ; and by Consequence the *Great Men* had been present to *Consent* to the Repealing of it.

To Close all, *Knyghton* having done with his Account of this Meeting of the *Clergy*, adds with relation to the Other of the *Laity* ; *Eodem etiam Anno* , (He does not say *Eodem Tempore*) *habuit Rex a Communitate Regni decimum Denarium, & a Civitatibus sextum Denarium.* But to proceed :

Rights, &c.
 p. 225. 226.

"² And accordingly (they are Dr. A's Words) these *Proctors* did thus meet at the Opening of it promiscuously, tho' they afterwards Debated and Resolved separately : Which is all meer Fancy, and falls with the Mistake of the *Laities* being Called to this Assembly. One of the Resolutions they came to, was to give the King a *Moiety* of their Goods for one Year. Will Dr. A. please to tell us of any Other Resolution that they came to there ? If not, let him speak truly, that this was what they were called for, and this was the Result of their Meeting there. But he goes on : " This Gift however was, by the PROVINCE of CANTERBURY ALONE ; for the *Clergy* of YORK PROVINCE, IF PRESENT at this MEETING, yet did not make their Grant in it, as appears from the King's Letters Patents transmitted to them by the Dean of York, immediately upon the Rising of the CLERGY of CANTERBURY ; wherein they are commanded to do as the King's Agent shall direct ; that is, as the CLERGY of the OTHER Province had done before them.

Sect. 115.

Appendix ad
Ann. 1294.

Why Dr. A. should doubt whether the *Clergy* of York were PRESENT at this Meeting, I cannot Imagine. He allows that they were summon'd to it ; and to convince him that he was thus far, at least, in the Right, ² He may in the Appendix see not only the King's Writ to the Archbishop of York, but the Archbishop's Execution of it. Let me add to this, that Our Historians expressly speak of the Archbishop of York as present at it ; and give a Reason why the Bishop of Durham was not ; which they would not have done, had the *Clergy* of that Province refused to Come at all to this Assembly.

But is Dr. A. sure that the *Clergy* of York did not Grant their *Subsidy* there ? If he be, I will venture to say I am more sure that he is mistaken. This Assembly met September the 21st. The King demanding an *Aid* of them, they desired three days to deliberate upon it. In this time they consulted together, and agreed to Offer the King two Tenths. This therefore we may suppose they did, September the 24th. The King refused it : New-debates were had, and high Words arose, and great Threatnings were made, unless they should comply with what was demanded of them. Let us therefore agree, that all this was ended in two days more, September the 26th. Upon the very next day, September the 27th. the King's Letters relating to this Grant, were issued out ; in which the ⁴ King recites how that the *Prelates*, and the whole *Clergy* of this Realm, had Granted to him ; a *Stile* that I believe is no where to be found, when but One Province only gives ; but takes in the *Clergy* of both, as from a Multitude of Examples, might easily be made appear.

Registrum
Giffard Wi-
gorn, fol. 383.
b. See also
Prynne. Re-
cords, Vol. III.
pag. 588.

So our Historians also relate it : *Mat. Westm. ad Ann. 1294.* "*Postulat Rex a TOTA Ecclesia per TOTUM REGNUM Angliæ leatā.* And thus, he says, they Granted, what the King desired. The same may be shewn from a multitude of other Writs relating to this Grant. And particularly from all such as concern the Collecting of this *Aid*. *Regist. Giffard. fol. 384. a.* From such as exempt the *Clergy* from being Tax'd to the Tenth Granted by the *Laity* this Year. *Regist. Oliv. Sutton, Linc. fol. 114, &c.*

Prynne, Ibid.
 p. 587.

On 5 September the 30th. the King's Writs went out for Collecting of this *Aid*. In them again he Recites how that the *Prelati & totus Clerus de Regno Nostro*, had Granted a *Moiety* of their Goods to him. And that we may here be fully satisfied of the Extent of that Phrase, he appoints Collectors in every *Diocesis* of the Province of York, as well as in those of Canterbury, to receive it for him. And therefore tho' I cannot tell what that Letter of the Kings is, to which Dr. A. refers, nor do I believe that he knows any thing more of it himself

himself than I do, yet this I am very sure, that the King by his Letter dated ^{K. EDWARD} September the 28th. could not Require the Province of York to grant a *Subsidy* ^{the 1st.} to him, which in his Letters dated the day before, He acknowledged the *Prelates*, and *Whole Clergy* of his *Realm* had already given to him; and by Others dated but Two days after, appointed to be *Collected* in that *Province*, as well as in the Other.

I have now done with the *Second Period* of our *English History*, during the Reigns of *Nine Kings*; and the space of about two hundred and thirty Years. I have shewn * that from the *Conquest*, to the time of King *Edward the 1st.* it does not appear that any of the *Clergy* were wont to be Called to *Parliament*, besides the *Bishops* and *Prelates*; and such Others, as by Vertue of their *Temporal Tenures*, were obliged (if Required) to come to it. * That of the *Prelates*, such only were *Generally Summon'd*, as had *Temporal Possessions*; tho' if the King, at any time, thought fit to Call them *All*, they were *All* obliged to Obey him. This was done in the forty ninth of *Henry the 3rd.* whether ever besides, and particularly, whether in the sixth of King *John*, (as Dr. A. affirms) is yet to be proved to Me. * That tho' King *Edward the 1st.* did sometimes Call together the *Clergy* after some Other manners; *Provincially* in his Eleventh Year; *Nationally* in his Twenty second; Yet to *Parliament* he never Called them, till his Twenty third Year, when the Clause *Premunientes* was first put in the *Bishops Writ*s; and by being so, did first Intitule, or rather Oblige the *Lower Clergy*, partly in *Person*, and partly by their *Proxies*, to come to *Parliament*. * That it has not yet been proved that in any Part of this Period they had any *Convocations* Limited either to the Time or Place of these *State Assemblies*; much less, * That it was a Matter of constant Practise for the *Clergy* to meet in *Convocation*, whenever the *Lords*, and *Prelates*, did in *Parliament*. * That the supposed *Constitution* of the *Council of Reading* (the only Ground upon which Dr. A. builds his new *Hypothesis*) is neither its self *Authentick*, nor if it were, would it prove any thing more, than that the *Bishops* agreed to require their *Clergy* to appear by their *Proxies* at their next intended Meeting; a *Voluntary*, or *Special Order*, both as to the time and manner of their *Assembling*. I shall only make a brief Remark, or two, upon what has been thus shown, and that with Relation both to my self, and to Dr. A.

In my former Book, I had said, with Reference to the *Persons* who are now ^{Sect. 117.} Called to our *Convocations*, that "I should not enquire how this came to be the ^{Authority,} *setled Number* of them: Whether this *Manner* of Choice was derived from the ^{Sec. p. 104.} *Antient Manner* of holding *Convocations*, into the *Parliamentary Writ*s; or from the *Parliamentary Writ*s of King *Edward the 1st.* into the *Summons* of *Convocations*. I spake with Relation to the *King's Summons* in both, and I waved the Enquiry concerning the *Method* of *Assembling* the *Lower Clergy*; viz. the *Deans*, and *Archdeacons* in *Person*, the *Chapters* by *One*; and the *Dioceses* (for so it should have been, not as in my last I wrote it, *Archdeaconries*, tho' that be the Case of the Other *Province*) by two *Proxies*. Whether the *Premunitory Summons*, led the way to the *Provincial*, or that, to the *Premunitory*.

For this Dr. A. falls very briskly, after his manner, upon me, and thus Reports the Matter. "He makes it a doubt whether the *setled Number* of the ^{Right, &c.} *Inferior Clergy*, Called by the *Bishop's Writ*, was derived from thence into the ^{p. 434.} *Convocation Writ*, or from the *Convocation Writ*s into those of the *Parliament*. Well, and what says the Learned Dr. A. to this? "Which is (says he) in Effect to doubt whether the *Deans*, *Archdeacons*, *Capitular*, and *Rurall Proctors*, were Called. (He should have added, by the King) to *Convocation* (in the same manner that they now are, the *Chapters* by *One Proctor*, the *Dioceses* by two a-piece) before the *Bishop's Writ* had that Clause in it: And he who doubts of this, puts it beyond a doubt how far he is Qualified to Write on this Subject. The turn is pretty enough, and perhaps Answers Dr. A's End a great deal better than a true Resolution of the Point would have done. But we are now seeking for Truth, not Wit; and this Reflection will be found to have but very little of the One, how much so ever may kindly be Allowed it as to the Other. Let us take the Matter as Dr. A. himself Represents it: The Question is, Whether the stated Number of the *Inferior Clergy*, was derived from the *Bishop's Parliament-Writ*s, into the *Archbishop's Convocation Writ*s, or from the *Convocation Writ*s, into those of the *Parliament*? And I do now affirm, what Dr.

K. EDWARD A. I believe will be surprized at, that this Method of Assembling the Lower *the 1st.* Clergy was first settled by the King's Parliamentary, (which He calls the Bishops) Writs; before it was made use of in his Provincial, or Convocation Writs. Or (which is the same thing) that the Clergy were wont to be thus Summon'd by the King to Parliament, before they were wont to be thus Summon'd by him to Convocation.

Sect. 118. The first Provincial Writ, that I believe, was ever Issued out by any of our Kings, was that of the Eleventh of King Edward the 1st; Anno 1282. In that he ordered the Archbishop to Cite his Suffragans, and the Regular Prelates, with the Proctors of the Deans and Chapters of the Collegiate Churches; and this is a Form sufficiently different from that which we are now enquiring after.

The next Attempt was in his Nineteenth Year, Anno 1294. and this Dr. A. affirms to be a Call to Parliament; so that upon his Hypothesis I need not Enquire how this Matter was ordered there. But indeed it was no such thing, but a Summons to a National, State-Convocation. In this the Deans and Chapters, the Archdeacons, and Clergy, were Summon'd; but not the Priors and Chapters: For so the Writ runs to such Bishops in whose Cathedral Churches these Regular Prelates were settled, "*Vocantes Prius Archidiaconos totumq; Clerum Vestrae Dioceseos*"; No Priors, or Chapters, mention'd. These, I conceive, were Cited by particular Writs; not by this Clause in their Bishop's Summons.

As yet then the Present Method does not Appear to have been fully settled, or used in any of the King's Writs. Let me add, nor yet in the Archbishop's Mandate neither. For but three Years before this, Anno 1290, in the Convocation-Writ for the Synod at Ely, the Morrow after the first Sunday in October, the Archbishop ordered the Diocesan Clergy to appear there by ¹ Two or Three Proctors for every Diocese, as Dr. A. himself truly observed from some Collections which were Communicated to him, tho' he mistook the Register from whence they were taken. Yet thus far this Matter was now come to a Settlement, that the Lower Clergy were called by their Own Proctors to Convocation: Those Proctors were determin'd to be One for each Chapter, and Two for each Diocese; And in such Churches (which at that time were not very many) in which there was a Secular Dean and Chapter, this Year, they were all Summon'd by the Clause of which we are now speaking, in the Bishop's Writ. So that nothing remained to fix things in the Method which did afterwards obtain, and concerning which my doubt was, but to compleat this way of Summons, by taking in All the Capitular Priors of the Cathedral Churches alike into the same Writ; and when that was first done, is the very Point to be determin'd between Us. Now this was, I say, the next Year, Anno 1295. For then the Premunitory Clergy came in; and there it Runs in Form to all alike: and from thence I do Affirm it was taken into the Convocation Writs, which afterwards Summon'd the Lower Clergy after the same manner.

¹ See Append.
ad Ann. 1290.

This therefore determines the Case, as to the King's Writs, concerning which the Original Enquiry was; and shews the present manner of Assembling the Clergy to have been first settled by the King in the Parliamentary, and from thence to have been derived into the Provincial, Convocation-Writs. But if the Question should be carried yet farther; and it should be asked, when, or by whom, this Method was first brought up; I have before shewn that Dr. A. after all his Pretences, did not himself know how to Account for it. That he has Committed many a Gross Mistake, by his Implicite Relyance upon the Constitution of the Council of Reading; as if this Matter had been Originally settled by it. That in the Convocation held but three Years before, the Number of Proctors for the Lower Clergy was not yet settled. If therefore to Err in this Case be a Mistake of so Capital a Nature, as wholly to Unqualify a Man for Writing upon this Subject, let Dr. A. think a little with himself, whether his Censure will not fall back upon his own Head; and prove himself to have been as unfit to meddle with these Matters, as I am very well content he should think me to have been to Engage in them.

The Result of this Point is this: About the Year 1283. by order of Archbishop Peckham and his Brethren, the Deans and Priors of Cathedral Churches, and the Archdeacons, in Person; the Capitular, and Collegiate Bodies by One, and the Diocesan Clergy by Two Proctors, were first brought to Convocation. To Convocation I say, not to Councils: For as for those Assemblies which were properly

ly Ecclesiastical, they were not yet thought to be any necessary Members of K. EDWARD the 1st. them; nor were they a long time after, wont to be *Peremptorily Cited* to them. This Model thus begun by the *Archbishop*, and *Bishops*, but not yet form'd into any constant, or fix'd Method by them, the King first settled by his *Parliament Writs*: From thence it was derived into his *Convocation Writs*, as in the *Process* of this *History* I shall have Occasion hereafter to shew.

As for Dr. A. the Use I would make of what has been before said with relation to him, is this; To convince him that his New *Hypothesis* of the *Clergies* coming first *Nationally* to *Parliament*, from the time of King *William the Conqueror*, till about the middle of King *Henry the 2d.* and afterwards attending upon it in two *Provincial Synods*, and thus continuing till the time of King *Edward the 1st.* by whom they were again brought *Nationally* to *Parliament*, as before, is not only *Precarious*, but *False* too; and appears by the whole *Current* of our *History* so to be. Sect. 119.

The Truth is, Dr. A. himself does not seem to be very well satisfied as to this Matter; nor does he, I believe, yet distinctly know what it is that he would stand to, with Relation to it. Under the *Saxon Times*, he Professes not to determine "how, or in what Capacity, the *Lower Clergy* were Summon'd to these *Great Councils*; whether as *Representing any Part of the Spirituality*; or as the *King's Servants*, and *Dependants*; or in what Other Respect: Which is, I think, plainly to own that in those Times the Body of the *Lower Clergy*, for ought he knows, were neither Called to *Parliament*, nor Represented there. Rights, &c. p. 290.

And after all his Pretences, the same, is at last, his Uncertainty here. He affirms indeed, (and in that he is utterly mistaken) "that from the *Conquest* down to King *Edward the 1st.* the *Inferiour Clergy* had Place, and Interest in *Parliament*: But then he adds, what Overthrows his own *Hypothesis*, "being there sometimes in Body, and as REPRESENTING the WHOLE, sometimes in PART only; and as Entitled by their *Tenures*: Now and then by distinct *Proctors* of their Own, but more frequently, by their *Priors*, and *Archdeacons*, particularly Empowered to that purpose. Sect. 120. Rights, pag. 316.

What Confused Assemblies does this Man of Antiquity make our *Great Councils*, in these Times to have been? In which there was Nothing Certain, Nothing Established. Not so much as the *Persons* determined who were to have Place, or Representation in them. Sometimes the *Clergy* were there in Body, and as Representing the Whole. How came they to be there sometimes, under that Capacity? Or if thus there sometimes, how came they not to be so Always? Was it not known of what *Estates* the *Parliament* did Consist? Or who were the Members of those *Estates*? Neither what kinds of *Persons* were to Come to it? Nor by whom they were to be Represented in it? Let this Author think as he will; for my part, I cannot persuade my self that our *Government*, in those Days, was either so Arbitrary, or so Uncertain, as he would hereby Represent it to Us.

But he goes on: "Nor matters it much, whether they were thus Called up immediately by a *Royal Writ*, or by an *Ecclesiastical Summons ONLY*, issued out at the *King's Instance*: since whether Cited this way, or that, the Effect of their Citation was to Attend the *Parliament*: --- They might be Summon'd often, as they sate, apart from the *Laity*: but as they sate in *Parliament* tho' separately, so were they Called to *Parliament*; tho' perhaps after a Different Manner from the *Laity*, and did there together, with the *Greater Prelates*, compose a full Representative of the *Clergy*, and the first Estate of the *Realm*.

As to the manner of their Citation, so long as it was made at the *King's Instance*, as he speaks; or, as I would rather have said, by the *King's Command*, and in Obedience to his *Writ*; I am not Offended at it. They were Called by their *Bishops*, after *Edward the first's* time, at the *King's Instance*, and had they been so Called before, I should not have thought them ever the less proper Members of *Parliament*, for all that. But has this Author so soon forgot himself? Did he not, in this very Paragraph, say that the *Lower Clergy* were in *Parliament* sometimes, as Representing the Whole; sometimes in Part only, and as Entitled by their *Tenures*? And how does he now Affirm, without any such Reserve, that "they were (indefinitely) Called to *Parliament*, and did there together with the *Greater Prelates*, compose a full Representative of the *Clergy*, and the first Estate of the *Realm*? For if this were the End for which they were Summon'd

K. EDWARD *mon'd thither, then they must not only have been Always Called; but have been Always Called under this Respect, as Representing the Body of the Clergy; and so Compleating the first Estate of the Realm in Parliament.*

Let me therefore put the *Case* as it ought to be Stated, would Dr. *A.* deal freely, and fairly with Us; and then desire him to give a plain, and positive Answer to it. Were the *Lower Clergy* called to *Parliament* from the time of King *William the Conqueror*, to the middle of King *Henry the II^d*. as they were afterwards called by King *Edward the Ist*? Had they their *Representatives* there? Whether *Archdeacons*, or other *Proctors*, it is to me indifferent. And were they Regularly, and constantly Called; as the *Great Men*, and *Prelates*, were to it? If he can shew this, I must then own that I have hitherto been under a very Great Mistake in this Particular. If he cannot; (as I think I have now sufficiently proved that he cannot) all his other Pretences will signify but very little. For that not only *Prelates*, but all other *Clergy-men* whose *Tenures* Intituled them to a place there, were wont to be *Summon'd* upon the account of such of their *Tenures*, I readily agree: But what that signifies as to the *Body of the Lower Clergy*, to intitule them to *Parliamentary Rights*, or *Priviledges*, I cannot imagine; let Dr. *A.* make his Advantage, if he knows how, of it.

CHAP. VII.

The History of the Assemblies of the Clergy of England continued from the Twenty Third of King EDWARD the Ist. to the End of King RICHARD the II^d. That in all this Time the Convocations did not Attend upon the Parliament: Dr. A's Allegations to the contrary Consider'd, and Answer'd.

Sect. I.

WE are now come to that part of our History, on which the Determination of those *Rights and Powers* of the *Clergy*, for which Dr. *A.* Contends, will begin to turn. Hitherto our Enquiries have had more of Curiosity than Use, as to this matter: And whether Dr. *A.*'s Scheme, or mine be accounted the more true, the Cause in Hand will get, or suffer, but little by it. But here the Foundation was laid, on which both the *Parliamentary* and *Provincial Assemblies* of the *Clergy* were built. From henceforth therefore every step that is made will be of some Use to Us, either to Clear, Confirm, or Confute somewhat in Reference to the Points under Debate. I shall therefore need the less Apology, if I here pursue my History a little more fully than the Cause before Required, or I thought it proper to do. To those who desire a full Satisfaction in these Matters, I have no Apprehension that such a Procedure will appear tedious, because I am sure they will find it to have been Necessary: And for Others, I ought to have the less Regard, because it will give no trouble to them.

Had Dr. *A.* once for all handled this part of our History in a Full and Methodical manner, he would at least have let us into a clear Notion of what he aimed at, tho' we should not have approved of his Opinion, or been satisfied with his Proofs. But under the frequent, and disjointed Views which he has given Us of it, in the several Parts of his Book, 'tis hard to Resolve (in many Circumstances) what his *Hypothesis* is; and for that Reason only, it will be difficult to refute it. If this were Policy, and done by Design, I shall not blame the Artifice, whatever I may think of the fairness of it. But if (as I rather Hope) it was Owing to a want of Light, and possibly of Materials too, when he began to Write; I could only have wished that he had either better Understood what he was himself about, or had been more sparing in his Reflections upon other Mens Ignorance, in a matter wherein he himself was involved in utter Darkness and Obscurity. Be it which it will, I shall take his *Scheme* as I find it put together by himself in his *Second Chapter*; where he purposely States his own Opinion; and according to which it will therefore be the fairest Method for me to proceed in the Representation of it.

King

King Edward the 1st. by the *Premunientes* inserted into the *Bishop's Writs*, brought the *Lower-Clergy*, as we have before seen, to *Parliament*. " This Clause
 " how much soever to the Real Interest and Advantage of the *Lower-Clergy*,
 " was yet thought a burden by them, and an inroad upon their Priviledges;
 " and they tried all ways of withstanding, or declining of it. This they could
 not accomplish in King Edward the 1st's time; but they advanced it very far in
 Edward the 1st. and fully settled it in Edward the 3rd's Reign: Whereby this
 " Accommodation took Place, that the *Premunientes* should still Summon them
 " from the King to meet *Parliamentarily*, but that sufficient Obedience should
 " be Understood to be paid to it, if the *Clergy met Provincially*; tho' not At
 " the same Place, yet About the same Time, and to the same Purpose; to be rea-
 " dy to hear what should be proposed from the King; to give their Advice when
 " asked, and their Consent when *Requisite*; to offer their Aids, and their Petiti-
 " ons; and, in short, to answer the Necessary Affairs of the King, and King-
 " dom.

K. EDWARD
 the 1st.
 Sect. 2.
 Rights, &c.
 p. 40.

" From henceforth the Business of the *Premunientes* became a matter of Form,
 " rather than an EFFECTUAL SUMMONS TO PARLIAMENT. The Clause was conti-
 " nued in the *Bishop's Writs*, and Executed by the *Bishops*, and *Clergy*: But that
 was all. " Thus (says Dr. A.) the *Forms* were kept up, and by that means
 " the King's Right of Summoning the *Clergy* Asserted, and Owned; and so the
 " State's Ends of Summoning them, were also answered, they were left to do it
 " in an ECCLESIASTICAL WAY, and to Attend the *Parliament*, and the Business of
 " it, not in One Body, as they were Called, but in Two Provincial Assemblies.
 " This they did, at first, by the Connivance of the Crown, rather than by any
 " Express Allowance; the Archbishop of his own Accord sending out a Provin-
 " cial Citation Concurrently with the *Bishops Writs* of Summons: Which Method
 " obtaining, and those Meetings of the Province being tacitly accepted in Lieu
 " of the *Clergies* Resort to *Parliament*; it grew Necessary for the King to Em-
 " ploy his Authority also in Convening of them.— This gave Birth to the
 " Custom of issuing out Two Convocation-Writs when a new *Parliament* was to
 " be Chosen; which tho' set on Foot before, yet settled not into a Rule, till
 " some Years after Edward the 3rd. was in the Throne; and then it was Pra-
 " ctised as duly, and regularly, and much in the same manner, as it is at this Day.
 " Take one Instance instead of many, &c.

Ibid. p. 42.

Ibid. p. 44.

" 4 Thus the *Clergy* were indulged in the Form, so the thing were but Ef-
 " fectually done; which was, to have them Meet together with the *Parliament*,
 " and for the dispatch of the same Urgent Affairs of the Kingdom, for which the
 " *Parliament* met. And this was no New-Practice but a Method now Settled and
 " Customary; of which various Precedent Instances might, if they were need-
 " ful, be given; but it is a short and sufficient Proof of it, that the Words of
 " the King's Writ to the Archbishop run, *More solito Convocari faciatis*.

Ibid. p. 45.

The Form now settled was this; that the Province of Canterbury, met a little
 before that of York, to set the Example of a Grant, which it was Expected the
 Other should almost implicitly follow. 5 As for the *Parliament*; that, Generally,
 went about a Week before both, tho' here (18 Ed. III.) it followed. " And
 " this was the usual Distance throughout Edward the Thirds, and Richard the
 " Seconds Reign, till Henry the Fourth began to Enlarge it; in, and after whose
 " time, the *Clergy* held their Assemblies during, and near the Sessions of *Parliament*,
 " but not thoroughly Concurrent with them.

Ibid. p. 47.

" But this was only an Interruption of the Old Practice for a time, not a
 " through Alteration of it: For about the Entrance of the Last Age, when the
 " Prerogative began to Recover the Ground it had lost to the Church, we find
 " these Meetings of the *Clergy* and *Laity*, more closely United; the dates of
 " Henry the Eighth's Convocations being All One, or a few-days before, or after,
 " (if not altogether the same with) those of his *Parliament*.

" The *Clergy* therefore, tho' by a mistake in their Politicks separated from the
 " *Parliament*, yet continued still to Attend it in two Provincial Assemblies, or
 " Convocations.

This is Dr. A's Scheme concerning the Connexion of our Convocations, and
Parliaments, within the Period We are here Enquiring into. Let us now take
 it to Pieces, and see wherein we agree or differ in our Notions of these Matters.

And

K. EDWARD

the 1st.

And 1st. It is agreed between Us ; that King Edward the 1st, brought the Lower Clergy to Parliament by the *Premunientes Clause*. In this we Differ, that Dr. A. affirms him herein to have only Restored the *Antient Practice* ; whereas I deny that ever the *Body* of the *Inferior Clergy* had before been Called to our *State-Councils*, or been Represented there ; and I referr my self to the *Historical Proofs* of the preceding Chapters, for the Ground of such my Denial.

2. Whether the *Lower Clergy* were *Mistaken in their Politicks* in Refusing all they could to comply with this *New-Summons*, and accounting it a *Burden* rather than an Advantage to them, as it is hard to Determine, so is it of no great Moment to Dispute. That hereby they were design'd not only to be put to the Charge and Trouble of a frequent *Assembling* ; but that in order to a farther Burden of coming into a large share of all the *State-Taxes*, from whence (as to their *Spiritualities* and *Antient Demesnes*) they had hitherto been almost wholly Exempted is very Plain : And the Endeavours they used both by their Own Management, and by the *Popes Assistance*, to avoid these Impositions, sufficiently shew that this was the *Grievance* of which they were aware. What they should have gain'd by a more constant Coming, to have recompensed so much Cost and Labour, and to have turned it to their *Real Interest*, I cannot tell ; being not yet able to find that the *Lower Clergy* ever Came and Acted in a *Body* in *Parliament* ; or were ever Considered as a *Separate-State* from the *Lords*, and so Allowed a *Negative* on such *Acts* as would otherwise have passed (oftentimes) to their Grievance there. All that I can perceive they did, when they Came to Parliament, was to *Consult* with their *Bishops* ; and, by them, send their *Sense* and *Petitions* to the Other States ; Who being intermixed with the *Lords Temporal*, had no more Privilege on the Account of the *Lower-Clergy* in those days, than what they Continue to Enjoy now ; but were Concluded by the *Votes* of the *Upper-House*, as they still are, notwithstanding the *double Capacity* in which they sit there.

Chapt. 1.
Sect. 13. Rot.
num. 38.

I have already given an Evident Instance of this in the *Parliament* of the 3^d. of Richard the 2^d ; where tho' the whole Clergy Dissented, yet the *Act* passed for all that, and was not stopp'd upon their *Protestations* against it. So that I am still to learn what Advantage, more than that of advising with their *Prelates*, the *Lower-Clergy* could have gained by this *Summons* to *Parliament* : And whether that alone would have been an Equivalent to the Cost, and Trouble it was like to bring upon them, I shall leave it to Dr. A. upon further Thoughts to Consider.

But be this as it will ; the *Lower-Clergy* thought it a *Grievance* to be Obligated to come to *Parliament*, and try'd all ways of Declining of it. This Dr. A. allows ; in Point of *Fact* ; and in this I shall not differ with him : They were Uneasy at it ; and they came as little as possibly they could to it.

Sect. 4.
Rights, &c.
p 75.

3. Now this brought up the Use, tho' I cannot say of *Parliamentary*, yet, at least, of *State-Convocations* ; and of which Dr. A. tells us, that the *Accommodation*, between the King and Clergy, was this ; " that the *Premunientes* should " still *Summon* them to meet *PARLIAMENTARILY* ; but that *sufficient Obedience* " should be *UNDERSTOOD* to be *PAID* to it, if the Clergy met *PROVINCIALLY* ; " tho' not *AT* the same *PLACE*, yet *ABOUT* the same *Time*, and to the same " *Purpose*. But in this I can by no means Agree with him, and indeed his *Own Expressions* shew some kind of *Violence* in his *Notion*. The King was, " by the " *Premunientes* to *Summon* the Clergy, he says, to meet *Parliamentarily* : but a " *sufficient Obedience* should be *Understood* to be *paid* to it, if they met *Pro-* " *vincially*. Now by Meeting, in this manner, *Provincially*, either they did truly Obey the *Premunitory Summons*, or they did not. If they did truly Obey it, then 'tis too much Mincing of the matter to say that thereby a *sufficient Obedience* should be *UNDERSTOOD* to be *PAID* to that *Summons* ; whereas it ought to have been Roundly Affirmed, that by such their Meeting they did Pay a *due*, and *Legal Obedience* to it. But if such a Meeting in *Convocation*, did not Answer the *Obligation* which that *Summons* laid upon them ; If it were so far from doing that, that it was, in truth, no Obeying of it at All ; then Dr. A. should plainly have told us how the Case stood, and in which I should not have differed with him : That tho' the Clergy, being Unwilling to come to *Parliament*, did not Obey the King's *Premunitory Summons* so duly as they ought to have done, yet so long as they met together in their *Provincial Convocations*, whenever he Required them ;

them, and gave him what he desired there, he was Content to bear with their Neglect in that Particular, and did not much insist upon their Coming to Parliament, whilst he got what he aim'd at of them in their Convocations. K. EDWARD the 1st.

This was the truth of the Case, but this would not have served Dr. A's Purpose: and therefore what he insinuates here; he elsewhere more plainly affirms, "that these Convocations (in some Sense) were held always by the King's Writ, that is, by the Præmunitory Clause in the Bishop's Summons: And for this he Referrs Us to the Authorities of Mr. Bagshaw, and Bishop Ravis; the One of which he says Owns, the Other Affirms, as much. Rights, &c. p. 66. compare pag. 79. Where he expressly says, that 'These

Dr. A. must Excuse me if I say that I cannot see any such Position, either in the Ones Argument, or in the Others Papers. But what does he mean by his new Qualification again in this Case? These Convocations, in some Sense, were held by the PRÆMUNITORY CLAUSE. The Bishops Writ is a Legal Summons; and has a Legal Force and Obligation. If therefore it Respects the Convocation at all, it Summons it Expressly, and not in some Sense only; and the Clergy by meeting there, must Legally Obey it, or I am sure a sufficient Obedience cannot be understood to be paid to it by such their Meeting. For, in Law, no Obedience is sufficient, but what is Legal, and answers the Terms of what the Law Requires. And to the Common Reason of Mankind I appeal, as well as to the Law of the Realm, whether a Writ framed (as both the Words shew, and Dr. A. himself Owns that it was) to Summon the Clergy of the two Provinces Nationally to Parliament, can be Obey'd in any Sense at all, by their meeting not Nationally, but Provincially; not in Parliament, but in Convocation; at another Time, in another Place, and with another sort of Men, from what that Writ Requires them to meet at, and withall. Provincial Assemblies, tho' held a part from the Parliament, yet belonged to it; met by the Parliamentary no less than the Provincial Writ; &c. And p. 251. He affirms the Original Design of the Provincial Writ to have been 'only to secure an Obedience to the Præmunitory Clause: This (he says) is IN-DUBITABLY TRUE.

In short; as the Lower Clergy were Summon'd, so are the Bishops: The Writs both for Parliament, and Convocation, Regard them both alike; and the same Reason must hold for both or neither. Here therefore let me ask Dr. A. When the Bishops are Summon'd to Parliament, would they in SOME SENSE Obey the KING'S WRIT by meeting only in Convocation? Should the Archbishop and Bishops of the Province of York (for Example) instead of coming up to London to Parliament, Assemble only in Convocation at St. Peters York; and tell the King that by this they did in Some Sense Obey his Call of them to Westminster; would Dr. A. undertake to defend their Plea, and prove that this was a Legal Obedience to the King's Parliamentary Summons? If not, then let him not tell us that the Lower Clergy do in Some Sense Obey the King's Parliament Writ, by meeting in Convocation; or sit there in Any Sense by Vertue of it: but let him Remember, what Himself, (according to the usual Consistency of his New-Notions,) elsewhere tells us, that in former times, when the Convocation and Parliament met together, the Clergy sat Personally in the One, and sent their Proctors to the Other, to Act there for them: Which had their Meeting in Convocation been such either in the Eye of the Law, or by the King's Avow'd Acceptance of it, as he here pretends, there would have been no need of their doing.

The truth then of this matter is this: The Clergy being Uneasy at their Parliamentary Summons, by degrees brought all their Grants to be made in Convocation; and the King, whose design in Summoning of them to Parliament was only to have Aids of them, comply'd with their Humour; and never enquired whether they Obey'd his Writs, by coming to Parliament, so long as they both met, and supplied his needs in Convocation. This is true History, and Good Sense: Whereas Dr. A's pretence has indeed, neither History, nor Law to support it; nor will the Nature of the Writs, admit of such a Use, as he pretends, to be made of them.

Let us hear how he himself goes on, to the Contradiction of his own Assertion. "Thus the Forms were kept up, and by that means the King's Right of Summoning the Clergy Asserted and Owned: and so the State-Ends of Summoning them were also Answered, they were left to do it in an Ecclesiastical way,—not in One Body, as they were Called, but in two Provincial Assemblies. This they did, at first, rather by the Connivance of the Crown, than by any Express Allowance. Now All this exactly agrees with what I affirm; and with the truth of the Case; but it shews, at the same time, that the Pretence of Meeting in this manner, in any Sense, by Authority of the Præmunitory Clause, is All but Fancy: A Principle which Dr. A's Case wants, Rights, &c. p. 44.

K. EDWARD but such as neither *Law*, nor *Reason*, will allow of. To Proceed there-
 the 1st. fore.

Señ. 5.

¹ Compare, Rights, Ib. p. 215, 276, 332, 350, 355, &c.

4thly. " This Method obtaining, (of the *Clergies Meeting*, and *Granting Subsidies* in two *Provincial Assemblies*) " and this their Meeting being *tacitly Accepted* in lieu of the *Clergies Resort to Parliament*; it grew Necessary for the King to employ his *Authority* in Convening of them. This, in the Sense before mentioned, I can agree to; but then what he adds is utterly false in point of Fact, ¹ " This (says he) gave Birth to the Custom of Issuing out two *Convocation-Writs*, when a *New-Parliament* was to be Chosen; which, tho' set on Foot before, yet settled not into a *Rule*, till some Years after *Edward the Third* was in the *Throne*: and then it was Practised as Duly, and Regularly, " and much in the same manner, that it is at this day. This, I say, is utterly false; as to the issuing out of two *Convocation-Writs* when ever a *New-Parliament* was Called. Our Kings never Obligated themselves, nor were they ever by *Law Obligated*, to any such thing: They often did *Call them* at the same time that they did their *Parliaments*, as having the same need of Both; and they more often held them, not only at different *Times* from, but without any *Respect* to one another. Sometimes *Parliaments* met without any *Convocations* at all; Often *Convocations*, without any *Parliaments*, to be either petitioned to, *Advised*, or otherwise *Acted with*, by them.

² Rights, Ib.

But ² Dr. A. will give us One Instance instead of many, of this. That indeed is Extraordinary: He will shew us, that once upon a time a *Parliament* and *Convocation* were held together, and that to prove that it was the *Constant Custom* for them to be held one with the other. A noble Induction, and worthy the Point that is to be proved by it. However let us hear what this *One Instance* says. He tells us that it " had been agreed for the *Urgent Affairs* of the *Kingdom*, to hold a *Parliament* at *Westminster* on the *Munday* after the *Octaves* of *Trinity*, and that the *Archbishop* should call a *Convocation* of the *Prelates*, and *Others* of the *Clergy* of his *Province*, to the *Church* of *St. Pauls, London*, on the *morrow* of *Trinity* for the dispatch of the said *Affairs*. The Words of the ³ Roll are more full; and will shew this to have been an Extraordinary Case. By *Writs* dated the 7th, of *March*, a *Parliament*, or *Great Council*, had been summon'd to meet at *Westminster* fifteen days after *Easter*. There, at that *Council*, says the *Roll*, " it was agreed by all the *Lords*, who were then Present, that " for divers great *Occasions* touching the *Government*, and *Safety* of the *Realm* of *England*, which could not, as it was there said, be Expedited " without a *Parliament*, a *Parliament* should be Summon'd, at the *Time* and *Place* " before mentioned; and that the *Archbishop* of *Canterbury* should hold a *Convocation* of the *Prelates* and *Clergy* of his *Province* about the same time. Here therefore was an Express Agreement, by order of a *Great Council*; for the holding of this *Parliament* and this *Convocation*. The *Place* and *Time* of both were settled by the Resolution of the *Lords* there Assembled: And Dr. A. therefore can infer nothing of a Common Usage from such an Instance, which was plainly of an Extraordinary, if not of a singular Nature; and the like whereof (unless in the same Case about five Years before in the 13th of *Edward the IIIrd.*) is not to be met with in this whole Reign.

³ Rot. Parl. 18 Edw. III. num. 1.

However, since Dr. A. has pitch'd upon this Time for the thorough Settlement of this pretended Custom to hold a *Convocation* with every *New-Parliament*; I will comply so far with his own Choice, as to consider how the Case, in Fact stood, as to this matter, for some Years, on each side of this One Instance so Pompously Alledged by him.

In the 12th of *Edward the IIIrd.* Anno 1338. Three *Parliaments* were held; but with none of them can I meet with any *Attending-Convocation*: And having a very Particular Account of the Transactions of this Year, I conclude, there was none Called at all with them. Anno 1339. A fortnight after *Michaelmas*, a *Parliament* sate, and no *Convocation* with it. There it was agreed that another *Parliament* should be held in the *Octaves* of *Hilary*, and the *Convocations* called about the same time with it; but on *Midlent-Sunday* a third *Parliament* was Assembled and sate forty five days, without any *Convocation*, that I can find, of Either *Province* to Accompany it.

Anno 1340. The *Parliament* sate the *Wednesday* after the Translation of *St. Thomas* of *Canterbury*, *July* the 12th. About the Eleventh of *December* following, a

†

Convo-

Convocation was held at York: but of any Convocation Concurrent with, or At- K. EDWARD
tending upon the Parliament of this Year, I meet with no Footsteps. the 1st.

Anno 1341. a Parliament met fifteen days after Easter. In October an Eccle-
siastical-Council was Called by the Archbishop of Canterbury; but neither this
Year can I hear of any Convocation.

Anno 1342. On Wednesday after St. Edward the Confessor, about the middle
of October, the Parliament sate. The Convocation of our Province went before
it, and sate October the 9th. That of York met not till the Ninth of December;
at too Great a distance to be called either a Concurrent, or Attending Convoca-
tion.

Anno 1343. The Parliament sate April the 28th; but for Convocations I can
meet with none at all this Year.

Thus stood the Case for six Years before the time of which Dr. A. gives us
his One Instance; let us go on with a View of as many after it.

Anno 1345. A Parliament, or Great Council, sate the morrow after the Purifi-
cation: In May following, 1346. an Ecclesiastical Synod met; but no Convoca-
tion at all that Year. 'Tis true, by a Minute taken out of the Great Register Regist Mag.
of the Church of Worcester, I am inform'd that a Proxy was Granted by the Wigorn, fol.
Prior and Chapter for a Parliament to be held at Westminster on Munday next 189.
after the Octaves of Easter, about ten days before this Synod was held. It is
of no Great Moment should we suppose such a Parliament to have Assembled
at that time; seeing the Council which met in May following, was a proper
Ecclesiastical Synod; and such as even Dr. A. himself will not allow to be one
of his Attending-Convocations.

On Munday after the Nativity of the Blessed Virgin, September the 11th. of
the same Year, the Parliament was Assembled; but the Convocations kept at a
Great Distance from it. The One sate not till the 16th of October; the Other
was not called till after the middle of December, and sate not till the End of
January following.

Anno 1347. Two Parliaments were held: One the Morrow after Hilary; the
other about Midlent. About three Months before the former of these, an
Ecclesiastical Synod of the Province of Canterbury was Assembled: But for any Par-
liamentary Attending Convocations I am yet to seek; Dr. A. will please to tell
Us when they met.

Anno 1348. A Parliament was called to meet the Munday after Hilary, and
twice Prorogued, without ever sitting. Yet a Convocation met at York in Whit-
son Week; but of any Called at any of the times that the Parliament was Sum-
mon'd, I find no mention.

Anno 1350, 1351. the Parliament sate in the Octaves of the Purification. The
Convocation of Canterbury was not held till May the 2d after; that of York, not
till the 18th, of the same Month.

And now from this short View of the Convocations of this time, for about
Twelve Years space; I shall leave it to Dr. A. himself to Consider, with what
little Reason he affirmed it to have by this time become the Constant Practise
for Convocations to be Called with every New-Parliament, as Duly and Regularly as
they are at this day. I omit any farther Enquiry into these Matters, till I come
in Order of time to the Consideration of them; and then I shall not only more
fully insist upon the Years which I have now CurSORily run over, but shall take
in the whole Process of these Meetings, during this, and all the following
Reigns.

5. The Time of the Convocations Meeting, is the next Circumstance which Sect. 6.
comes to be Considered, and of that Dr. A. gives us this Account: 2 " The Rights, &c.
" Clergy (says he) were indulged in the Form; so the Thing were but Effectually pag. 46.
" done; which was to have them meet together with the Parliament; by
which I suppose he must mean, within the same Compass of Time that the Par-
liament was sitting. 3 " The Province of Canterbury usually met a little before Rights, &c.
" that of York; and the Parliament generally went about a Week before both; pag. 47, 48, 75,
" and this was the Usual Distance throughout Edward the Thirds, and Rich- 258, 259, &c.
" ard the Seconds Reigns: " Till Henry the IVth began to Enlarge it; in, and
" after whose time, the Clergy held their Assemblies DURING, and NEAR the
" SESSIONS of PARLIAMENT, tho' not THOROUGHLY CONCURRENT with it. But
" this was only an Interruption of the OLD PRACTISE; (which therefore must
" have

K. EDWARD " *Diocesis per duos Procuratores; quibus Existentibus ait Rex, &c.* Thus *Knyghton*:
 the 1st. Nor does he mention any Others, as Called to this Assembly.

Ibid. Col.
 2502.

Shall I add yet more; that *Knyghton* plainly intimates the direct Contrary to what Dr. A. quotes him for. For the Clergy having Complied with the King's Demand, the King bid them ask any *Redress* of *Grievances* that they would. They asked to have the *Statute of Mortmain* Repealed. The King's Answer was; that that *Statute* had been made "*de Consilio Magnatum, & absque Eorum Consilio non erat Revocandum* : Which had been no Answer at all, if this Meeting had been a true *Parliament* ; and by Consequence the *Great Men* had been present to Consent to the Repealing of it.

To Close all, *Knyghton* having done with his Account of this Meeting of the Clergy, adds with relation to the Other of the Laity; *Eodem etiam Anno*, (He does not say *Eodem Tempore*) habuit Rex a *Communitate Regni decimum Denarium, & a Civitatibus sextum Denarium*. But to proceed :

Rights, &c.
 p. 225. 226.

"² And accordingly (they are Dr. A's Words) these *Proctors* did thus meet at the Opening of it promiscuously, tho' they afterwards Debated and Resolved separately: Which is all meer Fancy, and falls with the Mistake of the *Laities* being Called to this Assembly. One of the Resolutions they came to, was to give the King a *Moiety* of their Goods for one Year. Will Dr. A. please to tell us of any Other Resolution that they came to there? If not, let him speak truly, that this was what they were called for, and this was the Result of their Meeting there. But he goes on: " This Gift however was, by the PROVINCE of CANTERBURY ALONE; for the Clergy of YORK PROVINCE, IF PRESENT at this MEETING, yet did not make their Grant in it, as appears from the King's Letters Patents transmitted to them by the Dean of York, immediately upon the Rising of the CLERGY of CANTERBURY; wherein they are commanded to do as the King's Agent shall direct; that is, as the CLERGY of the OTHER Province had done before them.

Sect. 115.

Appendix ad
Ann. 1294.

Why Dr. A. should doubt whether the Clergy of York were PRESENT at this Meeting, I cannot Imagine. He allows that they were summon'd to it; and to convince him that he was thus far, at least, in the Right, ³ He may in the Appendix see not only the King's Writ to the Archbishop of York, but the Archbishop's Execution of it. Let me add to this, that Our Historians expressly speak of the Archbishop of York as present at it; and give a Reason why the Bishop of Durham was not; which they would not have done, had the Clergy of that Province refused to Come at all to this Assembly.

But is Dr. A. sure that the Clergy of York did not Grant their *Subsidy* there? If he be, I will venture to say I am more sure that he is mistaken. This Assembly met September the 21st. The King demanding an *Aid* of them, they desired three days to deliberate upon it. In this time they consulted together, and agreed to Offer the King two Tenths. This therefore we may suppose they did, September the 24th. The King refused it: New-debates were had, and high Words arose, and great Threatnings were made, unless they should comply with what was demanded of them. Let us therefore agree, that all this was ended in two days more, September the 26th. Upon the very next day, September the 27th. the King's Letters relating to this Grant, were issued out; in which the ⁴ King recites how that the Prelates, and the whole Clergy of this Realm, had Granted to him; a Stile that I believe is no where to be found, when but One Province only gives; but takes in the Clergy of both, as from a Multitude of Examples, might easily be made appear.

⁴ *Registrum*
Giffard Wi-
gorn, fol. 383.
 b. See also
Prynne. Re-
records, Vol. III.
 pag. 588.

So our Historians also relate it: *Mat. Westm. ad Ann.* 1294. "*Postulat Rex a TOTA Ecclesia per TOTUM REGNUM Angliæ hecata*. And thus, he says, they Granted, what the King desired. The same may be shewn from a multitude of other Writs relating to this Grant. And particularly from all such as concern the Collecting of this *Aid*. *Regist. Giffard*. fol. 384. a. From such as exempt the Clergy from being Tax'd to the Tenth Granted by the Laity this Year. *Regist. Oliv. Sutton, Linc.* fol. 114, &c.

⁵ *Prynne, Ibid.*
 p. 587.

On September the 30th. the King's Writs went out for Collecting of this *Aid*. In them again he Recites how that the *Pralati & totus Clerus de Regno Nostro*, had Granted a *Moiety* of their Goods to him. And that we may here be fully satisfied of the Extent of that Phrase, he appoints Collectors in every *Diocesis* of the Province of York, as well as in those of Canterbury, to receive it for him. And therefore tho' I cannot tell what that Letter of the Kings is, to which Dr. A. refers, nor do I believe that he knows any thing more of it

himself than I do, yet this I am very sure, that the King by his Letter dated ^{K. EDWARD} September the 28th. could not Require the Province of York to grant a ^{the 1st.} Subsidy to him, which in his Letters dated the day before, He acknowledged the Prelates, and Whole Clergy of his Realm had already given to him; and by Others dated but Two days after, appointed to be Collected in that Province, as well as in the Other.

I have now done with the Second Period of our English History, during the Reigns of Nine Kings; and the space of about two hundred and thirty Years. I have shewn * that from the Conquest, to the time of King Edward the 1st, it does not appear that any of the Clergy were wont to be Called to Parliament, besides the Bishops and Prelates; and such Others, as by Vertue of their Temporal Tenures, were obliged (if Required) to come to it. * That of the Prelates, such only were Generally Summon'd, as had Temporal Possessions; tho' if the King, at any time, thought fit to Call them All, they were All obliged to Obey him. This was done in the forty ninth of Henry the IIIrd. whether ever besides, and particularly, whether in the sixth of King John, (as Dr. A. affirms) is yet to be proved to Me. * That tho' King Edward the 1st. did sometimes Call together the Clergy after some Other manners; Provincially in his Eleventh Year; Nationally in his Twenty second; Yet to Parliament he never Called them, till his Twenty third Year, when the Clause *Premunientes* was first put in the Bishops Writs; and by being so, did first Intitule, or rather Oblige the Lower Clergy, partly in Person, and partly by their Proxies, to come to Parliament. * That it has not yet been proved that in any Part of this Period they had any Convocations Limited either to the Time or Place of these State Assemblies; much less, * That it was a Matter of constant Practise for the Clergy to meet in Convocation, whenever the Lords, and Prelates, did in Parliament. * That the supposed Constitution of the Council of Reading (the only Ground upon which Dr. A. builds his new Hypothesis) is neither its self Authentick, nor if it were, would it prove any thing more, than that the Bishops agreed to require their Clergy to appear by their Proxies at their next intended Meeting; a Voluntary, or Special Order, both as to the time and manner of their Assembling. I shall only make a brief Remark, or two, upon what has been thus shown, and that with Relation both to my self, and to Dr. A.

Sect. 116.

1.

2.

3.

4.

5.

6.

In my former Book, I had said, with Reference to the Persons who are now Called to our Convocations, that "I should not enquire how this came to be the settled Number of them: Whether this Manner of Choice was derived from the Antient Manner of holding Convocations, into the Parliamentary Writs; or from the Parliamentary Writs of King Edward the 1st. into the Summons of Convocations. I spake with Relation to the King's Summons in both, and I waved the Enquiry concerning the Method of Assembling the Lower Clergy; viz. the Deans, and Archdeacons in Person, the Chapters by One; and the Dioceses (for so it should have been, not as in my hast I wrote it, *Archdeaconries*, tho' that be the Case of the Other Province) by two Proxies. Whether the Premunitory Summons, led the way to the Provincial, or that, to the Premunitory.

Sect. 117.

Authority,

C. p. 104.

For this Dr. A. falls very briskly, after his manner, upon me, and thus Reports the Matter. "He makes it a doubt whether the settled Number of the Inferior Clergy, Called by the Bishop's Writ, was derived from thence into the Convocation Writ, or from the Convocation Writs into those of the Parliament. Well, and what says the Learned Dr. A. to this? "Which is (says he) in Effect to doubt whether the Deans, Archdeacons, Capitular, and Rurall Proctors, were Called. (He should have added, by the King) to Convocation (in the same manner that they now are, the Chapters by One Proctor, the Dioceses by two a-piece) before the Bishop's Writ had that Clause in it: And he who doubts of this, puts it beyond a doubt how far he is Qualified to Write on this Subject. The turn is pretty enough, and perhaps Answers Dr. A's End a great deal better than a true Resolution of the Point would have done. But we are now seeking for Truth, not Wit; and this Reflection will be found to have but very little of the One, how much so ever may kindly be Allowed it as to the Other. Let us take the Matter as Dr. A. himself Represents it: The Question is, Whether the stated Number of the Inferior Clergy, was derived from the Bishop's Parliament-Writs, into the Archbishop's Convocation Writs, or from the Convocation Writs, into those of the Parliament? And I do now affirm, what Dr.

Right, &c.

p. 434.

K. EDWARD
the 1st.

A. I believe will be surprized at, that this Method of Assembling the Lower Clergy was first settled by the King's Parliamentary, (which He calls the Bishops) Writs; before it was made use of in his Provincial, or Convocation Writs. Or (which is the same thing) that the Clergy were wont to be thus Summon'd by the King to Parliament, before they were wont to be thus Summon'd by him to Convocation.

Sect. 118.

The first Provincial Writ, that I believe, was ever Issued out by any of our Kings, was that of the Eleventh of King Edward the 1st; Anno 1282. In that he ordered the Archbishop to Cite his Suffragans, and the Regular Prelates, with the Proctors of the Deans and Chapters of the Collegiate Churches; and this is a Form sufficiently different from that which we are now enquiring after.

The next Attempt was in his Nineteenth Year, Anno 1294. and this Dr. A. affirms to be a Call to Parliament; so that upon his Hypothesis I need not Enquire how this Matter was ordered there. But indeed it was no such thing, but a Summons to a National, State-Convocation. In this the Deans and Chapters, the Archdeacons, and Clergy, were Summon'd; but not the Priors and Chapters: For so the Writ runs to such Bishops in whose Cathedral Churches these Regular Prelates were settled, "*Vocantes Prius Archidiaconos totumq; Clerum Vestra Dioceseos*"; No Priors, or Chapters, mention'd. These, I conceive, were Cited by particular Writs; not by this Clause in their Bishop's Summons.

As yet then the Present Method does not Appear to have been fully settled, or used in any of the King's Writs. Let me add, nor yet in the Archbishop's Mandate neither. For but three Years before this, Anno 1290, in the Convocation-Writ for the Synod at Ely, the Morrow after the first Sunday in October, the Archbishop ordered the Diocesan Clergy to appear there by ¹ Two or Three Proctors for every Diocese, as Dr. A. himself truly observed from some Collections which were Communicated to him, tho' he mistook the Register from whence they were taken. Yet thus far this Matter was now come to a Settlement, that the Lower Clergy were called by their Own Proctors to Convocation: Those Proctors were determin'd to be One for each Chapter, and Two for each Diocese; And in such Churches (which at that time were not very many) in which there was a Secular Dean and Chapter, this Year, they were all Summon'd by the Clause of which we are now speaking, in the Bishop's Writ. So that nothing remained to fix things in the Method which did afterwards obtain, and concerning which my doubt was, but to compleat this way of Summons, by taking in All the Capitular Priors of the Cathedral Churches alike into the same Writ; and when that was first done, is the very Point to be determin'd between Us. Now this was, I say, the next Year, Anno 1295. For then the Premunitory Clergy came in; and there it Runs in Form to all alike: and from thence I do Affirm it was taken into the Convocation Writs, which afterwards Summon'd the Lower Clergy after the same manner.

¹ See Append.
ad Ann. 1290.

This therefore determines the Case, as to the King's Writs, concerning which the Original Enquiry was; and shews the present manner of Assembling the Clergy to have been first settled by the King in the Parliamentary, and from thence to have been derived into the Provincial, Convocation-Writs. But if the Question should be carried yet farther; and it should be asked, when, or by whom, this Method was first brought up; I have before shewn that Dr. A. after all his Pretences, did not himself know how to Account for it. That he has Committed many a Gross Mistake, by his Implicite Relyance upon the Constitution of the Council of Reading; as if this Matter had been Originally settled by it. That in the Convocation held but three Years before, the Number of Proctors for the Lower Clergy was not yet settled. If therefore to Err in this Case be a Mistake of so Capital a Nature, as wholly to Unqualify a Man for Writing upon this Subject, let Dr. A. think a little with himself, whether his Censure will not fall back upon his own Head; and prove himself to have been as unfit to meddle with these Matters, as I am very well content he should think me to have been to Engage in them.

The Result of this Point is this: About the Year 1283. by order of Archbishop Peckham and his Brethren, the Deans and Priors of Cathedral Churches, and the Archdeacons, in Person; the Capitular, and Collegiate Bodies by One, and the Diocesan Clergy by Two Proctors, were first brought to Convocation. To Convocation I say, not to Councils: For as for those Assemblies which were properly

ly Ecclesiastical, they were not yet thought to be any necessary Members of K. EDWARD the 1st. them; nor were they a long time after, wont to be *Peremptorily Cited* to them. This Model thus begun by the *Archbishop*, and *Bishops*, but not yet form'd into any constant, or fix'd Method by them, the King first settled by his *Parliament Writs*: From thence it was derived into his *Convocation Writs*, as in the *Process* of this *History* I shall have Occasion hereafter to shew.

As for Dr. A. the Use I would make of what has been before said with relation to him, is this; To convince him that his New *Hypothesis* of the *Clergies* coming first *Nationally* to *Parliament*, from the time of King *William the Conqueror*, till about the middle of King *Henry the 2d.* and afterwards attending upon it in two *Provincial Synods*, and thus continuing till the time of King *Edward the 1st.* by whom they were again brought *Nationally* to *Parliament*, as before, is not only *Precaious*, but *False* too; and appears by the whole *Current* of our *History* so to be. Sect. 119.

The Truth is, Dr. A. himself does not seem to be very well satisfied as to this Matter; nor does he, I believe, yet distinctly know what it is that he would stand to, with Relation to it. Under the *Saxon Times*, he Professes not to determine "how, or in what Capacity, the *Lower Clergy* were Summon'd to these *Great Councils*; whether as *Representing any Part of the Spirituality*; or as the *King's Servants*, and *Dependants*; or in what Other Respect: Which is, I think, plainly to own that in those Times the Body of the *Lower Clergy*, for ought he knows, were neither Called to *Parliament*, nor Represented there. Rights, &c. p. 290.

And after all his Pretences, the same, is at last, his Uncertainty here. He affirms indeed, (and in that he is utterly mistaken) "that from the *Conquest* down to King *Edward the 1st.* the *Inferiour Clergy* had Place, and Interest in *Parliament*: But then he adds, what Overthrows his own *Hypothesis*, "being there sometimes in *BODY*, and as *REPRESENTING the WHOLE*, sometimes in *PART* only; and as *Entituled* by their *Tenures*: Now and then by distinct *Proctors* of their Own, but more frequently, by their *Priors*, and *Archdeacons*, particularly Empowered to that purpose. Sect. 120. Rights, pag. 316.

What Confused Assemblies does this Man of Antiquity make our *Great-Councils*, in these Times to have been? In which there was Nothing Certain, Nothing *Established*. Not so much as the *Persons* determined who were to have Place, or Representation in them. Sometimes the *Clergy* were there in *Body*, and as *Representing the Whole*. How came they to be there sometimes, under that Capacity? Or if thus there sometimes, how came they not to be so Always? Was it not known of what *Estates* the *Parliament* did Consist? Or who were the Members of those *Estates*? Neither what kinds of *Persons* were to Come to it? Nor by whom they were to be Represented in it? Let this *Author* think as he will; for my part, I cannot perswade my self that our *Government*, in those Days, was either so *Arbitrary*, or so *Uncertain*, as he would hereby Represent it to Us.

But he goes on: "Nor matters it much, whether they were thus Called up immediately by a *Royal Writ*, or by an *Ecclesiastical Summons ONLY*, issued out at the *King's Instance*: since whether Cited this way, or that, the Effect of their Citation was to Attend the *Parliament*: --- They might be Summon'd often, as they sate, apart from the *Laity*: but as they sate in *Parliament* tho' separately, so were they Called to *Parliament*; tho' perhaps after a Different Manner from the *Laity*, and did there together, with the *Greater Prelates*, compose a full Representative of the *Clergy*, and the first Estate of the *Realm*.

As to the manner of their Citation, so long as it was made at the *King's Instance*, as he speaks; or, as I would rather have said, by the *King's Command*, and in Obedience to his *Writ*; I am not Offended at it. They were Called by their *Bishops*, after *Edward the first's* time, at the *King's Instance*, and had they been so Called before, I should not have thought them ever the less proper Members of *Parliament*, for all that. But has this *Author* so soon forgot himself? Did he not, in this very Paragraph, say that the *Lower Clergy* were in *Parliament* sometimes, as *Representing the Whole*; sometimes in *Part* only, and as *Entituled* by their *Tenures*? And how does he now Affirm, without any such Reserve, that "they were (indefinitely) Called to *Parliament*, and did there together with the *Greater Prelates*, compose a full Representative of the *Clergy*, and the first Estate of the *Realm*? For if this were the End for which they were Summon'd

K. EDWARD *mon'd thither, then they must not only have been Always Called; but have been Always Called under this Respect, as Representing the Body of the Clergy; and so Compleating the first Estate of the Realm in Parliament.*

Let me therefore put the *Case* as it ought to be Stated, would Dr. A. deal freely, and fairly with Us; and then desire him to give a plain, and positive Answer to it. Were the *Lower Clergy* called to *Parliament* from the time of King *William the Conqueror*, to the middle of King *Henry the II^d*. as they were afterwards called by King *Edward the Ist*? Had they their *Representatives* there? Whether *Archdeacons*, or other *Proctors*, it is to me indifferent. And were they Regularly, and constantly Called; as the *Great Men*, and *Prelates*, were to it? If he can shew this, I must then own that I have hitherto been under a very Great Mistake in this Particular. If he cannot; (as I think I have now sufficiently proved that he cannot) all his other Pretences will signify but very little. For that not only *Prelates*, but all other *Clergy-men* whose *Tenures* Intituled them to a place there, were wont to be *Summon'd* upon the account of such of their *Tenures*, I readily agree: But what that signifies as to the *Body of the Lower Clergy*, to intitule them to *Parliamentary Rights*, or *Priviledges*, I cannot imagine; let Dr. A. make his Advantage, if he knows how, of it.

CHAP. VII.

The History of the Assemblies of the Clergy of England continued from the Twenty Third of King EDWARD the Ist. to the End of King RICHARD the II^d. That in all this Time the Convocations did not Attend upon the Parliament: Dr. A's Allegations to the contrary Consider'd, and Answer'd.

Sect. I.

WE are now come to that part of our History, on which the Determination of those *Rights* and *Powers* of the *Clergy*, for which Dr. A. Contends, will begin to turn. Hitherto our Enquiries have had more of Curiosity than Use, as to this matter: And whether Dr. A's Scheme, or mine be accounted the more true, the Cause in Hand will get, or suffer, but little by it. But here the Foundation was laid, on which both the *Parliamentary* and *Provincial Assemblies* of the *Clergy* were built. From henceforth therefore every step that is made will be of some Use to Us, either to Clear, Confirm, or Confute somewhat in Reference to the Points under Debate. I shall therefore need the less Apology, if I here pursue my History a little more fully than the Cause before Required, or I thought it proper to do. To those who desire a full Satisfaction in these Matters, I have no Apprehension that such a Procedure will appear tedious, because I am sure they will find it to have been Necessary: And for Others, I ought to have the less Regard, because it will give no trouble to them.

Had Dr. A. once for all handled this part of our History in a Full and Methodical manner, he would at least have let us into a clear Notion of what he aimed at, tho' we should not have approved of his Opinion, or been satisfied with his Proofs. But under the frequent, and disjointed Views which he has given Us of it, in the several Parts of his Book, 'tis hard to Resolve (in many Circumstances) what his *Hypothesis* is; and for that Reason only, it will be difficult to refute it. If this were Policy, and done by Design, I shall not blame the Artifice, whatever I may think of the fairness of it. But if (as I rather Hope) it was Owing to a want of Light, and possibly of Materials too, when he began to Write; I could only have wished that he had either better Understood what he was himself about, or had been more sparing in his Reflections upon other Mens Ignorance, in a matter wherein he himself was involved in utter Darkness and Obscurity. Be it which it will, I shall take his *Scheme* as I find it put together by himself in his *Second Chapter*; where he purposely States his own Opinion; and according to which it will therefore be the fairest Method for me to proceed in the Representation of it.

King

King Edward the 1st. by the *Premunientes* inserted into the *Bishop's Writs*, brought the *Lower-Clergy*, as we have before seen, to *Parliament*. " This Clause
" how much soever to the Real Interest and Advantage of the *Lower-Clergy*,
" was yet thought a burden by them, and an inroad upon their Priviledges;
" and they tried all ways of withstanding, or declining of it. This they could
not accomplish in King Edward the 1st's time; but they advanced it very far in
Edward the 1st. and fully settled it in Edward the 3rd's Reign: Whereby this
" Accommodation took Place, that the *Premunientes* should still Summon them
" from the King to meet *Parliamentarily*, but that sufficient Obedience should
" be Understood to be paid to it, if the *Clergy met Provincially*; tho' not At
" the same Place, yet About the same Time, and to the same Purpose; to be rea-
" dy to hear what should be proposed from the King; to give their Advice when
" asked, and their Consent when *Requisite*; to offer their Aids, and their Petiti-
" ons; and, in short, to answer the Necessary Affairs of the King, and King-
" dom.

K. EDWARD
the 1st.
Sect. 2.
Rights, &c.
p. 40.

" From henceforth the Business of the *Premunientes* became a matter of FORM,
" rather than an EFFECTUAL SUMMONS to PARLIAMENT. The Clause was conti-
" nued in the *Bishop's Writs*, and Executed by the *Bishops*, and *Clergy*: But that
" was all. " Thus (says Dr. A.) the *Forms* were kept up, and by that means
" the King's Right of Summoning the *Clergy* Asserted, and Owned; and so the
" State's Ends of Summoning them, were also answered, they were left to do it
" in an ECCLESIASTICAL WAY, and to Attend the *Parliament*, and the Business of
" it, not in One Body, as they were Called, but in Two Provincial Assemblies.
" This they did, at first, by the Connivance of the Crown, rather than by any
" Express Allowance; the Archbishop of his own Accord sending out a Provin-
" cial Citation Concurrently with the *Bishops Writs* of Summons: Which Method
" obtaining, and those Meetings of the Province being tacitly accepted in Lieu
" of the *Clergies* Resort to Parliament; it grew Necessary for the King to Em-
" ploy his Authority also in Convening of them.— This gave Birth to the
" Custom of issuing out Two Convocation-Writs when a new Parliament was to
" be Chosen; which tho' set on Foot before, yet settled not into a Rule, till
" some Years after Edward the 3rd. was in the Throne; and then it was Pra-
" ctised as duly, and regularly, and much in the same manner, as it is at this Day.
" Take one Instance instead of many, &c.

Ibid. p. 42.

Ibid. p. 44.

" Thus the *Clergy* were indulged in the Form, so the thing were but Ef-
" fectually done; which was, to have them Meet together with the *Parliament*,
" and for the dispatch of the same Urgent Affairs of the Kingdom, for which the
" *Parliament* met. And this was no New-Practice but a Method now Settled and
" Customary; of which various Precedent Instances might, if they were need-
" ful, be given; but it is a short and sufficient Proof of it, that the Words of
" the King's Writ to the Archbishop run, *More solito Convocari faciat*.
The Form now settled was this; that the Province of Canterbury, met a little
before that of York, to set the Example of a Grant, which it was Expected the
Other should almost implicitly follow. 5 As for the *Parliament*; that, Generally,
went about a Week before both, tho' here (18 Ed. III.) it followed. " And
" this was the usual Distance throughout Edward the 3rd. and Richard the
" 2nd's Reign, till Henry the 4th began to Enlarge it; in, and after whose
" time, the *Clergy* held their Assemblies during, and near the Sessions of *Parliament*,
" but not thoroughly Concurrent with them.

Ibid. p. 45.

" But this was only an Interruption of the Old Practice for a time, not a
" through Alteration of it: For about the Entrance of the Last Age, when the
" Prerogative began to Recover the Ground it had lost to the Church, we find
" these Meetings of the *Clergy* and *Laity*, more closely United; the dates of
" Henry the 8th's Convocations being All One, or a few-days before, or after,
" (if not altogether the same with) those of his *Parliament*.
" The *Clergy* therefore, tho' by a mistake in their Politicks separated from the
" *Parliament*, yet continued still to Attend it in two Provincial Assemblies, or
" Convocations.

Ibid. p. 47.

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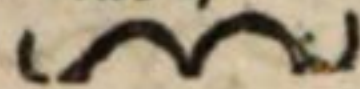
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" *Parliament*, yet continued still to Attend it in two Provincial Assemblies, or
" Convocations.

This is Dr. A's Scheme concerning the Connexion of our Convocations, and
Parliaments, within the Period We are here Enquiring into. Let us now take
it to Pieces, and see wherein we agree or differ in our Notions of these Matters.

And

K. EDWARD

the 1st.



And 1st. It is agreed between Us ; that King Edward the 1st, brought the Lower Clergy to Parliament by the *Premunientes Clause*. In this we Differ, that Dr. A. affirms him herein to have only Restored the *Antient Practice* ; whereas I deny that ever the *Body* of the *Inferior Clergy* had before been Called to our *State-Conneils*, or been Represented there ; and I referr my self to the *Historical Proofs* of the preceding *Chapters*, for the *Ground* of such my Denial.

2. Whether the *Lower Clergy* were *Mistaken in their Politicks* in Refusing all they could to comply with this *New-Summons*, and accounting it a *Burden* rather than an *Advantage* to them, as it is hard to Determine, so is it of no great Moment to Dispute. That hereby they were design'd not only to be put to the Charge and Trouble of a frequent *Assembling* ; but that in order to a farther Burden of coming into a large share of all the *State-Taxes*, from whence (as to their *Spiritualities* and *Antient Demesnes*) they had hitherto been almost wholly Exempted is very Plain : And the Endeavours they used both by their Own Management, and by the *Popes Assistance*, to avoid these Impositions, sufficiently shew that this was the *Grievance* of which they were aware. What they should have gain'd by a more constant Coming, to have recompensed so much Cost and Labour, and to have turned it to their *Real Interest*, I cannot tell ; being not yet able to find that the *Lower Clergy* ever Came and Acted in a *Body* in *Parliament* ; or were ever Considered as a *Separate-State* from the *Lords*, and so Allowed a *Negative* on such *Acts* as would otherwise have passed (oftentimes) to their Grievance there. All that I can perceive they did, when they Came to Parliament, was to *Consult* with their *Bishops* ; and, by them, send their *Sense* and *Petitions* to the Other States ; Who being intermixed with the *Lords Temporal*, had no more Priviledge on the Account of the *Lower-Clergy* in those days, than what they Continue to Enjoy now ; but were Concluded by the *Votes* of the *Upper-House*, as they still are, notwithstanding the *double Capacity* in which they sit there.

Chapt. 1.
Sect. 13. Rot.
num. 38.

I have already given an Evident Instance of this in the *Parliament* of the 3^d. of Richard the 2^d ; where tho' the whole Clergy Dissented, yet the *Act* passed for all that, and was not stopp'd upon their *Protestations* against it. So that I am still to learn what Advantage, more than that of advising with their *Prelates*, the *Lower-Clergy* could have gained by this *Summons* to *Parliament* : And whether that alone would have been an Equivalent to the Cost, and Trouble it was like to bring upon them, I shall leave it to Dr. A. upon further Thoughts to Consider.

But be this as it will ; the *Lower-Clergy* thought it a *Grievance* to be Obligated to come to *Parliament*, and try'd all ways of Declining of it. This Dr. A. allows ; in Point of *Fact* ; and in this I shall not differ with him : They were Uneasy at it ; and they came as little as possibly they could to it.

Sect. 4.
Rights, &c.
p 75.

3. Now this brought up the Use, tho' I cannot say of *Parliamentary*, yet, at least, of *State-Convocations* ; and of which Dr. A. tells us, that the *Accommodation*, between the King and Clergy, was this ; " that the *Premunientes* should " still *Summon* them to meet *PARLIAMENTARILY* ; but that *sufficient Obedience* " should be UNDERSTOOD to be PAID to it, if the Clergy met *PROVINCIALLY* ; " tho' not AT the same PLACE, yet ABOUT the same Time, and to the same " Purpose. But in this I can by no means Agree with him, and indeed his Own Expressions shew some kind of Violence in his Notion. The King was, " by the " *Premunientes* to *Summon* the Clergy, he says, to meet *Parliamentarily* : but a " *sufficient Obedience* should be Understood to be paid to it, if they met *Pro-* " *vincially*. Now by Meeting, in this manner, *Provincially*, either they did truly Obey the *Premunitory Summons*, or they did not. If they did truly Obey it, then 'tis too much Mincing of the matter to say that thereby a *sufficient Obedience* should be UNDERSTOOD to be PAID to that *Summons* ; whereas it ought to have been Roundly Affirmed, that by such their Meeting they did Pay a due, and Legal Obedience to it. But if such a Meeting in *Convocation*, did not Answer the Obligation which that *Summons* laid upon them ; If it were so far from doing that, that it was, in truth, no Obeying of it at All ; then Dr. A. should plainly have told us how the Case stood, and in which I should not have differed with him : That tho' the Clergy, being Unwilling to come to *Parliament*, did not Obey the King's *Premunitory Summons* so duly as they ought to have done, yet so long as they met together in their *Provincial Convocations*, whenever he Required them ;

them, and gave him what he desired there, he was Content to bear with their Neglect in that Particular, and did not much insist upon their Coming to Parliament, whilst he got what he aim'd at of them in their Convocations. K. EDWARD the 1st.

This was the truth of the Case, but this would not have served Dr. A's Purpose: and therefore what he insinuates here; he elsewhere more plainly affirms, "that these Convocations (in some Sense) were held always by the King's Writ, that is, by the Præmunitory Clause in the Bishop's Summons: And for this he Referrs Us to the Authorities of Mr. Bagshaw, and Bishop Ravis; the One of which he says Owns, the Other Affirms, as much. Rights, &c. p. 66. compare pag. 79. Where he expressly says, that 'These

Dr. A. must Excuse me if I say that I cannot see any such Position, either in the Ones Argument, or in the Others Papers. But what does he mean by his new Qualification again in this Case? These Convocations, in some Sense, were held by the PRÆMUNITORY CLAUSE. The Bishops Writ is a Legal Summons; and has a Legal Force and Obligation. If therefore it Respects the Convocation at all, it Summons it Expressly, and not in some Sense only; and the Clergy by meeting there, must Legally Obey it, or I am sure a sufficient Obedience cannot be understood to be paid to it by such their Meeting. For, in Law, no Obedience is sufficient, but what is Legal, and answers the Terms of what the Law Requires. And to the Common Reason of Mankind I appeal, as well as to the Law of the Realm, whether a Writ framed (as both the Words shew, and Dr. A. himself Owns that it was) to Summon the Clergy of the two Provinces Nationally to Parliament, can be Obey'd in any Sense at all, by their meeting not Nationally, but Provincially; not in Parliament, but in Convocation; at another Time, in another Place, and with another sort of Men, from what that Writ Requires them to meet at, and withall. Provincial Assemblies, tho' held a part from the Parliament, yet belonged to it; met by the Parliamentary no less than the Provincial Writ; &c. And p. 251. He affirms the Original Design of the Provincial Writ to have been only to secure an Obedience to the Præmunitory Clause: This (he says) is IN-DUBITABLY TRUE.

In short; as the Lower Clergy were Summon'd, so are the Bishops: The Writs both for Parliament, and Convocation, Regard them both alike; and the same Reason must hold for both or neither. Here therefore let me ask Dr. A. When the Bishops are Summon'd to Parliament, would they in SOME SENSE Obey the KING'S WRIT by meeting only in Convocation? Should the Archbishop and Bishops of the Province of York (for Example) instead of coming up to London to Parliament, Assemble only in Convocation at St. Peters York; and tell the King that by this they did in Some Sense Obey his Call of them to Westminster; would Dr. A. undertake to defend their Plea, and prove that this was a Legal Obedience to the King's Parliamentary Summons? If not, then let him not tell us that the Lower Clergy do in Some Sense Obey the King's Parliament Writ, by meeting in Convocation; or sit there in Any Sense by Vertue of it: but let him Remember, what Himself, (according to the usual Consistency of his New-Notions,) elsewhere tells us, that in former times, when the Convocation and Parliament met together, the Clergy sate Personally in the One, and sent their Proctors to the Other, to Act there for them: Which had their Meeting in Convocation been such either in the Eye of the Law, or by the King's Avow'd Acceptance of it, as he here pretends, there would have been no need of their doing.

The truth then of this matter is this: The Clergy being Uneasy at their Parliamentary Summons, by degrees brought all their Grants to be made in Convocation; and the King, whose design in Summoning of them to Parliament was only to have Aids of them, comply'd with their Humour; and never enquired whether they Obey'd his Writs, by coming to Parliament, so long as they both met, and supplied his needs in Convocation. This is true History, and Good Sense: Whereas Dr. A's pretence has indeed, neither History, nor Law to support it; nor will the Nature of the Writs, admit of such a Use, as he pretends, to be made of them.

Let us hear how he himself goes on, to the Contradiction of his own Assertion. "Thus the Forms were kept up, and by that means the King's Right of Summoning the Clergy Asserted and Owned: and so the State-Ends of Summoning them were also Answered, they were left to do it in an Ecclesiastical way,—not in One Body, as they were Called, but in two Provincial Assemblies. This they did, at first, rather by the Connivance of the Crown, than by any Express Allowance. Now All this exactly agrees with what I affirm; and with the truth of the Case; but it shews, at the same time, that the Pretence of Meeting in this manner, in any Sense, by Authority of the Præmunitory Clause, is All but Fancy: A Principle which Dr. A's Case wants, Rights, &c. p. 44.

K. EDWARD but such as neither *Law*, nor *Reason*, will allow of. To Proceed therefore.

the 1st.

Sect. 5.

¹ Compare, Rights, Ib. p. 215, 276, 332, 350, 355, &c.

² Rights, Ib.

³ Rot. Parl. 18 Edw. III. num. 1.

4thly. " This Method obtaining, (of the *Clergies Meeting*, and *Granting Subsidies* in two *Provincial Assemblies*) " and this their Meeting being tacitly Accepted in lieu of the *Clergies Resort to Parliament* ; it grew Necessary for the King to employ his *Authority* in Convening of them. This, in the Sense before mentioned, I can agree to ; but then what he adds is utterly false in point of Fact, " This (says he) gave Birth to the Custom of Issuing out two *Convocation-Writs*, when a *New-Parliament* was to be Chosen ; which, tho' set on Foot before, yet settled not into a *Rule*, till some Years after *Edward the Third* was in the *Throne* : and then it was Practised as Duly, and Regularly, " and much in the same manner, that it is at this day. This, I say, is utterly false ; as to the issuing out of two *Convocation-Writs* when ever a *New-Parliament* was Called. Our Kings never Obligated themselves, nor were they ever by *Law Obligated*, to any such thing : They often did Call them at the same time that they did their *Parliaments*, as having the same need of Both ; and they more often held them, not only at different *Times* from, but without any *Respect* to one another. Sometimes *Parliaments* met without any *Convocations* at all ; Often *Convocations*, without any *Parliaments*, to be either petitioned to, *Advised*, or otherwise *Acted with*, by them.

But ² Dr. A. will give us One Instance instead of many, of this. That indeed is Extraordinary : He will shew us, that once upon a time a *Parliament* and *Convocation* were held together, and that to prove that it was the *Constant Custom* for them to be held one with the other. A noble Induction, and worthy the Point that is to be proved by it. However let us hear what this *One Instance* says. He tells us that it " had been agreed for the *Urgent Affairs* of the *Kingdom*, to hold a *Parliament* at *Westminster* on the *Munday* after the *Octaves* of *Trinity*, and that the *Archbishop* should call a *Convocation* of the *Prelates*, and *Others* of the *Clergy* of his *Province*, to the *Church* of *St. Pauls*, *London*, on the morrow of *Trinity* for the dispatch of the said *Affairs*. The Words of the ³ *Roll* are more full ; and will shew this to have been an Extraordinary Case. By *Writs* dated the 7th, of *March*, a *Parliament*, or *Great Council*, had been summon'd to meet at *Westminster* fifteen days after *Easter*. There, at that *Council*, says the *Roll*, " it was agreed by all the *Lords*, who were then Present, that " for divers great *Occasions* touching the *Government*, and *Safety* of the *Realm* of *England*, which could not, as it was there said, be Expedited without a *Parliament*, a *Parliament* should be Summon'd, at the *Time* and *Place* before mentioned ; and that the *Archbishop* of *Canterbury* should hold a *Convocation* of the *Prelates* and *Clergy* of his *Province* about the same time. Here therefore was an Express Agreement, by order of a *Great Council* ; for the holding of this *Parliament* and this *Convocation*. The *Place* and *Time* of both were settled by the Resolution of the *Lords* there Assembled : And Dr. A. therefore can infer nothing of a Common Usage from such an Instance, which was plainly of an Extraordinary, if not of a singular Nature ; and the like whereof (unless in the same Case about five Years before in the 13th of *Edward the IIIrd.*) is not to be met with in this whole Reign.

However, since Dr. A. has pitch'd upon this Time for the thorough Settlement of this pretended Custom to hold a *Convocation* with every *New-Parliament* ; I will comply so far with his own Choice, as to consider how the Case, in Fact stood, as to this matter, for some Years, on each side of this One Instance so Pompously Alledged by him.

In the 12th of *Edward the IIIrd.* Anno 1338. Three *Parliaments* were held ; but with none of them can I meet with any *Attending-Convocation* : And having a very Particular Account of the Transactions of this Year, I conclude, there was none Called at all with them. Anno 1339. A fortnight after *Michaelmas*, a *Parliament* sate, and no *Convocation* with it. There it was agreed that another *Parliament* should be held in the *Octaves* of *Hilary*, and the *Convocations* called about the same time with it ; but on *Midlent-Sunday* a third *Parliament* was Assembled and sate forty five days, without any *Convocation*, that I can find, of Either *Province* to Accompany it.

Anno 1340. The *Parliament* sate the *Wednesday* after the Translation of *St. Thomas* of *Canterbury*, July the 12th. About the Eleventh of *December* following, a

†

Conve-

Convocation was held at York : but of any Convocation Concurrent with, or At- K. EDWARD
tending upon the Parliament of this Year, I meet with no Footsteps. the 1st.

Anno 1341. a Parliament met fifteen days after Easter. In October an Ecclesiastical-Council was Called by the Archbishop of Canterbury ; but neither this Year can I hear of any Convocation.

Anno 1342. On Wednesday after St. Edward the Confessor, about the middle of October, the Parliament sate. The Convocation of our Province went before it, and sate October the 9th. That of York met not till the Ninth of December ; at too Great a distance to be called either a Concurrent, or Attending Convocation.

Anno 1343. The Parliament sate April the 28th ; but for Convocations I can meet with none at all this Year.

Thus stood the Case for six Years before the time of which Dr. A. gives us his One Instance ; let us go on with a View of as many after it.

Anno 1345. A Parliament, or Great Council, sate the morrow after the Purification : In May following, 1346. an Ecclesiastical Synod met ; but no Convocation at all that Year. 'Tis true, by a Minute taken out of the Great Register of the Church of Worcester, I am inform'd that a Proxy was Granted by the Prior and Chapter for a Parliament to be held at Westminster on Munday next after the Octaves of Easter, about ten days before this Synod was held. It is of no Great Moment should we suppose such a Parliament to have Assembled at that time ; seeing the Council which met in May following, was a proper Ecclesiastical Synod ; and such as even Dr. A. himself will not allow to be one of his Attending-Convocations. Regist Mag. Wigorn, fol. 189.

On Munday after the Nativity of the Blessed Virgin, September the 11th. of the same Year, the Parliament was Assembled ; but the Convocations kept at a Great Distance from it. The One sate not till the 16th of October ; the Other was not called till after the middle of December, and sate not till the End of January following.

Anno 1347. Two Parliaments were held : One the Morrow after Hilary ; the other about Midlent. About three Months before the former of these, an Ecclesiastical Synod of the Province of Canterbury was Assembled : But for any Parliamentary Attending Convocations I am yet to seek ; Dr. A. will please to tell Us when they met.

Anno 1348. A Parliament was called to meet the Munday after Hilary, and twice Prorogued, without ever sitting. Yet a Convocation met at York in Whitsun Week ; but of any Called at any of the times that the Parliament was Summon'd, I find no mention.

Anno 1350, 1351. the Parliament sate in the Octaves of the Purification. The Convocation of Canterbury was not held till May the 2d after ; that of York, not till the 18th, of the same Month.

And now from this short View of the Convocations of this time, for about Twelve Years space ; I shall leave it to Dr. A. himself to Consider, with what little Reason he affirmed it to have by this time become the Constant Practise for Convocations to be Called with every New-Parliament, as Duly and Regularly as they are at this day. I omit any farther Enquiry into these Matters, till I come in Order of time to the Consideration of them ; and then I shall not only more fully insist upon the Years which I have now Cursorily run over, but shall take in the whole Process of these Meetings, during this, and all the following Reigns.

5. The Time of the Convocations Meeting, is the next Circumstance which comes to be Considered, and of that Dr. A. gives us this Account : 2 " The Rights, &c. Sect. 6.
" Clergy (says he) were indulged in the Form, so the Thing were but Effectually done ; which was to have them meet together with the Parliament ; by pag. 46.
" which I suppose he must mean, within the same Compass of Time that the Parliament was sitting. 3 " The Province of Canterbury usually met a little before
" that of York ; and the Parliament generally went about a Week before both ; Rights, &c.
" and this was the Usual Distance throughout Edward the Thirds, and Rich- pag. 47, 48, 75,
" ard the Seconds Reigns : " Till Henry the IVth began to Enlarge it ; in, and 258, 259, &c.
" after whose time, the Clergy held their Assemblies DURING, and NEAR the
" SESSIONS of PARLIAMENT, tho' not THOROUGHLY CONCURRENT with it. But
" this was only an Interruption of the OLD PRACTISE ; (which therefore must
" have

K. EDWARD ^{the 1st.} " have been, by this Account, to hold the *Sessions of Parliament and Convoca-*
 " *tion* THROUGHLY CONCURRENT with one another :) and was Reformed a-
 " gain about the Beginning of the Last-Age; when the *Convocations* began to
 " be *Altogether* of the same date, or but a few days before, or after, with that
 " of the *Parliament*.

This therefore I take to be Dr. A's Hypothesis as to this matter. The OLD PRACTISE was, to have the *Convocations Altogether Concurrent* with, or within a few days, of the *Parliament*. In *Edward the Third*, and *Richard the Second's* time the *Parliament* sat about a Week before the *Convocation of Canterbury*; and somewhat more before that of *York*. In *Henry the IVth*, and the following Reigns, They met during, and near the *Sessions of Parliament*, tho' not *Altogether Concurrent* with it. But this was only an *Interruption* of the *Old Practise*; which was Restored again the beginning of the last Age, and so has been continued from the time of King *Henry the VIIIth* (as he here says) of ¹ King *Henry the VIIth*, (as he elsewhere affirms) to this day.

¹ Rights, &c.
 pag. 276.

How true this Account is, as to the time of King *Edward the IIIrd*, the short Specimen of that part of his Reign to which Dr. A. himself Appeal'd, may suffice to shew. In which, to pass by the many *Parliaments* which sat without any *Convocations* at all; The *Parliament* of 1338. met at *Northampton*, July the 26th, the *Convocation of Canterbury*, October the first at *London*, that of the Other Province, about the same time at *York*. In 1340. the *Parliament* met in July; the *Convocation of York* not till December the 11th. In 1342. the *Parliament* in October, the *Convocation of York*, again in December. In 1346. the *Parliament* in August; the *Convocation of Cant.* not till October, that of *York* not till January after. In 1350. 1351. the *Parliament* in February; the *Convocation of Canterbury*, a fortnight after *Easter*: that of *York*, May the 19th, at three Months distance from one another.

So many are the Contradictions to Dr. A's Rule in this very Period, within the Compass of Eleven Years. I have already shewn that he has been no less mistaken in the times of King *Henry the VIIth*, and to the twenty fifth of King *Henry the VIIIth*, before which time there was no such Stated Union between our *Parliaments* and *Convocations*, as he pretends; and how there came to be so afterwards, I shall hereafter declare. In short; Our *Kings* were as free in this Particular, as they were in All the Others; they Called their *Convocations* at their Own Pleasure; sometimes nearer their *Parliaments*; sometimes at a greater Distance from them; as they thought most Convenient for their Affairs: Oftentimes the *Archbishops* were left to take their Own time for it; and when prescribed to by the *King's Writ*, yet (if they saw it needful) they departed from it, and fixed a different time in their *Mandate*, from what the King, by his *Writ*, had limited them unto.

Sect. 7.
² Rights, &c.
 pag. 46.

6. There is yet one Circumstance more remaining to be Considered, viz. the Business for which they met, and that Dr. A. thus declares: ² " It was for the dispatch of the same Urgent Affairs of the Kingdom, for which the *Parliament* met. And what those Urgent Affairs were, is a question that must a little be Enquired into. The *Convocations* made no Civil Laws, nor so much as Debated about them, or gave Consent to them. They treated not of Peace, or War; of Trade, or Commerce: Nay it was a long time before they made any Ecclesiastical Canons or Constitutions by their own Spiritual Authority there. What therefore were these Urgent Affairs of the Kingdom, Common to the *Convocations* with the *Parliament*, for which they met? Dr. A. must Excuse me; (for Truth is neither to be frightened by Calumny, nor to be Overborn by Noise and Clamour; and the Truth it is which I formerly Asserted, and do here again Repeat; and will Undertake to Defend against all his Arguments and Revilings) I say he must Excuse me, if I tell him, that it was to debate on the Necessities of the Government, and to agree upon Suitable Aids for the Supply of them. This was the Great End for which our Kings Summon'd them: This the Writs by which they were Called, for the most part, Expressly Declared: This our Princes constantly Demanded of them, and Recommended to them: And, lastly, This, upon Enquiry, will be found, to have been All that was Generally done by the Clergy in them.

As for Church-Affairs, they had their Provincial Synods to transact them in. There they Managed them before ever any *Convocations* were Called, and there they

they Continued to Manage them above an Hundred Years after they were EDWARD
wont to be Summon'd. the 1st.

Their *Parliamentary Petitions* were drawn up by, and presented in the Name of, the *Parliamentary*, not the *Convocational Clergy*. And these might Equally have been framed in any of their *Meetings*; and tender'd on their behalf, as commonly they were, by the *Bishops and Prelates in Parliament*.

Their *Addresses* to the King, were usually Delivered by their *Metropolitans*; and those might have been sent from a *Church-Synod*, as well, and (the Circumstance of *Money* being laid aside, as Acceptably too) as from a *Convocation*.

In short let Dr. A. turn himself into, what Forms he pleases; let him Ransack all his Stores; he will find nothing besides the *Granting of Money*, that moved our Kings either to *Countenance*, or *Call*, these *State-Convocations*. All the Other Matters that were ever done by them, were either such things for which the *Government* needed them not; or such, as might have been done, in another manner, and in some other Assemblies, as well as in these.

This then is the Difference between Dr. A. and Me with Relation to this Period of Time; upon the *Scheme* which He here lays down. Sect. 8.

1. Dr. A. tells us that in bringing the *Clergy*, by the *Premunitory Clause*, to *Parliament*, King Edward the 1st Restored only their Antient manner of coming thither: I assert, that He thereby first Obliged the *Body* of the *Lower-Clergy* to come at all to it.

2. Dr. A. tells us, that this the *Clergy* Erroneously thought to be a burden to them; and therefore Endeavoured all they could to get free from it. 'That' Rights, &c.
" this they could not accomplish in Edward the First's time, but they advanced p. 40.
" it very far in Edward the Second's, and fully settled it, in Edward the Third's
" Reign. I think the *Clergy* had Good Reason to be Apprehensive of the Trouble, and Charge of a *Parliamentary Attendance*: That they were not therefore out in their *Politics* when they desired to decline it, tho' they fail'd very much in their Duty, in the Ways which they sometimes took for the avoiding of it. That they came but Uneasily, and but in small Numbers to *Parliament*; and being come they did little or nothing there; I agree with him: But that they fully settled the *Method* of two *Convocations*, instead of one *National Assembly*, and thereby totally left off to Come to *Parliament* so Early as Edward the Third's time, that again I deny.

3. Dr. A. ² affirms that this brought up the Use of two *Parliamentary* (so Rights, &c.
He calls them) but I say, of two *Provincial Convocations*, for *State-Ends*. Dr. P. 75.
A. adds, that by meeting in these, the *Clergy* not only answered the King's Purpose, which I allow; but Obey'd his *Premunitory Summons* too: And, that 'tis in this Sense, that these *Convocations* were said, 25 H. 8. c. 19. to have been
" Always Summon'd by Authority of the King's Writs, because they met by Vertue of his *Premunientes*. This I deny to be either true *History*, or *Good Law*. Because neither did they Always meet in *Convocation* when ever the *Premunientes* was issued out; nor if they had, would they thereby have paid any *Legal Obedience* to the King's *Parliamentary Writs*; nor could they have Legally met, after that manner, by Vertue of them.

4. In Consequence hereof, Dr. A. pretends that whenever a *New-Parliament* was Called, a *Convocation* was evermore Summon'd together with it; and (after his Obliging, Modest, way) Challenges Dr. W. to prove the contrary. This I have shown in some Measure to be utterly False already; and to gratify his Desires, if not to accept his Challenge, will hereafter prove, as to any *Establish'd Custom*, or *Constant Practise*; much less as to any *Law* of our *Constitution*, throughout this whole Period, from King Edward the 1st, to King Henry the VIIIth, to be no less Erroneous.

5. Dr. A. adds, That these *Convocations*, tho' notheld at the same Place with the *Parliament*, yet met, at first, Concurrently in Time with it; afterward about a Week after it: Then at a Greater Distance, [but still within, or near the Session of it; till at last, about King Henry the Seventh's Reign, they came again to the Old Practise of Meeting Concurrently with it. This I affirm to be intirely False in Every Part of it. The *Convocations* never had any such Regular Concurrence in point of Time as he pretends: Sometimes they met with the *Parliament*: Sometimes near it: Sometimes at a Greater Distance from it: Often not at all with it: And all, as the King thought fit to Order it.

6. Lastly;

K. EDWARD
the 1st.

6. Lastly, Dr. A. affirms that the *Convocations* met for the same *Urgent Affairs* that the *Parliament* did: I say that by that *Phrase* we are chiefly, if not only, to understand, the *Granting of Aids* for the *Support of the Church and Realm*: The only way they had (besides their *Prayers and Preaching*) of supporting them. And tho' Other things were sometimes done by the *Convocation*, when met; yet this I undertake to shew, was the *Great, prevailing, and indeed Original Motive*, that Induced the *King* to the *Summoning* of them.

Whereas therefore Dr. A's *Argument* in Proof of his Pretensions, stands thus: * Those *Convocations* which Succeeded into the place of the *Parliamentary Conventions* of the *Clergy*; * Which were called by the *Premunientes*, as well as by the *Provincial Summons*; and * thereby met as constantly and duly, as every *New Parliament* was held: * Which always sate, either at the very same time, or within the time of the *Parliaments sitting*; and * Treated of the same *Affairs* of which the *Parliament* Treated; are properly *PARLIAMENTARY CONVOCATIONS*; and by our *Constitution* NECESSARY ATTENDANTS upon an *English Parliament*: But this has been the *Case* of our *Convocations*, from the time of their first *Establishment*, to the present *Reign*: He will give me leave not only to deny his *Assumption*, and thereby to destroy his *Argument*, but by proving the quite *Contrary*; to turn it against himself: That those * *Convocations* which succeeded not into the place of the *Parliamentary Assemblies*, but were held for above One Hundred Years together with them: * Which never did, nor by *Law* could have met by *Authority* of the *Premunitory Clause*; but only by virtue of the *Kings* and *Archbishop's Provincial Summons*: * Which oftentimes were not Called at all when *Parliaments* were Called, and * frequently were *Assembled* when no *Parliaments* were held: Which * never were Confined to the time of the *Parliament*, till the 25th of *King Henry the Eighth*; and then not by any *Law*, but only by the free *Prudential Choice*, and *Will* of our *Princes*; * Which never treated of any *Parliamentary Affairs*, unless upon an *Extraordinary Occasion*, when Required by the *King*, and Desired by the *Parliament*, so to do; and that very seldom, if ever at all; but met purely (as to the *King's* design) to Grant *Aids* out of their *Spiritualities* to Him; which could not be taxed by any but themselves, nor would they tax themselves in *Parliament*, but only in *Convocation*; and for the Rest, acted not as a *Parliamentary Body*, but as a meer *Ecclesiastical Assembly* of the *Province*; were no *Parliamentary Convocations*, nor can with any Reason, or Justice, be call'd *Attendants upon a Parliament*. But this I do affirm to have been the *Case* of these *Convocations*; and shall presently proceed *Historically* to confirm it from the time of *King Edward the First*, to the twenty fifth of *King Henry the Eighth*: And therefore I conclude, in the Reverse both of his *History*, and his *Position* founded thereupon; that our *Convocations* were not all this while, either any part of our *Parliaments*, or any *Necessary Attendants* upon them; neither by the *Laws* of the *Realm*; nor by the *Nature* of our *Constitution*; nor by any constant or regular *Practise* of our *Princes*; in Consequence of both, or either of those *Grounds*.

This is my *Argument* in answer to Dr. A's Pretences in this *Case*; the *Proposition* whereof being directly Opposite in every Particular, to his; must I think not only intirely destroy his *Assertion*, but he allow'd to inferr the contrary *Conclusion*: And the *Assumption* I now come to make good in my *Historical-View* of these Times.

King EDWARD the 1st.

1295.
Sect. 9.

Tho' the *Lower Clergy* were not call'd to *Parliament*, till the latter End of the Year 1295, yet it may not be amiss to take a View of the *History* of the Whole, as far as the present *Argument* is concern'd in it. If a *Minute* which I have out of the *Register of Jo. Roman*, (but do put no great value upon) be right, the Year began with a *Synod* of the *Province of York*, xi Cal. Maij, April 21. Sure we are that *Archbishop Winchelsea* Summon'd a *Council* of his *Province* to meet at the *New Temple, London*, on the *Ides of July*.¹ This was only a *Provincial Synod*: None but his² *Suffragan Bishops* were called to it; nor does it appear that any thing was done, but meer *Ecclesiastical Business* in it. About three Weeks after the *Letters* of the *Archbishop* were issued out for calling of this *Council*; the *King* sent forth his *Writs* for a *Parliament* to meet at *Westminster, August the first*.³ At which I cannot find any thing was done more than to receive, and treat with, the *Cardinals* who were sent about that time to mediate a Peace between the *Kings of England and France*; and to lay the *Grievances* of the *Realm* before them.

¹ Mat. West.
ad Ann.

² Registrum,
Winchelsea, fol.
168. b.

³ Annal. Wi-
gorn, p. 517.

In this posture were our Affairs when the King called the Lower Clergy to ^{K. EDWARD the 1st,} Parliament: The first Summons for which, was to meet at Westminster, the Sunday after St. Martin; but for the King's Convenience it was Prorogued a fortnight, till the Sunday next before the Feast of St. Andrew. To this Parliament the ¹ Clergy were Cited by the *Premunitory Clause*; *ad tractandum, ordinandum & faciendum Nobiscum & cum Cateris Prelatis & Proceribus, & aliis Incolis Regni nostri*; concerning the Business of the French War. On November the 28th, the second day of the Parliament, the King demanded of the Archbishop an Aid from the Clergy: ² The Archbishop having deliberated thereupon with them, Granted a Tenth; ³ promising withall a farther Supply the next Year, if in the mean time a Peace were not made, or at least a Truce, in Order to a Peace

With what difficulty this Grant was accepted by the King, ⁴ *Mat. Westminster* informs us: The matter was no less than twelve days in Agitation; and at last as ⁵ *Eversden* owns, it was but unwillingly received by him. ⁶ Yet they made their Own Terms, as to the Assessing and Collecting of it: And had farther Promises of Redress of Grievances from the King, which nevertheless were but little thought of afterwards.

^{ter acceptavit.} ⁶ *Ibid.* Concessa est ei à Clero Decima—ita tamen quod tam Taxatio quam Collectio per Ecclesiasticos, non Regios ministros, Ordinaretur.

The War with France going on, and the King's Necessities Calling for a farther Supply; a new Parliament was Summon'd to meet at St. Edmundsbury the third of November the next Year. In the ⁷ Writ of Summons the King put them in mind of their Promise of Assisting of Him, in the last Parliament, if the Peace or Truce were not in the mean time concluded between the King and the French, neither of which he told them was yet done: And that therefore he expected that they should now make good their Promise to Him. This was no more than the Clergy had foreseen; and by the Interest of the Archbishop with the Pope were provided against. They now plainly perceived what they were to expect: That the King having once begun to Call them to his Parliaments would go on duly to Summon them to them; And that there they must resolve to comply with his Desires, or to suffer the Effects of his Resentments, for opposing of them. To avoid this, the Archbishop of Canterbury, secretly procured a Bull from the Pope to prohibit the Clergy from Granting any Aids to their Secular Princes without his Leave; and to threaten severe Penalties to those, who should either Exact such Aids, or Comply with them being Exacted. And in the next place He consulted with his Suffragan Bishops in the Summer, to know their Sense; and thereby to be the better Prepared when they should be Called together to come to such a Resolution, as his designs required; and to be firm and Unanimous in it. This is a Circumstance which tho' not hitherto taken notice of, that I know, by any of our Historians, yet ought to be Observed; because it shews the more clearly how they came to be so stiff in Opposing the King's demands when they met in Parliament; and for the Truth of it, ⁸ I refer my self to an Authentick Instrument which sufficiently speaks it to Us.

contingeret dare promissis, unanimiter, liberaliter, & libenter; Cujus quidem Reformationi Pacis vel Initium treugarum dictus Rex Franciæ hæcenus non Consensit, &c. Cl. 24. Edw. I. dors. m. 7.

⁸ Appendix ad Ann. 1296.

What the Result of this Procedure was, I must the more carefully Consider, because ⁹ Dr. A. has been pleas'd, not only to employ a more than usual Exactness in the Relation of it; but to charge me in a Strain, peculiar to himself, for the Account which I before gave of it. Twice in my Book I had occasion to take notice of this Passage; In the Course of my History, as I shall now do; and at the Close of my Book in answer to a most Invidious Use, which the Letter to a Convocation Man had, in the Close of his Treatise, made of it. I sought not Occasion in either place to bring it in; Nor did I relate it Otherwise than I found it, in some of our best, and most Accurate Historians. I will compare my own Account with Dr. A's Reflections; and shall then submit it to the Reader to judge which of Us, after all, has made the truest, and fairest Report of it.

R. EDWARD
the 1st.

¹ Authority,
C. c. p. 232.
233.
² Rights, &c.
pag 319.

Señ. 11.
³ Authority,
C. c. p. 350.

⁴ Wals. Hist.
Angl. pag. 68.
Post hæc Rex
Angliæ profe-
sus in Angli-

am, apud S. Edmundum Parliamentum tenuit in crastino Animarum: In quo à Civitatibus & Burgis concessa est Re-
gi Octava, à populo vero Reliquo Duodecima pars Bonorum. Clerus, ob Constitutionem Bonifacii Papæ hoc. Anno Edi-
tam— Regi pro Guerra sua petenti subsidium denegavit.

⁵ Authority,
C. c. p. 350,
351.

⁶ Wals. p. 68.
Post Vocem E-
ditam supra
— quæ prohi-
bet sub pena
Excommunica-
tionis ne tallie
vel exactiones
à Clero per Sa-
culares Prin-

cipes quocunq; modo Exigantur, vel Eis solvantur de Rebus Ecclesiæ.—Pag. 69. Nam idem Archiepiscopus, de Con-
sensu Cleri, procuraverat à Papa Inhibitionem, ne quis Clericorum Regem respiceret de bonis Ecclesiæ.

⁷ Rights, &c. p. 321.

⁸ Authority,
C. c. p. 351.

⁹ Clerus quip-
pe nihil tunc
temporis illi
obtulit vel

Concessit. Quo Commotus Rex indixit eis tempus Consultandi super meliori Responso suæ Voluntati gratius acceptan-
do. Interim fecit Rex sigillari Omnia Ecclesiasticorum ostia Horreorum. Quæ dum fierent, mandavit Archiepisco-
pus Bullam Apostolicam inhibentem sub Pena Excommunicationis aliquam Collectam ex Ecclesiasticis proventus
Regi vel Cuivis alij principi concedi per Cathedralis basilicas divulgari. M. Westminst. p. 428.

¹⁰ Rights, &c.
p. 321.

¹¹ Anglia. S.
Vol. 1. p. 51.

¹² Rex autem
ut de meliori
Responso deli-
berarent nego-

tium in ALIUD PARLIAMENTUM tenendum Londoniis in Crastino, S. Hilarij distulit. Wals. p. 68.—Unde advo-
cati sunt ad ALIUD PARLIAMENTUM, Londonias in Crastino S. Hilarij ut interim cum deliberatione consimili
melius Respondeant. Knyghton, Col. 2491. So N. Trivet, p. 681. See below. Hemingsford Mf.— Cited below.— E-
versden speaking of the King, says— Clero præfigens diem ulte, iorem in Octavis S. Hilarij apud Londoniam.

In the ¹ former of the Places where I mentioned this *History*, I rather hin-
ted at some parts, then entred on any particular Account of it. I said not one
Word of a *Parliament held without the Clergy*: I made no Inference from it, not
so much as a Reflection upon what was done on either side. In short, I barely
pointed out a Circumstance or two of it; and so left it to the Other Place,
where I had an unavoidable Occasion given me to insist upon it. ² Dr. A.
therefore can hardly be Excus'd for saying that Dr. W. has "very amply and
"often, dilated upon it: Seeing that in Truth I told the Story but once; and
that without making the least Use of it to the Prejudice of the *Parliamentary*
Interests of the *Clergy*, as upon Examination it will now appear.

My Account of it is this. ³ "King Edward the First having exhausted his
Stores in the War of Scotland, and that with great Honour to Himself, and
Advantage to the Nation, called his *Parliament* to St. Edmundsbury, the Day
after *All-Souls*, and accounted his Circumstances to them. The *Laity* readi-
ly granted him a *Subsidy*, as desir'd: but the *Clergy* pretending their Fear of
the *Pope's Bull*, deny'd in any wise to assist him. For this I refer to ⁴ *Wal-*
singham, One of our most exact Historians, as Dr. A. himself Allows; and
whether I have not Reported his Sense aright, let his Words, now trans-
cribed in the Margin, shew.

⁵ "Pope Boniface the Eighth being desirous to advance the *Liberties* of the
Church, had the Year before publish'd a *Constitution*, by which he forbad the
Clergy to pay any *Taxes* to their *Prince* without the *Pope's Consent*, and Ex-
communicated as well the *Receivers* as *Payers* of such *Taxes*. This was the
Bull which those Good Men stood upon; and this that *Pope* publish'd at the
Particular Desire of Robert Winchelsea, Archbishop of Canterbury, and of
the Rest of the *Clergy* of England. For this I again refer to ⁶ *Walsingham*,
and by his Words I now desire the Reader to acquit or condemn me, for my
Relation. But indeed hitherto Dr. A. is pleas'd himself to agree with me,
and that even to the Circumstance of the *Pope's Bull*, which he says, ⁷ "the
Clergy by Archbishop Winchelsea's Means procured; forbidding them to
give any farther *Aids*, without Consent of the *Holy See*, and upon this Head
they Excused themselves in the *Parliament* held the next Year at St. Edmunds-
bury.

⁸ "The King, tho' he were sufficiently sensible of their Jugling, and dis-
pleas'd at it, nevertheless gave them time till the next *Parliament* to consi-
der what they had to do, and how to make some better and more Satisfacto-
ry Answer to him. But in the mean time, he caus'd all their Stores to be
seal'd up. And the Archbishop to be even with him, at the same time Or-
der'd this *Bull* of the *Pope* to be publish'd in all (I should have added the
Cathedral) Churches of his Province. This I related from ⁹ *M. Westmin-*
ster, I referr'd to his Authority; let his Words be considered, whether I
reported his Sense aright or no.

But ¹⁰ Dr. A. goes on, and adds, that the "Excuse of the *Clergy* not being
accepted, They referr'd themselves for their final Answer to a *Full Convo-*
cation of the Province which should be call'd by Ecclesiastical Authority; for
now they met only upon a *Lay Summons*. This indeed the ¹¹ *Fragment* of the
Chronicle of Canterbury does say, but with what Truth I cannot tell. Our other ¹²
Historians speak generally after another Manner. They tell us that, this respite was
granted

granted by the King to them; and that not for any Exception they took at the *Lay Call*; but, as I shall by and by shew, to meet again in another *Parliament*; tho' it is true withal, that the Archbishop of *Canterbury*, the better to carry on his own *Designs*, did Call (as Dr. A. styles it) a *Full Convocation* of the *Province* with it. One ¹ Ms. indeed there is, which says that this delay was granted to them by the King at the Archbishop's Request, upon this Ground, that several of his *Suffragans*, and of the *Other Clergy*, were not present there; but of their Exception against the *Lay Summons*, I have yet met with no other Instance; and therefore must beg leave to think that this was not the Point which they Principally, if at all, insisted upon.

nei sui, & alij viri Ecclesiastici multi, non essent ibi Praesentes; quos fecit Citari statim per totam Provinciam suam ut venirent ad diem praefixum apud London. Chron. Anonym. Ms. Laud. K. 84.

Of the King's sealing up the Stores and Granaries of the Clergy in the mean time, Dr. A. takes particular Notice: ² But why not a Word of the Archbishop's ordering the *Pope's Bull*, in Requital, to be publish'd throughout the *Chief Churches* of his *Province*? This I think was a Circumstance that deserv'd to have been remembred: I mentioned both in my Account; and no more dissembled what the King did, than I did the Archbishop's Procedure upon it.

But since Dr. A. will not tell this part of the Story, 'tis necessary for me to do it. The Archbishop not only caus'd, in the mean time, the *Bull* of *Pope Boniface* to be publish'd, thereby to prevent any farther Supplies to be granted from the Clergy to the King; ³ but the more to provoke Him, the Bishops at the same time, issued out their Orders to the *Collectors* of the *Half*, and *Tenth*, Granted the two Years before, on the Pretence of the same *Bull*, to forbear Collecting of those *Subsidies*, and revok'd all the *Commissions*, or *Letters* before Granted, as *Void*, and of no Effect.

neye, &c. Quia Commissiones per Nos dudum Vobis factae ad Exigendum & Colligendum in certis locis nostrae Dioceseos primo Medietatem, & postea Decimam, Beneficiorum Ecclesiasticorum a Clero nostrae Dioc. sicut alibi per Provinciam Cantuariensem communiter erat Consensum Domino Regi pro defensione Regni in Subsidium prius Concessas; Obstante statuto a SS. patre Bonifacio Divina Providentia Summo Pontifice contra hujusmodi Subsidium absq; licentia sedis Apostolicae de cetero Exigendum & Solvendum sub Certa forma nuper Editi, non debent ullas Vires habere de jure, Vobis mandamus quod dictas Commissiones inanes & vacuas Reputantes, Eorum praetextu quo ad Exactionem & Collectionem medietatis & Decimae praedict. seu illas contingentia, nihil de cetero attemptetis. Valet.

⁴ "The next *Parliament* being met at *London* the Day after *Hillary*; the King again demands a Supply of them. They persist in their Denial. And the King thereupon puts them out of his Protection: And holding his Parliament with his *Barons*, without them, an Act is pass'd by which all their Goods are confiscated to the King's Use. For this I refer to ⁵ *William's Unde Archiepiscopus cum Clero super his Consilium habuit; Et deliberatione habita propter Novam Constitutionem super hoc editam, Viam* *Thorn's Chronicle*; and to his Words I appeal for the truth of my Relation. If the Historians, whom I follow'd were of the best Note; and if I have been Exact in following of them; neither Adding any Circumstances of my Own to make the Case of the Clergy the more Invidious, nor yet disguising any of the King's Proceedings, to justify his Severity; then to the Conscience of Mankind I appeal against the Calumny of this bold, and Uncharitable Writer, that ⁶ I related this Transaction between the King and his Clergy, neither like a Good Historian, a Good Church-Man, nor a Good Englishman.

nescierunt invenire per quam sana Conscientia, Romana Curia Inconsulta, hoc facere possent; Negotio incompleto de subsidio praestando, singuli ad Propria Redierunt. Et ecce mox Edictum exiit per totum Regnum ut Omnia Temporalia Archiepiscoporum, Episcoporum, Abbatum & Religiosorum, vel quorumcunq; Clericorum ubiq; per Regnum Angliae existentia in Manus Regis caperentur. Et habito Rex PARLIAMENTO cum suis BARONIBUS, CLERO EXCLUSO, STATUTUM est ut Bona Clericorum Sententialiter abjudicaretur tanquam forisfacta, &c. Thorn. Col. 1965.

⁶ Rights, &c. p. 323.

It must indeed be confess'd that, in the Account of this last Meeting, One considerable Passage was Omitted by me, which I must therefore now take this Opportunity of mentioning; that the Archbishop of *Canterbury*, and his *Convocation*, did not only refuse to comply with the King's Demands, but pass'd an Order for solemnly publishing a Sentence of *Excommunication* against all such as should lay hands on the Goods of the Clergy, or seize them without the Consent of themselves or their *Bayliffs*. This every Bishop was commanded himself to publish in his *Cathedral Church*; And other proper Persons in

K. EDWARD the Other Churches of their *Dioceses*; which I think was not only to Refuse the *the Ist.* King's Just Demands, but to bid Defiance to his Authority; to dare him to a *Tryal*; and to put it to an Issue, whether the *Spiritual*, or *Temporal Power*, should have the better.

Señt. 12. But let us see how this more Accurate *Historian*; this Son of the Church, and True-born Englishman, mends the Matter. "On the day prefix'd, (viz. Hilary Day) the Clergy Assembled at Pauls by a Mandate from Archbishop Winchelsea; and after Eight days fruitless Debate, Separated: Upon which they were (as it should seem) prosecuted in the KING'S BENCH, and Judg'd out of the King's Protection.

That the Clergy of the Province of Canterbury met at Pauls by the Archbishop's Summons, I do agree. But I affirm withal, that the King at the same time held his Parliament at Westminster, and I hope Dr. A. will allow that those two Assemblies are by no means Inconsistent with one another. The Chron. Dunst. Chronicle of Dunstable, speaking of the Assemblies at Pauls, tells us that they consisted of the Archbishops and Clergy of both Provinces. Let Dr. A. say how came the Bishops and Clergy of York to meet there? Did they come thither by the Archbishops, or by the King's Call? For that the Elect of York Summon'd his Clergy to a Convocation at all; much less to St. Pauls London, does not yet appear; and it must be very well proved, before it will be received.

That Walsingham, and Knyghton, speak of a Parliament at Hilary, Dr. A. confesses; but he thinks there is Great Reason to suspect their Exactness: "The Eldest of them living an hundred Years after the time they Write of; whereas there is No CONTEMPORARY AUTHOR that mentions such a Parliament, or speaks of this Meeting at St. Hilary any otherwise than as a Provincial Council of the Clergy. That this could not be a Provincial Council of the Clergy is certain, because the Archbishops and Clergy of both Provinces were there. That Walsingham, and Knyghton, wrote out of Antienter Histories, the Design of the Latter in Compiling of a Polychronicon; and the Evidence of the others Transcribing, to say no more, the Annals of St. Albans, sufficiently assure Us. And Dr. A. who magnifies, and that justly, the Exactness of Walsingham, particularly in Parliamentary Concerns, elsewhere, should methinks have been more sparing of his Censures of him in such a matter here.

But will Dr. A. give me leave to tell him of some Contemporary Authors, who have said the same thing. First, then, Nich. Trivet, who by Leland's Account must have been at this time between thirty and forty Years Old, whose Father was one of King Henry the third's Judges, in the last of his Reign; speaks expressly of a Parliament at this time: And Walsingham (to justify his Integrity by the way) transcribes his very Words as to this matter. "The King delay'd this Affair (at the Parliament of St. Edmundsbury) in ALIUD PARLIAMENTUM, &c. to another Parliament, to be held at London the morrow after Hilary. In which PARLIAMENT at London after Hilary, the Clergy persisting in their Denial of a Subsidy, the King put them out of his Protection.

243. Wals. Hyp. Neustr. p. 486.

Chron. Nic. Trivet. p. 681. Ad Ann. 1296. Rex autem ut de meliori Responso deliberaret (Clerus) negotium in ALIUD PARLIAMENTUM tenendum Londoniis in Crastino S. Hilarij, distulit.

Ibid. Anno 1297. In PARLIAMENTO Londoniensi post festum S. Hilarij, &c.

Walt. Hemingford is another Contemporary Author. He lived says Leland in the time of King Henry the Third, and his Son King Edward the First. And in the 9 Ms. History of this King, speaking of their Refusing the King a Subsidy at St. Edmundsbury, he adds "Unde adjornati sunt ad Aliud Parliamentum, London, in Crastino S. Hilarij: That they were thereupon adjourned to ANOTHER PARLIAMENT at London, the morrow after Hilary. From this History of Walt. Hemingford, (to add that in defence of the other Historian so injuriously Reflected on by Dr. Atterbury) Knyghton took his Relation. Their Words agree; and, the difference is so very small, that one may Confidently say, that Knyghton either followed Hemingford, or some other Chronicler who had transcribed this Passage from him.

Would Dr. A. have yet more; I will then give him the Account of this matter from Another Author, who appears to have seen the Original Acts of this Assembly. His account of this Meeting is this. That the Archbishop and his Clergy, consulting apart at St. Pauls, according to his Summons, sent their Refusal

Chr. Anonym. Ms. in Bibl. Bodleian. Oxon. inter Mss. Laud. K. 84. Vid. Appen. ad An.

Refusal to the King in a Letter which the Reader will find at Large in the *K. EDWARD the 1st.*
Appendix. This Letter being brought to the King, and read before his Lords, and Council, he was greatly moved, and all the *Militia* with him. "Whereupon calling together the Chief of his Council, He demanded of them, how he should Revenge himself upon the *Ecclesiasticks*. They answered that he should Summon his *Earls, Barons, Milites*, and other his Leige-men, to his *PARLIAMENT* in some certain Place, shutting out the *Clergy* altogether from it, and then proceed as they should advise him. This the King promised to do notwithstanding any *Interdict*, or *Papal Mandate*, to the contrary. Hence the *Laity* only were called to *New Sarum* on the day of *St. Matthias*. In the mean time an *Edict* went out from the King that all their *Chattles* and *Tenements*, that were of *Lay-Fee*, should be taken into the King's Hands. The Officers employ'd upon this, did much worse than the King had Order'd. Yet no one durst complain of their Extortions, because the King had put them out of his *Protection*; Ordering that no *Brief* should go out of his *Court* at their *Motion*, saying that they were *Perjured*, and *Faithless* to Him and his Kingdom, who had done *Homage*, and *sworn Fealty* to him; and yet now in the very *Article* of his *Necessity*, and the no small Danger of the whole Land, had forsaken him. One only Remedy he offer'd, if before the Day of his *Parliament*, any of the *Clergy* would secure him a fifth of their Goods, they should have his *Protection*. *Annal. Wi-gorn. p. 520. After the Brief for seizing the Goods of the Clergy, it follows, 'Et in Aula Regis Jo. de Meringham publice Proclamavit, ne quis Causas in Curia Regis Religiosorum defenderet, vel Clericorum.—Et quod Religiosi & Clerici fuerunt extra pacem & defensionem Regiam pronuntiavit: Et quod nullum Breve transgressione de Cancellaria exiret pro Religioso, vel Clerico qualicumque; quocumque modo Gravati fuerint contra pacem.* All this as Judge of the *Common-Pleas*, he had no Power judicially to do: But he was Order'd to Proclaim this; to Pronounce that they were put out of the King's *Protection*; that no *Writ* should go out of the *Chancery* for them. He declared what was done; but gave no Sentence, as a Judge, upon the Cause in this matter.

From what has been offer'd, I will now venture to affirm against Dr. A. that a *Parliament* as well as a *Convocation* was held at *Hilary*: That this Procedure of the King against the *Clergy*, was then Order'd by the advice of his *Great Men*; who both Consented to what was done, and Agreed how the King should further Proceed with them. But I must beg leave to pursue this History a little farther; and to beseech Dr. A. to let us know how he was inform'd that the King upon the Refusal of the *Clergy* to Grant him an Aid prosecuted them in the *KING'S BENCH*? Upon what he founded his *Action*? And by what *Law* they were adjudged, in that *Court of Law*, to have incurr'd an *Out-Lawry*? And since he falls so severely upon me for mistaking (as I did) the *Court of Sir Roger Brabazon*; who was, as he rightly Corrects me, *Chief Justice* at that time of the *King's Bench*; how *Jo. de Mettingham*, *Chief Justice* of the *Common-pleas*, came to pass Sentence upon them out of his own *Court*, in the *King's Bench*; where Dr. A. (I suppose forgetting himself) says they were *Prosecuted*, and judged out of the *King's Protection*?

Let me add, one thing more; It cannot be unobserved by any one who has Read Dr. A's Book, in what Danger all Men are of being either Fools, or Knaves, who oppose his Notions. I have done some Service to two Good Authors in this Case already, who fell under his Censure for no other Reason in the World but because he had no mind to have it thought that there should have been any *Parliament* sitting at *Hilary* this Year; but that the *Clergy* should have been Arbitrarily put out of the *King's Protection* without any Judgement at all; or at most by an Illegal Sentence in the *King's Bench*. He now Resolves that the Judge who made this Declaration at *Westminster* against (them, tho' in pursuance of a *Parliamentary Sentence* of the *Baronage* in that Particular,) shall, at a Venture, have been a very ill Man, and therein have done a very Wicked Thing. Let those who gave this Sentence in *Parliament*, answer for the Justice of it: I neither Condemn nor Excuse them in it. But for an *Inferiour Judge* to declare what that *Court* had made *Law*, I have before shewn is no Crime, nor was his Declaration any thing more than a *Publication* in *Court* of what had been elsewhere done, and of the Incapacity which it put the *Clergy* under. And for the Man, he has an *Illustrious*, standing, Testimony given to his Worth in our History. I will set it down in the Words of a late Eminent Writer of that *Robe*:

K. EDWARD ^{the 1st.} " At this Parliament of this Noble King Edward the 1st. in the Eighteenth Year of his Reign, another kind of Jews were severely punish'd, viz. the Judges of the King's Bench, and of the Common-Pleas, the Barons of the Exchequer, and the Justices Itinerant, except Two, whom for their Honour we will name (in Memoria eterna erit Justus) viz. Sir. Jo. of Mettingham, chief Justice of the Common-pleas, and Elias de Bekingham, One of his Companions, Qui positi fuerunt in fornace & prodierunt Aurum. For they had dealt Uprightly in their Places, and had never stain'd their Hands with sordid Bribery. A Man who deserved this Testimony, and bore such a Tryal, but Six Years before, One would hope should not have Violated his Integrity on such an Occasion as this. Let Dr. Atterbury now shew how he proves him to have been that ² Wicked, and Unjust Judge, that, without any Reason, but meerly in pursuit of his Own immoderate Resentments, He here (as much as in him lies) brands him to Posterity, to have been. If he cannot, let him fear least by his Rash Characters of Worthy, and Innocent Persons, he, in the End, gives Occasion to all Good and Charitable Men, to fear that they belong more truly to himself.

¹ Lord Coke, 2d. Institute, fol. 508. In Stat. de Judaismo.

² Rights, &c. p. 327, 328, 330.

¹ M. West. ad Ann. 1294.

Sect. 14. ⁴ Rights, &c. p. 322.

⁵ Mf. Laud.

⁶ Ibid.

There was, indeed, a Clergy-man of that Time, who was at the head of most of these Transactions, and whom Dr. A. therefore, had he known it, might with more Colour of Reason have vented his Anger upon; William de March, Bishop of Bath and Wells, and Lord Treasurer of England. It was by his Order and Advice, that the Scrutiny was made which gave so much Offence two Years before, into all the Treasures of all the Churches of the Realm. This was the beginning of those Troubles which afterwards ensued, and seems to have given birth to that Bull of Pope Boniface, on which they were founded. Winchelsea was then at Rome, and in great Reputation with the Pope: He was Consecrated Archbishop of Canterbury there, but two Months after; and at that time seems to have settled this Matter with that Court. And this Bishop for his Zeal in these Matters to serve his Master, is with Bitterness reflected upon by ³ Mat. Westminster, an Historian of no small Reputation in our Affairs. Here therefore was a Person, and a Bishop too, upon whom Our Author might have let loose his Passions with some Appearance of Justice. He might have Quoted Mat. Westminster for his Text; and have Commented at Pleasure upon it, till He had even wearied himself with his Own Rudeness, and Ill-Nature. But for Jo. de Mettingham, he is One whom no Historian, that I know of, gives any Ill-Character of, besides himself; and better Authors, as I have now shewn, speak more Justly and Honourably of him.

But let us proceed with him in his Account of what Remains of this Great Transaction. ⁴ " While they were under this Out-lawry, the King called his Lay-Nobles to Sarum, and there held a Council, Excluse Clero; at which High Words arose, and Great Heats happened between him and his Barons. To let alone what pass'd, not between the King and his Barons, but between Him and a party of his Discontented Lords; What was there done at this Parliament, with Respect to the Clergy? My ⁵ Author says, that this Law either was, or was pretended to be made there, " per ipsum Regem, Militia non Contradicente; that either the Clergy should make their Peace with the King within a certain time to be limited by the Barons and Militia; that is to say, before Easter; or they should lose all that was now seized by the King; and that it should not be Lawful for any one from thenceforth to have any Common Dealings with them. Upon which a great many began to make their Peace with Him.

⁶ " The Archbishop of Canterbury hearing of these severe Proceedings, went Personally to the King to Sarum; having first Order'd another Council of his Clergy to meet at London, upon Midlent-Sunday: And in the mean time publish'd a Sentence of Excommunication against all the Violators of the Ecclesiastical Liberty, and against such as in Contempt of the Pope's Constitution should seek by unlawful means to preserve themselves; in Opposition to which the King publish'd his Prohibition, dat. Febr. 27. Upon the 7th of March the Archbishop came to Salisbury, and found the King at Mass in the Cathedral Church there. The King Received him with great Respect, and the next Day gave him a Private Audience, with leave to say what he would to him. The Archbishop spake without Interruption, and the King

King patiently heard him : After which he told him, that if the Pope himself, like the Archbishop, had Temporal Possessions in England, he might Lawfully take of them, for the Defence of his Realm, and the Church of England : Adding that this was a Cause in which he could dare to die, and that he thought he did nothing Unlawful in it ; so great was the Necessity that lay both upon himself and the Kingdom.

The Archbishop Replied, that he did not see that the Necessity was so Great, as to Excuse them from the Danger of the Pope's Constitution, if they should give any thing to him. And then proposed, that the Matter should be stated to the Pope, and his answer expected to it. The King told him that that Way had not before been proposed ; and thereupon agreed that they would on both sides Consider what was safest to be done. But because the Archbishop would come to no Conclusion before the meeting of his Synod, it was Resolved, that the King should send some of his Council to it, to deliberate about that, or any Other way, that God should suggest to them, with the Prelates and Clergy there. In the mean time, he desired the King to Suspend his Rigor against the Clergy, which the King promised to do.

And now the Great Expectation was, what Resolutions the Clergy would take in their Convocation, to make up this unhappy, and dangerous, Breach. The Project of Accommodation which the King set on Foot, the Chronicle of Dunstable tells Us was this ; that the Clergy should not Grant him an Aid ; but pay a Fine to Him, for their Contumacy, and to Redeem their Liberty. In this Convocation, some undertook to defend the Lawfulness of the Clergies Assisting the King, notwithstanding the Pope's Prohibition. And a Motion was made (and a debate held upon it) that the Bishops in their Respective Bishopricks should gather and lay by a fifth of their Revenues, and keep it in a safe Place, so that the King's Officers should not meddle with it ; only for the Defence of the Realm of England. But the Archbishop stood to his Point, and so the Assembly brake up without doing of any thing for the King's Satisfaction.

Thus (says Dr. A.) the matter Rested till the Counts and Barons came in Openly to their Quarrel as they did in a Parliament that Year at Lincoln. I shall not blame Dr. A. for alledging the History of this Parliament, because he has a Contemporary Author to justify him in it. But his Author was certainly out both in the Place, and in the Time, of this Parliament. By Letters dated at London the 15th, and 24th of May, it appears that the King ordered All the Landed-Men of the Realm, who had Lands above a Certain Value, to be at London, the Sunday next after the Octaves of St. John Baptist ; prepared to pass over the Sea with him. The first of August following He held his Parliament at London : In order whereunto, He the day before Received the Clergy into his Favour, as he had done the Archbishop a fortnight before. Here therefore was no room for Eversden's Parliament at Lincoln on the Octaves of St. John Baptist, at which time the King was not only himself at London, but Summon'd all his Military Tenants to Attend him there. What Demands were made in this Parliament in August, I cannot tell ; but Dr. A. speaks a little too largely, even for his Own Historian, when he says that the Counts and Barons in this Parliament came in openly to the Quarrel of the Clergy. All that Eversden himself says is but this ; " That the King demanding a large Supply, a difference arose between Him, and Some of the LORDS and BARONS : The Earl of Hereford, and Earl Marshal, with their Faction, who had before begun to Oppose him, taking this Occasion to Raise a new Disturbance against Him.

But however these Counts, and Barons, might here Quarrel with the King themselves, yet they could not come into the Quarrel with the Clergy : For the King was before this Reconciled to them ; and the Archbishop began to come into his Interests : So that Dr. A. and his Author must be either way mistaken ; For at Lincoln there was no such Parliament in July, as Eversden talks of ; and in August, when the Parliament did indeed sit, the King and Clergy were Reconciled to One Another ; so that the Counts and Barons had no Opportunity of coming in to their Quarrel there.

But it is no wonder if Eversden (no where very Exact in his Accounts) who in the famous Meeting of 1294, Mistook Michaelmas for Matthew : And in this very Year placed the Convocation which Assembled upon St. Lau-

K. EDWARD
the 1st.

Sect. 15.
Ist Eversden. ad
Ann. 1297.
Rex indixit
Parlamentum
apud Lincoln
in Octav. S.
Jo. Baptist,
pre-
ced. Dr. Brady's
Hist. Vol. II.
Append.
Num. 27. 28.
comp. n. 31.
Regist. Gif-
ford Wig. fol.
396.
Wals. p. 486.
Brady's Hist.
2 Vol. Ap-
pend. Num.
29. 30.
In quo orta
est dissensio
inter ipsum
(Sc. Regem)
& QUOS-
DAM CO-
MITES &
BARONES
Regni. Evers-
den, ad Ann.
1297.
Regist.
Winchell.
Arch. Cant.
fol. 218. b.
rence

K. EDWARD ^{the 1st.} *rence day, on the Sunday following it; Erred also in his Account of this Parliament. In that Convocation the Archbishop seemed inclined to favour the King's Demands: But the Prelates thought it not safe to do any thing without the Pope's Consent; nor to Grant by themselves, in a matter of such a Publick Concern, till they saw whether the Laity would join with them. Yet this they did after Michaelmas; and which is wonderful, ¹ Solemnly justified their doing of that without the Pope's Consent then, for denying of which they had thrown themselves, and the whole Church, into so much Trouble and Confusion before: When meeting first in a Great Council, and then in a Parliament, the King confirm'd their Charters, and made such Additions to them as they desired; and the People thereupon Granted a Supply to him, the Laity the Ninth Penny, the Clergy of Canterbury, ² the Tenth; and those of York ³ the Fifth. For this the ⁴ Parliament met October the 7th. ⁵ The Convocation of Canterbury, November the 26th; and ⁶ that of York, November the 29th. The Mandate for this last Congregation is very Remarkable: It shews where the Pretence of Conscience in the Archbishop of Canterbury, and the Clergy of his side lay, and that it was not their Regard to the Pope's Bull, but to their Own Designs, that made them refuse a Subsidy to the King, till they had forced him to Grant what they desired of him. And for this I refer to the Instrument its self, which I have therefore given a Copy of in the Appendix.*

¹ Regist. Giffard. Wig. fol. 419, 420. Append. Ann. 1297.
² Mandat. de Colligend. Xma. Regist. Winchel. fol. 230. b.
³ Walsingh. p. 74. & 488. Knyghton Col. 2522. Hemingford, Ms. ad Ann. 1297.
⁴ See Dr. Brady's Introduction. Append. p. 28. Wals. p. 73.
⁵ Regist. Winchelsea, fol. 225. a.
⁶ Regist. Hen. Newark fol. 2. See the Appendix. ad Ann. 1297.

And now, let Dr. A. say; Wherein have I made any such Misrepresentation, as he pretends of this matter? Or in what Circumstance almost has he offer'd to Correct my Account, in which he has not been proved to have been Himself apparently mistaken? How the *Clergies Parliamentary Rights* should suffer by this Procedure I cannot tell. I am sure I was so far from having any Design in my Report of this Passage, against them, that I never thought it did at all Affect them. It was an Extraordinary Case; and I pretend no more to Justify all that the King did, than Dr. A. will, at last, undertake to Excuse some things that the Clergy did in it. In the mean time, that here was a plain Contrivance between the Pope, and Them, to delude the King, is Evident. Our Writers have freely Own'd it, and that without the Censure of any, but the Papal Party, that I know of. And the ⁷ Clergy of France, took Other Measures; and so managed Matters with the Pope, as not to give any just Cause of Offence to their Prince. And their Own Proceeding in the latter *Convocations* of this Year, sufficiently shews, that they might have complied with what the King desired, much sooner, had they been willing any sooner to do it.

In the mean time, what the King did in this Case, was plainly with the Advice and Authority of his Parliament. This is clear against all Dr. A's new Relations: And 'tis as plain that his Necessity forced him to it, as both Himself constantly profess'd, and his Circumstances sufficiently shew.

Seft. 16.

But Dr. A. has one stroke more, and then we have done with this long Narrative: 'Tis a parting Remark, and is Worthy our Notice. "For (says he, speaking of the Parliament at Sarum) it must be Remembred that this was not only *Excluso Clero*, but *Excluso Populo* too. This is strange News. What did the King hold his Parliament without either Clergy or Laity? Neither *Clerus*, nor *Populus* there? But because this is not his meaning (tho' it be the true meaning of his Words) He will give me leave to tell him, in answer to what I guess was his Intention, that 'tis One thing not to Call the Commons (a part of the People, but newly brought to Parliament, and that for matters of Aid, not for Sentences of Judgement) and another to exclude, or shut out, the Bishops and Prelates; the Antient, standing Members, of our Great Councils; who had a Right of being present in all such Judicial Proceedings. Parliaments in those times, had often been held without either the Lower Clergy or Commons: They were not Called, but neither were they Excluded. But here the whole Body of the Clergy, Bishops and Prelates, as well as those of an Inferiour Rank, were purposely laid aside, whilst the Lay Barons, and the King's Council only were Summon'd to Parliament; how justly or legally I am not concerned to determine.

Seft. 17.
1298.
⁸ Hemingf. Ms. Comp. Knyghton, Col. 2524.

Having thus consider'd, and I hope effectually Answer'd Dr. A's Exceptions, against my Account of this Transaction, I Return to the Series of my History from which I have been led. On the ⁸ Octaves of Hilary 1297 A Parliament Was

was held by the King's Command at York, to which the Scots, now in Arms, were Summon'd. The beginning of the next Year, a Great Council was called to Westminster, on ¹ Palm Sunday, March the 30th. And Eleven Days after a Parliament Summon'd, which Eversden says met at York, June the 2d. the morrow after Trinity; ² where the King promising to observe the Charters, all Parties were Reconciled to one Another.

How the Convocations of the other Province answer'd the Civil Councils of this Year, I cannot certainly tell. In Our Province, at the King's Desire, a Convocation was held June the 25th, about three Weeks after the Parliament at York. Hither the King sent the Prince his Son; with four Requests to the Clergy. What Answer the Convocation made to them, my ⁴ Author says not: but tells us that some of the Court Clerks mixing themselves with the Convocation Clergy, the Archbishop drove them out; and then treated of some Secret Affairs, which before the time appointed were not to be known by any.

piscopus tenuit Concilium Londoniis, ubi accessit filius Regis sub Patris nomine à Clero Quatuor Petitiones Postulatus — Affuerunt interea quidam Aulici Clerici volentes elatâ fronte Arcanis Eorum se immiscere tractatibus, quos Archiepiscopus sub Excommunicationis interminatione expulit de Synodo. Tractabantur autem ibi quedam Secretiora Negotia, quæ usq; ad diem præfinitum ad Aures Communes pervenire non poterant. So Eversden: But Others Refer this to the Convocation after All Souls, the next Year. Angl. S. Vol. I p. 524.

On February the 26th. New Writs went out to Call a Parliament at Westminster, the ⁵ first Sunday in Lent: ⁶ Where adding of that Circumstance to his Confirmation of the Charters, Salvo jure Corona sue, the King again Renew'd the discontents of his Barons. This Eversden places in Midlent; (but Erroneously) and, by a like mistake, says, that the King to avoid the Confirmation of the Charters withdrew from the Parliament; and that nevertheless it was there agreed, as it had before been Resolved by the Archbishop in Convocation, that a Sentence of Excommunication should be published against all the Infringers of them; and be Solemnly Repeated twice every Year.

With this Parliament no Convocation, as far as I can find, met in Either Province. The beginning of the next Year ⁷ the Parliament was Assembled Fifteen Days after Easter; May the 3d. ⁸ where the King coming heartily into the Confirmation of the Charters, Reconciled the Minds of his Lords to him. To say nothing of the ⁹ Great Council called to London on St. Luke's Day the same Year: That another Parliament was held on St. Martin's Day, November the 11th, at York; our ¹⁰ Historians tell us. After which on ¹¹ the 29th of December, other Writs were issued out for a Third Parliament to assemble the Second Sunday in Lent, March the 14th, at London; as accordingly it did, and sat three Weeks. ¹² Here the King again Confirmed his Own Confirmation of the Charters, to the Great Satisfaction of his People.

Such were the Parliaments of this Year: As for the Convocations, I find only one, in the Province of Canterbury, and none in that of York. ¹³ The Clergy of our Province met at the New Temple London, the Second Court-day after All Souls. To this Convocation the ¹⁴ Annals of Worcester Refer that Secret Debate of the Archbishop and his Clergy, which Eversden applied to the Assembly of the foregoing Year; and add, that the Clergy were obliged under the Sentence of the Greater Excommunication, not to declare the Subject of it to any. There is this Presumption that these Annals are in the Right; that the Archbishop having Order'd the Bishop of London by his Mandate dated September the 25th. to Summon this Convocation, "pro quibusdam Negotiis arduis in sede Apostolica promovendis; ¹⁵ by Second Letters dated a Month after, October the 28th, order'd this farther Intimation to be added, peculiar to this Convocation; "pro Relevandis Necessitatibus Eccles. Prov. Cant. variis subjecta periculis hiis diebus, & ipsius utilitatibus Promovendis. A Clause of an Extraordinary Nature; and which shews that the Archbishop had some particular Design to carry on in that Convocation; which might cause the Secrecy of which the Worcester Annals (a History more to be rely'd upon by much than Eversden's) speak.

¹⁵ Regist. Winchelsea, fol. 139. a.

We are told by Eversden that after Whitsuntide, in the Year next following, (Anno 1300.) the King held his Parliament at York, and that there his Barons for some time Opposed their Attendance upon him into Scotland; alleging that they owed him no Services there. But this I believe is a Mistake, like

K. EDWARD the 1st.

¹ Claus. 26. E.

¹ d. 12. apud

Prynne Regist.

² Vol. p. 52.

³ Vid. Angl.

S. Vol. 1. p.

522. Wall. p.

489. N. Trivet.

vet. p. 695.

³ Regist. Win-

chelsea, fol.

242.

⁴ Eversden,

Ms. Archie-

piscopus tenuit Concilium Londoniis, ubi accessit filius Regis sub Patris nomine à Clero Quatuor Petitiones Postulatus — Affuerunt interea quidam Aulici Clerici volentes elatâ fronte Arcanis Eorum se immiscere tractatibus, quos Archiepiscopus sub Excommunicationis interminatione expulit de Synodo. Tractabantur autem ibi quedam Secretiora Negotia, quæ usq; ad diem præfinitum ad Aures Communes pervenire non poterant. So Eversden: But Others Refer this to the Convocation after All Souls, the next Year. Angl. S. Vol. I p. 524.

⁵ Vid. Dugd.

Summonit.

p. 22.

⁶ Hemingsford.

Hist. Ms. E. 1.

N. Trivet. p.

701. Wall. p.

76. 490.

⁷ Dugd. Sum-

monit. Parl.

p. 24.

⁸ Eversden.

ad Ann. 1299.

Trivet. p. 701.

⁹ Dugd. Sum-

monit. Parl.

p. 26.

¹⁰ Wall. Hem-

ingsford. Ms.

In festo S.

Martini in

Hyeme tenu-

it Rex Parlia-

mentum fu-

um apud Ebo-

racum. Wall.

p. 77.

¹¹ Dugd. Sum-

monit. Parl.

p. 26.

¹² Wall. p.

490. Angl. S.

Vol. I. p. 524.

N. Trivet.

p. 702. Hem-

ingsford Ms.

ad Ann.

¹³ Regist.

Winchelsea,

fol. 131. b.

¹⁴ Angl. S.

Vol. I. p. 524.

1300.

K. EDWARD
the 1st.

¹ Dr. Brady's
Hist. Vol. II.
p. 68.

² Dugd. Summ.
Parl. p. 30.

Comp. Mat.
Westminster ad
Ann. N. Tri-
vet. p. 705.

³ Dr. Brady's
Hist. Vol. II.
p. 71. Dugd.

Summonit. p.
31.

⁴ Mat. Westm.
ad Ann.

⁵ Hemingsford,
Ms. ad Ann.

1300. N. Tri-
vet. p. 703.

Wals. p. 80.

⁶ Prymne's Re-
cords, Vol. III.
p. 350.

⁷ Lib. Memo-
rand. Jo. Dal-
derby Linc.
fol. 9.

Seft. 19.

1301.
⁸ N. Trivet. p.

716.

⁹ Prymne's Re-
cords, Vol. III.

p. 921. Annal.
Wigorn. p. 527.

1302.
¹⁰ Hemingsf. Ms.

M. Westm. ad
Ann. 1302.

¹¹ Dugd. Sum-
mon. p. 41. 42.

¹² Dugd. Ibid.
p. 38. Mar.

Westminster, p.
445.

¹³ Regist.
Winchelsea.

fol. 147. a.

¹⁴ Reg. Winch.
fol. 148. b.

¹⁵ Ib. fol. 335. b.

Seft. 20.
1304.

¹⁶ Dugd. Sum-
mon. ad Parl.
p. 43. 46.

like many others, of that Historian ; and that the Truth of the Case was this. ¹ The King by his Writs order'd three *Knights* to be chosen out of every County, to meet him at *York* the day after the *Ascension* ; there to receive Instructions about putting in Execution what had been Ordain'd concerning the *two Charters*. This Meeting I suppose, *Eversden* calls a *Parliament* : and puts it a little after, instead of a little before, *Whitsuntide*.

He is more in the Right in his next *Parliament*, which he says met at *Lincoln* upon *Hilary Day* after ; tho' neither is he there Exact. For as *Mat. Westminster* tells us, and the ² King's *Writ* shews, it met not on *Hilary Day*, but eight days after ; and fate to the End of the Month. To this *Parliament*, the *Lower Clergy* were not (generally) Summon'd : The *Præmunitory Clause* was Omitted ; and only such of them Called by *Particular Writs*, as the King thought fit to send for to it.

³ Here that Famous Letter was drawn up, which the King directed to the Pope in Vindication of his Right to the *Realm of Scotland* : The *Charters* were Confirmed ; and a *Fifteenth* Granted to the King by the Laity for it. ⁴ But the *Archbishop of Canterbury* would not Grant any thing for the Clergy without the Consent of the Pope. This *Eversden* Refers to another *Parliament* which met at *Stamford* the *Midlent* before, contrary to the General Report of our Other Historians ; who in this nevertheless agree with him, ⁵ that there was a *Parliament* held there, and that the *Barons* came Arm'd to it, and thereby obliged the King to a final Confirmation of the *Charter of the Forrests* to them. But ⁶ the time of that *Parliament*, if I mistake not, was after *Easter*, in the beginning of this Year ; as by a *Writ* dated there *May the 2d*, may reasonably be supposed.

It is plain then that two *Parliaments*, at least, were held this Year ; and to one of them the Clergy were not Summon'd ; whether they were to the Other I cannot tell. Yet in all this Year I do not find any *Convocation* called to Attend, as the Modern Phrase is, upon either of these Great Assemblies. On the ⁷ thirteenth of *June* the *Archbishop*, with the *Bishops of Sarum, Rochester, and Lincoln*, who the day before had been Consecrated there, held a kind of *Provincial Synod*, at *Canterbury*, the other *Bishops of the Province* having sent their *Proctors* thither : And some Orders were made concerning the Admission of the *Preaching Fryars* to make *Sermons*, and hear *Confessions* ; and about the *Cloystering of Nuns*. But this was a proper *Ecclesiastical Assembly* ; which being met for the Consecration of the *Bishop of Lincoln*, the *Archbishop* took the Occasion to hold a *Synod* with his *Suffragans* and their *Proctors*, and there to agree upon their Orders as to these Matters.

In the next Year 1301. ⁸ I can meet with but One *Parliament* ; held at *London* about the middle of *Lent*. That any *Convocation* fate this Year, does not yet appear to me, and the King having now Running the half of a *Triennial* *Disme* Granted by the Pope to him, ⁹ besides the *Fifteenth of the Temporalities* of the Clergy, given with that of the Laity the Year before, I do believe there was none Called at all.

Anno 1302. The King held his ¹⁰ *Parliament* on the *Octaves of St. Jo. Bapt.* *July the 1st*. I call it a ¹¹ *Parliament* by the Authority of the next *Writ of Summons* which was issued out in pursuance of this, tho' there be no *Præmunientes* in it for the *Lower Clergy*, nor does it appear that the *Commons* were called to it. This Second *Parliament* was Summon'd to meet on *Michaelmas day* : but by ¹² a New *Writ*, dated *September the 13th*, was Prorogued to the Morrow after *St. Edward*, *October the 14th*. A little before the former of these a *Convocation* was held, ¹³ the Morrow after *Ascension*, *June the 8th*. But tho' another *Convocation* met after the latter, yet was it at a Great Distance from it, the ¹⁴ *Munday after St. Nicholas day*, *December the 10th*, before which time we may be Confident the *Parliament* was Risen.

In this latter *Convocation* the Clergy seem willing to have Granted a *Subsidy* to the King, but would not do it without the Pope's leave. By ¹⁵ Letters therefore dated 12 *Kal. Januarij*, they sent a *Proctor* to obtain this Licence, for them, the Result of which I can give no certain Account of.

Having no Instance either of *Parliament* or *Convocation* the next Year, I go on to 1304. In which a *Parliament* was call'd to meet on ¹⁶ *Tuesday the Quindene of the Purification* ; but by Prorogation before it Assembled was put off to

to the Sunday after *Matthias*, *March* the 2d. How Sir William Dugdal came to K. EDWARD
Omit the *Premunitory Clause* in these two *Writs*, I cannot tell. In the former the 1st.
of them it is expressly entred upon the *Clause Rolls*; but of that He has given
us no Copy to a *Bishop*. And we are sure it must have been inserted into, be-
cause we find it to have been Executed by the Archbishops and Bishops, in the
latter: both the 2 Executions of it and the Returns upon it, remain upon
Record; and put this matter out of doubt.

Claus. 32.
Edw. I. m. 2.
Dors.
Regist. Henr.
Prior. fol. 103.

Regist. Mag-
num Wigorn.
fol. 23.
See the Ap-
pendix, ad
Ann. 1304.

The Forms of these 3 *Procuratoria* are Observable: Those of the Church of
Worcester were directed to the King, by whose Writ they were Summon'd.
That of the Clergy of *Lincoln*, tho' not directed to him, yet expressly take No-
tice of appearing in his *Parliament*, and Treating with the *Prelates*, *Lords*,
and *Proctors* of the Clergy, about the *Affairs* of the *Realm* there. And the *Prior*
and *Chapter* of *Worcester* having each of them distinctly given a *Proxy* of the
former kind, afterwards join'd together in One *Common Proxy* of the latter
Form; and by all these shew that as they were here Summon'd by a *Civil Call*
to meet in the *Parliament* of the *Kingdom*, and to *Treat* with the *Laity* to be
Assembled there; so they did Obey, and meet accordingly.

The *Archbishop* of *Canterbury* indeed, in the 4 Execution of the former of these 4 *Regist. Henr.*
Writs acted after a Singular manner. He Recited not the Words (as the *Prior. Cant.*
5 *Bishop* of *Lincoln* did) but only the Substance of it; and then "Required *fol. 103.*
" his Clergy to appear before himself at *Lambeth* the Sunday before, to treat *Lib. Memo-*
" with him of such things as Related to the State of the Church, and to do *rand. Jo. Dal-*
" farther with Him in the said *Parliament*, as the Orders of the Holy Canons *derby, fol. 78.*
" permitted. 6 *Dr. A.* (an Author who never fails to improve a Good 6 *Rights, &c.*
Hint) takes Notice of this, as a Method " made use of by the *Archbishop*, of p. 252.

" *salving in some measure the (Pretended) Priviledges of the Clergy*, without
disobeying the King. But he is not content to take the matter as he found it;
No, he will add much more from Conjecture, than he could Recover from Hi-
story; and therefore supposes that He not only Summon'd, after this manner,
the Clergy of his Own *Diocese*, but the Rest of the Province, by the *Bishop* of *Lon-*
don. Had any such thing been done by him, we should certainly have had
some Account of it. The Registers of *Canterbury*, *Lincoln*, and *Worcester*,
which have preserved the Executions and Proxies of this *Parliament*, would hard-
ly have fail'd to have preserved much more Carefully the Memory of such a
PROVINCIAL CONVOCATION as this, in that Case, would have been. But so
far was the *Archbishop* from doing any such thing, that the same *Parliament*
being Prorogued, as I have said, to the Sunday after *St. Matthias*, in his Ex-
ecution of the *Premunientes* for that day He Required no such Previous meet-
ing of those of his Own *Diocese*; but left them to send their *Proctors* directly
to *Parliament*, without taking *Lambeth* in their way to *Westminster*; as the
7 Form of their *Procurations*, in the very Register to which he Refers would
have shewn Him, had he been willing to be Inform'd.

Regist. Henr.
Prior. fol. 103.

But indeed *Dr. A.* ought to be Excused for this Conjecture. He could find
no Convocation to attend upon this *Parliament*, unless he could thus form One
out of the Execution of the *Premunitory Summons*. And such a One would
have been of Singular Advantage to his Cause: He resolved therefore to
try how a Happy Conjecture would take; and so Called this Convocation,
by meer dint of Fancy, four Hundred Years after, to Attend upon the *Par-*
liament, which the *Archbishop*, high as he was for the Rights of the Church,
never thought of doing.

The next Year following a 8 *Parliament* (so the *Writs* call it) was Sum-
mon'd to meet at *Westminster* upon the Assumption of the Blessed Virgin, August
the 15th, and from thence Prorogued to the Octaves of the Nativity, Septem-
ber the 15th. There was at this time no *Archbishop* of *York*, and the 9 *Arch-*
bishop of *Canterbury*, was under Suspension, and absent on his Way to *Rome*.
And we may therefore securely conclude, that as we have no Account of
any Convocation called this Year, so neither was any held. The same was the
Case of the Years following. The King call'd his *Parliament* to meet at *Carlisle*
on the Octaves of Hilary, 1306. 10 He Summon'd the Clergy by the *Premunito-*
ry Clause thither: and they Attended upon him from both Provinces there.

Sect. 21.

1305.

Dugd. Sum-
mon. Parl. p.
47. 49. Comp.
M. Westm. p.
451.

1306.

Hoc Anno fuit
Rob. de Win-
chelsea Arch-
Cant. ad Curi-

am Romanam personaliter Evocatus, & a Temporalium & Spiritualium Administratione suspensus, Procurante Do-
mito Rege. Adam. Murimuth. MS.

M. Westm. p. 457.

K. EDWARD the 1st. Much was done in that *Parliament* relating to the Church. The Pope had Reserved to himself the *First-fruits* of all Ecclesiastical Benefices, within the Realm. Against this the King and his Lords Opposed themselves. Other Grievances were Committed by his Agent *W. de Testa*; and both the Clergy and Laity, solemnly Remonstrated in *Parliament* against them. Several other matters, of the like kind, were Establish'd: But that any Convocation was called for the Advising, or Establishing of them, in either Province, is yet to be proved; and will always, I believe, continue so to be.

² Spelman: If the ² Ms. Copies of the Constitutions of Archbishop Greenfield be to be Relied upon, we must conclude, that he held an Ecclesiastical Council of his Province, Anno 1306. to publish them in. This is placed at Rippon 2 Kal. Octobr. Sept. the 30th; but besides that this was a Provincial Council, not a State Convocation, its distance from the time of the Parliament of Carlisle was too Great, to imagine it should have been design'd for an Attendant upon a State Council not yet Summon'd; nor to sit till almost four Months after this Synod was risen.

Concil. Vol. II. p. 438.

Thus stood this Matter during the last twelve Years of King Edward the 1st. The Clergy met often, in *Parliament*, and *Convocation*: But that the latter of these had any Dependence, by this *New-Constitution*, upon the former; that either in Law it was Obliged, or in Fact was wont, to meet with it, is so far from Appearing, that I think I have plainly proved the contrary. Let us see how these Assemblies were held under the next Reign, of his Son,

King EDWARD the 2d.

Sect. 22.

1307.

³ Dugd. Summonit. p. 56.

⁴ Claus. 1 Edw. II. m. 12.

⁵ Rights, &c. p. 229. Comp. p. 483.

⁶ Regist. Henr. Prior. Cant. fol. 108.

⁷ Lib. Memo. rand. Jo. Dalderby Vo-

⁸ bis (Archidiaconis)

⁹ quanto distri-

¹⁰ ctius possumus inhi-

¹¹ bemus, ut attendentes

¹² quantum Clerus no-

¹³ stre Dicce-

¹⁴ seos contributionibus &

¹⁵ prestationibus variis

¹⁶ gravatus fuerit—impositione nova pro dictorum Procuratorum sumptibus facienda Clerum ad presens non Grav-

¹⁷ vetis, si ex residuo impositionis Ultime pro Expensis Procuratorum apud Carlisl. missorum, quod penes Vos in

¹⁸ quantitate magna Residet, ut Refertur, prospici Valeat Procuratoribus nunc mittendis. fol. 192.

¹⁹ Dugd. Summonit, pag. 58.

Being come to the Crown July the 7th, he called his *Parliament* to ³ Northampton Fifteen Days after Michaelmas, October the 13th. In this *Parliament* the Clergy Granted a ⁴ Fifteenth part of their Goods to the King: ⁵ Dr. A. observes that the *Pramunientes* in this *Parliament* was duly Obey'd. This he concludes from one single Instance of the Church of Canterbury out of Hen. Priors Register; in which He will give me leave to correct a Mistake easily made, yet fit to be amended, in the date of April, for ⁶ October the 3d. 1307. But by the Execution of the ⁷ Bishop of Lincoln for this very *Parliament* it appears that this Clause was Obey'd not only in the Execution, but in the Actual Attendance of the Lower Clergy at *Parliament*. It takes notice of the Great Charges which the Clergy of the Diocese had been at, in their long stay at the last *Parliament* at Carlisle for twelve Weeks; and Requires the Archdeacon that if any of the Money Levy'd for that *Parliament* Remain'd in his Hands, it should be employ'd for the Expence of their Proctors at this; and the Clergy not be Grieved with any New Impositions.

Another *Parliament*, (so the ⁸ Writ styles it) was held this same Year, on the first Sunday in Lent at Westminster. In this the *Pramunitory Clause* was omitted; but all the Bishops, with the *Parliamentary Abbots*, and Priors, the Lords, and Justices, and Others of the King's Council, were Assembled. But that any Concurrent Attending Convocation of the Clergy was held with either of these *Parliaments*, my Enquiries have not yet given me the least Cause to believe.

¹⁶ gravatus fuerit—impositione nova pro dictorum Procuratorum sumptibus facienda Clerum ad presens non Grav-

¹⁷ vetis, si ex residuo impositionis Ultime pro Expensis Procuratorum apud Carlisl. missorum, quod penes Vos in

¹⁸ quantitate magna Residet, ut Refertur, prospici Valeat Procuratoribus nunc mittendis. fol. 192.

¹⁹ Dugd. Summonit, pag. 58.

Sect. 23.

1308.

²⁰ Dugd. Ibid. p. 60.

²¹ Ib. pag. 62.

²² Ib. p. 64.

The next Year, Anno 1308. Three *Parliaments* were held: The ⁹ first Fifteen Days after Easter: The Second ¹⁰ Three Weeks after Michaelmas; and the Third, the ¹¹ Second Sunday in Lent. The *Pramunitory Clause* was Omitted in them All. Yet neither this Year can I meet with any Convocation in either Province; tho' the Registers of this time are very Exact in their Entries of this Nature.

1309.

²³ Dugd. Summonit, p. 66.

²⁴ Lib. Memo. rand. Dalderby, fol. 125.

²⁵ 127.

Anno 1309. ¹² A *Parliament* was called to meet at Westminster, a Month after Easter. To it the Clergy were Summon'd by the *Pramunitory Clause*, which, as Dr. A. Observes, was Obey'd by them. ¹³ The Bishop of Lincoln in this, as in the *Parliament* of the last Year immediately foregoing, constituted his Proctor by two different Instruments. One to be delivered to the King, and directed to Him; the other to be kept by the Proctor with a General Address

Address to all Persons. These Proxies this Year were made to *Hugh de Nor-* K. EDWARD
manton, and *Tho. Bray*, Canons of *Lincoln*, and dated 16 *Kal. Maij*, 1309. Two the II^d.
Days after a Third Proxy was sent to *Hugh de Normanton* with a General
Power " of *Doing and Consenting* to, such things as by God's Assistance should
" be Ordained there, but with this Trust, that if Necessity Required he
" should Use that Proxy, otherwise not. The same I have observed in some
Other Cases, and the Ground of it I conceive to have been this; that they
were to manage themselves as well with the King as they could. If a Pre-
tence of Want of Powers, or Instructions would be taken in their Excuse for
Refusing of Money, or the like, they should then alledge it: But yet should
be provided to Comply with the King's Demands, rather than Expose
Themselves, or their Principals, to any Great Inconvenience by an Obstinate
and Peremptory Refusal.

There is one thing more which I shall take the Occasion of this Parliament par. I. fol.
to Observe. We find by the Forms of several Proxies, that the Clergy meet- 166. b. Pro-
ing Nationally in Parliament, on the Premunitory Summons, did yet give their curatorium
Commissions to treat Provincially only with their Respective Metropolitans Waltero de
there. Of this there are Instances enough in the Province of Canterbury. The Thesaurar. Ec-
Archbishop of York being absent from this Parliament gave his Proxy to the cles. Ebor. &
same purpose to his Representatives there, to Treat with his Clergy, and to Wmo. de Pick-
Consent with them in Parliament, to what should be Ordain'd there. So Je- ering Archi-
alous were they of their Provincial Rights, that they stood upon them, even in diacono Nor-
their National Assemblies: The Archbishops, with the Prelates and Clergy, of their tingham: —
Provinces debated asunder of their Parliamentary Affairs; agreed severally what Ad tractand.
to do; and (as I conceive) the Archbishops delivered their Resolutions so pro nobis und
taken in their Respective Meetings, when they came together before the King, cum CLERO
and Lords, in Parliament. NOSTRO

On the Sunday after St. James, July the 27th, another Parliament was held in eodem Par-
at Stamford: In this the Premunientes being Omitted, the Lower Clergy were liamento,
not troubled to come to it; as neither were they called to the next, which nec non Con-
was Summon'd first to York, and then to Westminster, to meet the Sunday sentiendum
next after the Purification, February the 8th. nostro Nomine,
und cum

These were the Parliaments of this Year: On the 24th of November, the CLERO
Archbishop of Canterbury held a proper Provincial Council, by the Pope's Order, NOSTRO
about the Affair of the Templars. To this he Cited, besides the Bishops, and pradiſto, in
Regular Prelates; " the Deans, Provosts, Arch-Priests, Archdeacons, and All the diſto Parlia-
" Chapters, and Colleges, with the Clergy, Exempt, and not Exempt, of every mento hii
" Diocese. This matter had before been Concerted between the Pope, and quæ de Com-
the King, in the first Year of his Reign; and was now begun to be put in muni Consilio
Execution. Of this we shall hear more in the two following Years, as for the favente Deo
Council of the Present, what has been published of it in the Second Volume of Ordinari con-
our English Councils, may suffice to shew what kind of Synod it was, and how it tigerit, &c.
was Assembled. Dugd Sum-
monit. p. 68. 69.

But where shall we find the Concomitant Convocations of the several Parlia- Linc. fol. 141.
ments before-mentioned? I may venture to say, that not one was held. The See Spelm.
Pope had Granted the King this very Year a Triennial Disine; and the fif- Conc. Vol. II.
teenth, before given at the Parliament of the first of this Reign, was not yet p. 466.
wholly paid in: Upon both these Accounts the King could not expect any far- Claus. I Edw.
ther Supply from the Clergy; and therefore he gave them not the Trouble of II. m. 13. d.
meeting in Convocation. Claus. 3 Edw.
II. m. 14. &
23. dors.

Anno 1310. 7 A Parliament was held at Westminster on the Octaves of St. Jo. Sect. 24.
Baptist, July the 1st. Upon the 9th of December following a Convocation of the 1310.
Province of Canterbury, was Assembled, to anticipate the Payment of the Trieni- Memorand.
al Tenth which the Pope had Granted to the King. In the Mandate for this Jo. Dalderby,
Convocation, 8 the Archdeacons, I know not why, were Omitted. And the Bi- Linc. fol. 16.
shop of Lincoln therefore in his Execution of it directed that they should not Ibid. fol. 170.
appear in Person, but only Cite the Diocesan Clergy to chuse their Proctors,
as the Archbishop had Required: How this Affair was managed in the Other
Province, it is not easy to say. The King by his 9 Writs dated at Reynsfren, in 9 Registr.
Scotland, October the 15th, Required it; and the Archbishop in his Mandate to Greenfield.
the Bishop of Carlisle, dated the 15th of November, told him that as the Arch- par. I. fol. 81.
bishop, and Bishops of the Other Province had Consented to it, so had he as b.

K. EDWARD the II^d. much as in him lay ; and therefore desired the *Bishop of Carlisle*, in like manner to Consent to it in his Diocese. This Consent of the *Archbishop*, and *Bishops of Canterbury*, must I conceive have been given, at their *Provincial Meeting* in Council the *September* before. But yet, for all their Own Agreement, they held their *Convocation* in *December*, as we have seen, to take the Consent of their *Clergy* to it ; whether they did the like in the *Province of York*, I am not able to say.

¹ Memorand.

Dalderb. Linc. fol. 170.

² Ibid. 'Man-

'damus qua-

'tenuis Vene-

'rabiles fra-

'tres nostros

'Episcopos

'Suffraganeos,

'nec non &

'Capitula Ec-

'clesiarum

'Cathedrali-

'um &c. quod

'idem Epif-

'copi persona-

'liter ; dista-

'vero Capitu-

'la per Pro-

'curatores

'suos idoneos

'Compareant.

'&c.

Seft. 25.

1311.

³ Ibid. fol. 169.

⁴ Registr.

Greenfield.

Par. I. fol.

180. a.

⁵ Append. ad

Ann. 1310.

⁶ Rights, &c.

p. 230.

⁷ Dugd. Sum-

monit. Parl.

p. 75.

⁸ Ibid. p. 77.

78.

⁹ Dugd. Sum-

monit. p. 75.

¹⁰ Memorand.

Dalderby

Linc. fol. 192.

¹¹ Registr.

Magn. Prior.

& Capit. Wi-

gorn. fol. 50.

¹² Memorand.

Dalderby, fol.

197. b. In

procuratorio.

¹³ Ad prosequen-

'dum Articuli

'los ex parte

'suffraganeo-

'rum Cantua-

'riens. Pro-

'vincie tra-

'ditos pro Re-

'formatione

'& Subleva-

'mine Gregis

'eis subditi.

¹⁴ Append. ad

Ann. 1311.

And these are all the *State-Meetings* of the *Clergy* that Occur in this Year ; in which a *Parliament* was first held about *Midsummer*, without a *Convocation* ; and then a *Convocation* of the *Province of Canterbury* in *December*, without a *Parliament*. But there was an *Ecclesiastical Provincial Council*, different from both these, in either *Province*. That of *Canterbury* met the *Wednesday* after *St. Matthew*, *September* the 23^d. To it were Summon'd the *Bishops*, and their *Chapters* only : No *Deans* ; No *Abbots*, *Priors*, *Archdeacons*, or *Diocesan Clergy*. It prosecuted the Affairs of the *Templars*, and continued sitting a very great while. For by Letters of *Proxy* dated the 3rd of *November*, by the *Bishop of Lincoln* who was gone off Sick from the Meeting, it was still sitting at that time, and not in any near Prospect of Rising, as from his Constitution of *Proctors* to Act in his Absence may reasonably be infer'd.

The *Provincial Synod* of *York* had met a long time before, *May* the 20th. But little seems to have been done there, it being Dissolved the next day. This only I shall Observe as to the *Members* of it, *that the Diocesan Clergy* were not Summon'd to it ; nor had so much as any Invitation to be there, if they had any Cause, or Business, to bring them thither.

But to leave these Councils, and come to the Famous Parliament of the Fifth of *Edward* the II^d. Anno 1311. where *Dr. A.* fixes (and that rightly enough) the first Beginning of a *Provincial Summons* to *Parliament*, and of which I must beg leave to give a more full Account than He has thought fit to do. King *Edward* the II^d being on the Borders of *Scotland*, by his *Writ* dated at *Berwick upon Tweed*, *June* the 16th, Called his *Parliament* to meet at *London*, the *Sunday* before *St. Laurence* Day ; *August* the 8th. This *Parliament* having Great Affairs in Hand, and much Business to do, sate from thence till the 8th of *October*, above Nine Weeks ; and was then, at the special Request of such of the *Prelates*, and *Lords* as continued there, Prorogued for about five Weeks ; *Propter moram diutinam* ; as the *King's Writ* of *Prorogation* tells Us.

To this *Parliament* the *Clergy* were called by the *Præmunitory Clause* ; and that Clause was Executed after the Usual manner by the *Bishops*. Yet something the *Archbishop* was then about, that produced the Measures which were afterwards taken. For on the Margin of the *Great Register* of the *Prior* and *Chapter* of *Worcester* ; there is this Note fix'd upon their *Procuratorial Letters*, which they gave upon that *Writ* ; " That these *Proxies* were not delivered, because the *Clergy* is not bound to Obey the *King's Call*, without the Command of the *Archbishop*. And by a *Proxy* of the *Bishop* of *Lincoln* dated the Day before this *Parliament* was to meet, it appears that the *Suffragan Bishops* had certain *Articles* then on foot, deliver'd to the *Archbishop*, for Reformation, and for the Ease of the *Flock* Committed to them.

Whether the *Clergy* hereupon did not appear at all, or not in any Great Numbers at this *Parliament*, I cannot tell : But upon the *Prorogation* of it before mentioned, dated the 8th of *October*, the *King* Required the *Archbishop* of *Canterbury*, and the *Vicar General* of the *Archbishop* of *York*, (who was then Abroad at the *General Council*, as one of the *King's Ambassadors* to it) to Give Notice, or indeed, to *Præmonish* the *Lower Clergy* of their whole *Provinces*, as the *Bishops* of Each *Diocese* had hitherto been wont to do. The time assign'd for their Coming was on the *Octaves* of *St. Martin*, *November* the 18th, about forty Days from the time that the *Writ* was Dated. The *Lords* were Summon'd to meet the *Fryday* after *All-Saints*, *November* the 5th, the *Commons* the *Morrow* after *St. Martin*, *November* the 12th, at which time they met, and sate from thence thirty four Days.

The *Archbishop* either really took somewhat amiss in this *New Writ*, or at least Pretended that he did. It may be he had no mind to Execute such a *Writ*, as he knew would destroy the Pretence which seems to have been set

on Foot at the last *Parliament* by the *Clergy*, in order to their total withdraw-
 ing of themselves from these Councils; namely, that they were not bound
 to Assemble by the *King's Summons*, unless they were Required so to do by the
Archbishop's Mandate. However, it were, the King by a *Second Writ*, dated
 at *Eltham*, October the 24th, gave the *Archbishop* a longer time to bring the
Clergy thither; a fortnight, or three Weeks after *St. Martins*; and promised,
 that if there were any Expressions in this *New Form* prejudicial to his Rights,
 they should be Amended in the *Next Parliament*.

Upon this *Second Writ* the *Archbishop* ² Obey'd, and sent out a *Provin-*
cial Mandate to Summon the *Parliament Clergy*, to the Place of *Parliament*; to
 meet and Consent, as Usual, to what should be done there. This *Mandate*
 having not Occur'd to Dr. A. it may possibly be a Satisfaction to him to per-
 use it, in the ³ *Appendix*. The *Parliament* coming thus late together (for
 the *Temporal Lords*, made no more haste than the *Clergy*; as appears by
 the King's Writs issued out ⁴ November the 28th, to prohibit them from
 coming, as some of them had design'd, with *Horse and Arms*) fate but till the
 18th of December, and was then Dissolved: But more Business Remaining to
 be done, a ⁵ New One was Called the very next Day to meet the first Sun-
 day in Lent, which on January the 20th, was put off, and never met at
 all.

This is the whole of that Affair; let us now see what Use Dr. A. either
 by Mistake, or by Design, has made of it: "And here (says He) for ought
 "I can find, the Foundation was laid for that Practise of a *Double Summons* of
 "the *Clergy*, (He should have added, to *Parliament*) which grew afterwards
 "to be the settled Course (he should have said, for some time, till towards
 "the middle of *Edward the Third's* Reign) and does even to this Day, with
 "some small Variety as to the *Form*, Obtain.

What does this Author mean by some small Variety? Are the *Clergy* at this
 day Summon'd to *Parliament* by double Writs, as now they were? By their *Me-*
tropolitan's Mandate, as well as by the *Bishop's Premonition*? Or have they been
 Once thus Summon'd for Three Hundred and Fifty Years past? That this *Pro-*
vincial Summons was only a *Provincial Execution* of the *Parliament Writ* is certain:
 Nor can Dr. A. himself deny it. It Summon'd the same Persons, and to the
 same Place, Business, and Purpose, that the several Writs to the *Bishops* were
 wont to do. But no such *Provincial Writ* has been issued out for Three Hun-
 dred and Fifty Years past. The *Provincial Writs* now in Use, or that have
 been in Use all that time are of a quite different kind: As different, as a *Sum-*
mons to Convocation is from a *Summons to Parliament*, and how different that must
 be, I have too fully shewn already, to insist upon it again here.

But Dr. A. is not Content with this Original Mistake, he must improve
 his Conjectures, and thereby add Error to Error. Thus therefore he goes on.
 "That the *Archbishop* might be the more ready to comply with this *Summons*
 "of his *Clergy*, it was so framed, as not to take in the *Whole Body* of them:
 "For the *Priors* that presided not over Cathedral Churches were purposely
 "Omitted. Let Dr. A. look again into the Writs; and see whether any be-
 sides the *Parliamentary Clergy* were order'd to be Summon'd by the *Archbishop*;
 or whether he did not precisely Summon the *Whole Body* of those that were
 then wont to be Called to *Parliament*. Let us hear how he Enumerates the Per-
 sons whom the King Commanded him to Summon: "The *Deans* and *Priors* of
 "the *Cathedral Churches*, and their *Chapters*; as also the *Abbots*, *Priors*, and
 "Archdeacons, and All the *Clergy* of our *Diocese*; and of our *Whole Province*;
 will Dr. A. please to tell Us what other *Clergy* besides these were wont to be
 Summon'd to *Parliament*? Or what *Priors* he finds Omitted here, that had ever
 before been Called thither? But he goes on: "And it order'd him to Call
 "them, tho' to a *Parliament*, yet not till a fortnight after the *Temporal Mem-*
 "bers were to meet. That was accidental; the *Laity* were only to return to
Parliament; but as 'tis plain from the *New-Elections* upon these Writs, the *Clergy*
 were to be Chosen for it: And therefore a little farther time might be neces-
 sary to be allow'd for it. In the first Writs the *Lords* and *Prelates*, November
 the 5th, were Summon'd to the same Day, ⁶ the Friday after *All-Saints*;
 The ⁷ *Commons*, at the same time, were Order'd to come the Morrow after
St. Martin, November the 12th. a Week after; so that this coming at differ-

K. EDWARD
the III.Dr. Brady's
Hist. Vol. II.
Append. p. 50.Memorand.
Dalderby, fol.
204. Regist.
Epist. Rob.
Langley. Prior.
Norwic. fol.13. a. Regist.
Henr. Prior.
Cant. fol. 118.
b. &c.Append. ad
Ann. 1311.Dr. Brady's
Hist. Vol. II.p. 112. Prynne
on Coke's In-
stit. p. 42.Dugd. Sum-
monit. p. 79.81. Memorand.
Dalderby, fol.209. Regist.
Reynold's.Episc. Wigorn.
fol. 43.Dugd. Sum-
monit. p. 78.Cl. s. Edw.
II. m. 26. dors.

rent

EDWARD rent times, signifies nothing at all in the present Case. But be the time of their coming what it will, this is plain, and that is enough for my purpose, that still they were to come to *Parliament*; in *Parlamento Prox. apud Westmonaster. Celebrando*, says the *Writ*; “*in predicto Parlamento apud Westmonasterium ut praedicitur Celebrando*: And therefore that this was, in truth, no more than a *Provincial Execution* of the *Parliamentary Præmunientes*; which from henceforth was often, I may say Commonly, (tho’ not Constantly, for that is another of Dr. A’s Mistakes, to say it became the *settled Course*) Executed both ways; by the *Bishops* in their *Dioceses*, and, by the *Archbishops*, throughout their *Respective Provinces*.

The *Archbishop* however Check’d at this *Writ*, thus qualify’d, as derogatory to the *Priviledges* of his *Church*, and *Sea*: Or rather, I believe, as cutting off the Pretence which they had thought to have set up to Excuse their Coming to *Parliament* altogether; “that the *Clergy* were not to obey the *King’s Summons*, without the *Archbishop’s Mandate*; which no doubt he was very unwilling to issue out, if he could have told how to Refuse it. But tho’ the *King*, as Dr. A. Observes made him a Complement in the Words of his *Second Writ*, yet he Insisted upon the *Execution* of it; and by so doing put an end to all the Shifts of that Troublesome, and Haughty *Archbishop*; and to the Design of the *Clergy*, Encouraged, no doubt, in their Attempts by him.

¹ Dugd. Sum-
monit. Parl.
p. 79.
² Regist. Rey-
nolds. Wigorn.
fol. 43. Dugd.
Ibid. p. 81.
³ Memorand.
Dalderby
Linc. Episc.
fol. 217.

I say nothing of the ¹ *Parliament* which was designed to have met the first Sunday in Lent; but by ² *Other Writs*, dated January the 20th, was intirely put off, without coming to a Session. A Third Meeting there was, which seems to have been held the next Month on the Munday after the Feast of St. Gregory; but what to call it I cannot tell. ³ The *King* was in the North; and this Assembly was to be a *Tractatus* of the *Archbishop*, with his *Suffragan Bishops*, and *Lords* of the *Realm*, at St. Pauls Church London. It is probable that the Party who Caball’d against the *King*, might here meet together upon their own Designs; and to take some Measures how to Proceed in them. But be this as it will; thus much is plain, that here were two Sessions of one *Parliament* held, almost from August to Christmas; and a Second *Parliament* Called, and yet no Convocation of the Province of Canterbury, either Called, or held with them. Indeed in the Province of York, a Convocation there was, as well as a Council, of which therefore some Notice must be taken, before I proceed any farther. By

⁴ Regist. Green-
field, fol. 188.
b.

a ⁴ *Mandate* dated February the 20th, a *Provincial Council* was Summon’d to appear at York the 24th of May. To this all Doctors of Divinity, and Professors of the Canon-Law, were Summon’d; but the *Procuratores Cleri* were not mention’d in the Citation. But the *King* desiring a Subsidy of Twelve Pence per Mark, to be Granted to him, a ⁵ *New Mandate* was issued out, April the 24th, to Summon totum Clerum to appear by their Proxies at the same place, May the 24th, the same Day. The *Clergy* refused to grant any Subsidy, as well upon the Account of the *Pope’s Constitutions*, which forbid it, and involved both the Givers and Receivers of such Aids, under the Sentence of *Excommunication*; as because the *Triennial Disme* granted for the Use of the Holy Land, was not yet expired, and so they were in no Capacity of answering the *King’s Desire*.

⁵ Fol. 201. b.
Ibid.

This was the Result of that Convocation; as for the Council held at the same time with it, but without any Proctors of the Clergy; it agreed to adjourn to the 1st of July; and then to meet in the Conventual Church of Blide, according to the Form of the Preceding Citation, that is without any Proctors of the Diocesan Clergy in it. ⁶ But by a *New Mandate*, dated the last of May the *Archbishop* Changed the place from thence to York; and in that the third time Omitted the *Diocesan Clergy*, who neither now were Summon’d to come to it.

⁶ Append. ad
Ann. 1311.

Both these Councils were held about the Affairs of the Templars, the Determinations of which the *Archbishop* was to carry to the General Council with him.

⁷ Regist. Green-
field, Par. II.
p. 180.

This latter continued to July the 30th: ⁷ The Result was, that the Templars who had Abjured their Heresies there, should be Absolved from their Sentence of *Excommunication*, and be sent to several Monasteries of the Province, there to Continue, and fulfill the Pennance to be enjoyn’d to them. Whether the *Constitutions* published the ⁸ Eighteenth of the same Month were here also pass’d, I cannot tell: It is not improbable but that here they may have been agreed to, tho’ they were not promulged till some Days after, for Common Observation.

⁸ Spelm. Con.
Vol. II. p. 467.

In the Province of Canterbury a¹ Council was held about the same Affairs of the Templars, on Fryday after the Octaves of Easter. To this the² Clergy were Called, and every Bishop order'd to send, three Weeks before, a Doctor of Canon and Civil Law; to prepare matters, and to consider how the Council, when met, should proceed against them. This Synod sate long, from the beginning of May to June, says Adam de Murimuth; but it should have been July; for so long it appears by the Acts, which I have by me, of the Process against these Persons, to have lasted. The Council sate in the Bishop of London's Hall, the whole Clergy and People of London being allow'd to be present at it.

R. EDWARD
the III.
Regist. Henr.
Prior. Cant.
fol. 117.
Memorand.
Jo. Dalderby,
fol. 179. b.

The Result then of this Year is this: There was a Convocation Summon'd for Aid in the Province of York, almost Two Months before the Parliament met, but none (that appears) in the Province of Canterbury. This Convocation was Called only for Money, nor did it meddle with any thing beside. In all the time of the Parliament, (tho' One of the longest that had ever yet been held) no Convocation was called in either Province, nor was any Summon'd to have Attended upon the next, which should have met in Lent following; but was Adjourned without sitting.

Anno 1312. The Parliament was called to meet at³ Lincoln, the Sunday next after the Feast of St. Mary Magdalene, July the 23d, and the Lower Clergy were Premonished to come to it. But by a second Writ, dated July the 8th, it was Adjourned to Westminster the Sunday after the Assumption of the Blessed Virgin, August the 20th. Here the Præmunientes were again inserted, but no Provincial Writ issued out to the Archbishops to oblige their Clergy to come to it. However, that the Clergy did still continue to come to these Councils, an ancient Clause in the Procuratory Letters of the Prior of Durham to this Parliament, shews: ⁴ Where having in due form constituted a Proxy to appear in Parliament on his behalf, "He humbly beseeches the King favourably to excuse his Personal Absence, and to admit of his Proxy to Act there in his Stead.

Seft. 26.
1312.
Dugdale
Summonic.
pag. 882, 84.

By new Writs dated January the 8th, a⁵ second Parliament was called to meet at Westminster the 3d Sunday in Lent. The Præmunientes was here again inserted, but no Provincial Writ, that I can find, sent to the Archbishops, to strengthen the Execution of it.

⁴ Regist. ii.
Decan. & Ca-
pit. Dunelm.
fol. 2. b.
"Vestra celsi-
tudini humi-
liter suppli-
cantes qua-
tenus nostram
"personalem
"Absentiam
"in dicto Par-
"liamento
"velitis ha-
"bere favora-
"biliter excu-
"satam, &c.
⁵ Dugd. Summ.
p. 86.
⁶ Regist. Henr.
Prior Cant.
fol. 119. b.
⁷ See the Ap-
pendix ad An.
1312.

The Archbishop of Canterbury had, before either of these, Summon'd his⁶ Provincial Council to meet the xivth of the Kal. of May; April the 18th. to proceed against certain of the Templars, upon some Matters which had risen since the Meeting of his last Provincial Council. He had, besides this, another Work to do, to Grant a Subsidy to the King; and for this the Lower Clergy, as well as the Bishops, were to be called to it. By some Miscarriage in the Execution of this Mandate, several of the Bishops, and Clergy of the Province were not present, nor made any Returns at the time appointed. ⁷ This obliged the Archbishops to issue out new Mandates, and to direct them himself immediately to the several Bishops to come to his Council at another Day now settled, the Monday after Ascension, to which he continued his Council in Expectation of Them. These Mandates were dated in Council, April the 20th. And like the Others before, summon'd the Chapters and Convents to appear by their Deans, Abbots and Priors, if they thought fit; or else by any other, One or More, sitting Proctors; and the Diocesan Clergy by One or Two Proctors, at their own Choice.

From this Council⁸ Letters were sent to the Pope on the behalf of the University of Oxford: But the most considerable Transaction to our Purpose of this Ecclesiastical Council, was the Giving of the King iv. Pence in the Mark, of all their Ecclesiastical Goods, and Benefices⁹. This was so Precipitated, that the Archbishop's Mandate for Collecting of it, was dated in Council, May the 27th. and the King's Writ for paying in what was Collected, June the 16th following. This was ordered to be laid up in safe Custody¹⁰ for the Benefit and Honour of Holy Church, the King and Kingdom, and to Repel their Enemies; and was Levied to carry on the Scots War, who were now preparing to invade the Kingdom.

⁸ Registrum
Eccl. Cant.
H. fol. 179. b.
⁹ Registr.
Magn. Wi-
gorn. fol. 52.
¹⁰ Rot. Claus.
Edw. II. m. 2.
¹¹ Memorand.
Jo. Dalderby
Linc. fol. 238. b.
Registr. Rey-
nolds Wigorn.
fol. 77. a.
See the Ap-
pendix ad An.

But the Archbishop called another¹¹ Provincial Council this same Year, and that (which Dr. A. will be glad to hear of,) at the very time that the second Parliament in Lent met. But two Circumstances there were which quite spoil all the Use that he might otherwise have made of this Assembly: First, That the

the

EDWARD
the II.

the Archbishop held it as a strict Provincial Council, according to the Canons of the Church; And accordingly, secondly, Called only his Suffragan Bishops to it, which will by no means suit with the Design or Constitution of a Parliament-Attending Convocation. 'Tis true, in the Close of the Mandate, there is a Provision for some of the Lower Clergy: "He order'd the Bishops to signifie to their Deans and Chapters, That if they came to the Council, and Petition'd to be Admitted into it, as the Law Required, they should be Admitted. This, I doubt, will look a little Hardly in some Mens Opinions: But such was the Power of the Metropolitan, and the Canonical Practice, Then. The Dignitaries of the Cathedrals were as yet only Invited, not Summon'd (except when the Archbishop thought fit) and they must Petition too, before they were to be Admitted; to shew that it was a matter of Grace, not of Right, to Admit them to a Place in these Assemblies.

Registr.
Swinfield, He-
reford, Episc.
fol. clxxx.

Besides these Conventions of the Bishops and Clergy in Parliament, and Council, another there was, which tho' not much to the present Purpose, yet I shall take thus much Notice of it, That it was Summon'd by the Archbishop of Canterbury by Order of the Pope's Legate, to meet at London, September the 28th, and from thence Prorogued to November the 9th. These were all the Assemblies to which they were called this Year: The Result of which is therefore the same with that of the Preceding; two Parliaments were held, without any Convocation, either Attending upon them, or so much as Meeting at the same time with them.

Seft. 27.
1313.
Dugd. Sum-
monit. Parl.
p. 89.
Claus. 7
Edw. II. m. 28.
dors. See also
Dugd. Ibid. p.
91. 92.

Nor will the Case appear to be much different in the next following: Anno 1313. In which the King² Summon'd his Parliament to sit at Westminster fifteen Days after St. John Baptist, July the 8th; and Re-summon'd it at the same distance after³ the Nativity of the Blessed Virgin, September the 23d, the Sunday after St. Matthews day: Yet with neither of these Parliaments was any Convocations held in the Province of Canterbury; nor indeed within the whole Year. But tho' neither with these Parliaments, nor at any Other time, this Year, was any Convocation held within the Province of Canterbury, yet at the beginning of it a Provincial Council was Assembled; and continued to the Fryday after Ascension day, May the 25th. To this, as I conceive by the Form of⁴ the Bishop of Hereford's Proxy, only the Prelates were called; and that not before the Archbishop, who, I suppose, was not able to Attend upon it, but before the Commissioners deputed by him.

Registr.
Greenfield, Par.
II. fol. 207.
208.

Such were the Assemblies of the Clergy of this Province: In the Province of York a⁵ Convocation was called at the King's Desire to meet at York, September the 3d; In his Mandates for which, the Archbishop fairly sets out what they were to do when they came together. He tells them that the Clergy of the Other Province having granted to the King four Pence in the Mark, of their Ecclesiastical Benefices in their Provincial Council, the King had Required him with great Earnestness to induce the Prelates and Clergy of his Province to Grant him the like Subsidy; and that the rather, in that they were nearer to the Danger, and so ought the more readily to Contribute to the Prevention of it. Thus the Archbishop declared the Cause of this Convocation; and thereby Warrants me, in despite of Dr. A's Wrath, to say that this was the true Ground to the King's desiring such Assemblies first, and of his Summoning of them afterwards, as I have hitherto in some Measure shewn, and shall, as I go on, more fully observe. At present I shall only Remark this one thing, that here again were two Parliaments held, and no Convocation at all in One Province, nor any Concomitant Convocation, tho' at 150 Miles distance, in the Other.

Seft. 28.
1214.

Hitherto, since the Year 1311, we have heard but little of the Ecclesiastical Rights of the Church, and the Zeal of the Clergy in Asserting of them. We must now proceed to a New Archbishop, and a Busy Year; full of Clamours, yet all at last Ending in a meer Noise, without any Real Benefit obtain'd by it. A difficult piece of History it is; of which my Positive Adversary knew but very little; and has therefore given, not only an imperfect, but a wrong Account of it. I shall endeavour to set it in the best Light I can; and try what may be done, at least to clear the method of their Proceedings.

The Clergy of the Province of Canterbury had about two Years before Granted to the King a Subsidy of four Pence in the Mark for the Defence of the Realm, and the King, the last Year, demanded the same of those of the Other Province.

This

This not sufficing to answer his Needs; ¹ the Pope laid a Six Years Tenth upon them, and Assign'd it over to the King for his Use. In this State were our Affairs, on the Church Part, when the ² King Summon'd his Parliament to meet fifteen Days after Easter, the beginning of this Year, and by the *Præmunitory Clause* Called the Lower Clergy, as usually, to it. Accordingly ³ Dr. A. tells us this Parliament met, and the *Præmunientes Clause* was Actually Obey'd by the Inferior Clergy, and there it was agreed, to Summon the Clergy after the Extraordinary Manner of which I shall give an Account by and by. But in this he is certainly mistaken; for by ⁴ New Writs dated April the 1st, it appears, that the King was Obliged to go into Scotland, and therefore that instead of their Coming to that Parliament, he Required the Bishops to meet in that Other Assembly, which he had Summon'd to Westminster the Morrow after Ascension; of which Dr. A. speaks, and at which such Offence was taken by the Clergy.

In farther Proof of which let it be Observed, that the Parliament at which he affirms this Resolution was taken; should have met fifteen Days after Easter, April the 21st: But the King's ⁵ Writ for the Provincial Assembly of the Clergy the Day after the Ascension, was dated March the 25th, almost a Month before that Parliament should have sate.

It is certain then that the Resolution of Holding this Assembly could not have been taken in the Parliament which should have met a fortnight after Easter. As for the Assembly its self; the King's Writ gives this Account of it: That the " Scots having invaded the Realm, and Committed great Outrages upon the Borders of it; had Obliged him to be at New-Castle upon Tyne, Three Weeks after Easter (but a Week after that Other Parliament should have met at Westminster) and because the Clergy in such Cases of Eminent Danger and Necessity were Obliged, not only to advise; but to Aid him too, he therefore Required the Archbishop of Canterbury, &c. to appear at Westminster upon the Morrow after Ascension, before such Persons as he should appoint to treat with them about a Competent Subsidy from the Clergy of the Province (for that still appears to have been the Ground and Cause both of the King's Calling of these Assemblies and of their Unwillingness to be brought to them.)

To make this Meeting the more secure, the King not only issued out Particular Writs to the several Bishops of the Province, in like manner, to come thither at the time appointed, and to Premonish their Clergy, as in the Calling of a Parliament, but Commanded the Archbishop to Cite them all Provincially in the same manner, that he had done to Parliament in the fifth of his Reign. The Persons Called by both kind of Writs, were the Parliamentary Clergy only; viz. The Suffragan Bishops, the Deans, and Priors of Cathedral Churches, the Archdeacons, and Abbots, of the Province, in Person; the Chapters by One, and the Diocesan Clergy by Two Proctors. So that the Assembly was a Convocation of the Parliament Clergy, of each Province; (for the same was done in the ⁶ Other, that we have now been speaking of, as to our Province;) Called both by the Diocesan, and by Provincial Writs, only (like that 1294.) without the Laity, who were otherwise Engaged with the King in the Defence of the Kingdom.

The Archbishop Readily ⁷ Executed the King's Writ, both upon his Province, and upon his Diocese, as I conceive the Suffragans also did within their Respective Districts. In Obedience to both, the Clergy came together, upon Fryday, May the 17th: Eleven Bishops were there in Person, the Rest by their Proxies. To these the Clergy upon the Munday following presented those Reasons against the Method of their Assembling, which Dr. A. has Published (but imperfectly) in his Appendix; and which will be found from a more correct Copy, in mine. ⁸

To descant upon the Reasons alledg'd by the Clergy against this way of Summons is no Part of my Business; and might be ill Construed by some Persons, tho' I should do it never so fairly. I will only observe, that nothing was done in this Meeting (unless the Recital of the King's Writ in Terms may be accounted a Greater Infringement of their Rights, than delivering the Sense of it) but what had before been done in the Assemblies of 1294. and 1311. against which yet we find no such terrible Outcry to have been made by them.

K. EDWARD the 1st.

Rot. Claus. 7. Edw. II. m. 6. & 3. dors. 8 Edw. II. m. 34.

Dugd. Summ. p. 95. Rights, &c. p. 230.

7 Edw. II. m. 8. Dorso. Rex Ven. in X^{to}. Patri H. Wynton Episcopo. Licet Parliamentum apud Westmonast. die Domin. in XV^a Pasch. prox. futur.proposuimus tenere. Quia tamen Rob. de Brus & sui Complices, &c. Sitis in propria persona vestra apud Westmonasterium in Crastino Ascensionis Domini prox. futur: Præmunientes, &c. T. R. apud S. Albanum 1^o die Aprilis.

Rot. Claus. 7 E. 2. m. 8. d. See the Appendix.

Rot. Claus. Ibid.

Regist. Reynolds. fol. 36. b. See the Appendix. Regist. Henr. Prior. Cant. fol. 147.

Append. ad Ann. 1314.

K. EDWARD
the II.

Regist. Rey-
nolds, fol. 105.
106 See the
Appendix.

However the *Archbishop* was not unwilling to Comply with their Desires, and therefore brake up that Assembly on *Wednesday*, without doing any other Business than that of Resolving upon a *Second*, which by a ¹ *Mandate* issued out the very next day he order'd to meet the *Morrow* after the *Translation* of *St. Thomas*, *July* the 8th. This was a proper *Provincial Convocation* against which they had no Exception; and yet they seem to have done nothing at all in it, unless they agreed to that *Twentieth* there, which they afterward s changed into a *Tenth*, in the *Parliament* of *January* following.

² Rot. Claus.
7 Edw. II. m.
8. d.
³ Regist. Sec-
undum. De-
can. & Capit.
Dunel. fol.
26. 27. Comp.
Regist. Green-
field, Par. II.
fol. 210. 212.

By the like *Writs* by which the King Required the *Clergy* of our *Province* to meet at *Westminster* the *Morrow* after *Ascension*, he Commanded those of *York* to Assemble at *York* the *Morrow* after ² *Trinity Sunday*. Whether the *Clergy* of that *Province* entred into the same Measures with those of *Canterbury*, I cannot tell: But the ³ Result of their Meeting was to the same Effect; That a proper *Convocation* should be called by the *Archbishop*, to meet at *York* upon *Wednesday* after the *Nativity* of *St. John Baptist*, *June* the 26th, to consider of a *Subsidy* to be Granted there to the King. They met, and gave a ⁴ *Subsidy* of Twelve Pence in the Mark; and in that led the way to what the Other *Province* might reasonably have done, tho' they did not think fit to follow their Example.

⁴ Regist. Green-
field, Par. II.
fol. 79. b.
⁵ Dugd. Sum-
monit. Parl.
p. 97.
⁶ Rot. Claus.
8 Edw. II. m.
34. d.

Upon the 29th of *July* the King being Return'd to *York* after his Unfortunate Engagement at *Strivelyn*, ⁵ called his *Parliament* thither, *September* the 9th. The *Premunitory Clause* was inserted, as usually, into the *Bishop's Writs*; and readily Obey'd and Executed by them. To prevent any New Misunderstandings here, about a Week before the *Parliament* was to meet, the King sent a ⁶ *Writ* to the *Archbishop* of *York*, not to put any Affront upon the *Archbishop* of *Canterbury*, or do him any Injury upon the account of his Carrying his Cross within the other *Province*; whereby to hinder the Business that was to be done there.

To secure the *Clergies* Attendance here, together with his *Writs* to the *Bishops*, and the *Premunitory Clause* inserted into them; the King return'd to what he had done two Years before to *Archbishop Winchelsea*, and by a *Provincial Writ* to the *Archbishop*, Required him to Cause the *Parliament Clergy* of his *Province* to Attend upon the *Parliament* to which they were *Summon'd*. They met and sate Eighteen Days: Yet in all that time it appears not that either the *Clergy* or *Laity* Granted any *Subsidy*, or came to any *Resolution* in that Particular.

⁷ Dugd. Sum-
monit. Parl.
p. 99.

Enforced by this, the King called another ⁷ *Parliament* to meet at *Westminster* on the *Oftaves* of *Hilary*: And he called it after the very same manner he had done that before; by the *Premunientes* in the *Bishop's Writ*, and by a *Provincial Writ* to the two *Archbishops*, to bring all the *Clergy* of their *Provinces*, so *Summon'd*, to *Parliament*. Whether the *Archbishop* of *Canterbury* forbore to Execute the King's *Provincial Writ* for that *Parliament* at *York*; Or tho' Executed by him, yet the *Clergy* of his *Province* went not to the *Parliament* which was held out of it, I cannot tell. But tho' ⁸ Dr. A. again mistaking the Meeting, tell us that the *Clergy* protested in that *Parliament* at *York* against the *Provincial Mandate* of their *Metropolitan*, 'tis Certain he is deceived: Their ⁹ Protestation was in this *Parliament* after *Hilary*; and the true Ground of their Concern was, that they were hereby endeavour'd to be brought to grant their *Subsidies* there, which they Resolved not to do, but only in *Convocation*. This I think their Reasons, tho' Colour'd with Other Matters, sufficiently shew; and this I doubt not was at the Bottom of their Zeal for their *Ecclesiastical Priviledges*.

⁸ Rights, &c.
p. 231. Comp.
the Appendix,
p. 494. 495.
⁹ See the Ap-
pendix ad
Ann.

¹⁰ See the Ap-
pendix ad
Ann. Rot.
Claus. 9 Edw.
II. m. 25.
dors.
¹¹ Regist.
Greenfield.
Par. II. fol.
30. b.

In the mean time the *Laity* here Granted the King an *Aid*, and the ¹⁰ *Clergy* of the *Province* of *Canterbury*, under certain Conditions, did the like. They increas'd their *Twentieth* before Granted, now into a *Tenth*; the first *Payment* to begin the *third* of *May* following. As for those of the Other *Province*, they had given a large *Supply* before; and even after ¹¹ that the *Clergy* of *York* but a little before the *Parliament* met, had added Two Pence in the Mark, for a farther *Aid* to it.

To put together now the Business of this Troublesome Year: A *Parliament* was called after *Easter*, but no *Convocation* was *Summon'd* to meet with it. Two *Convocations* were held, in *June*, and *July*, but no *Parliament* held near them. A *Second Parliament* was called at *York* in *September*; a *Third* at *Westminster*

minster in January following, but no Convocation in either Province was Called, or Held, that can be pretended to have had any manner of Relation to them. K. EDWARD the III.

The next Year no Parliament was Summon'd till the middle of October, when Writs were issued out for One to meet at Lincoln, in the Quindene of Hilary, January the 27th. To this the Clergy of both Provinces were Cited after the usual manner, by the Premunitory Clause; which was accordingly Executed by the Bishops. To secure their coming thither, the King again order'd two Provincial Writs to be directed to the Archbishops, as he had done the Year before. But the Archbishop of Canterbury to avoid any more Remonstrances against his Proceedings, took another Course in the Execution of it. He recited not the Words, but the Substance only of the Writ, in his Mandatory Letters to the Bishop of London; yet so as to take Express Notice of the King's Command to Call his Clergy to Lincoln, on the Quindene of Hilary, where the King then intended to hold his Parliament. Nor did he formally Summon them to Parliament, but to appear before himself, in the Cathedral Church, at Lincoln, the Morrow after St. Paul, January the 26th; a Day before the Parliament was to Meet. To such hard Shifts was the Archbishop driven, and so difficult a thing was it for him both to Obey the King, and to keep himself free of the Clamours of his Clergy. Sect. 29. 1315. Dugd. Summ. monit. Parl. p. 101.

But notwithstanding all this Care, the Clergy were resolved not to suffer themselves to be brought to make their Grants in Parliament, and therefore now a New Contrivance was set on Foot, that the Bishop of London should make no Certificate of his Execution of this Mandate; and so the Archbishop's Summons should after all be defeated. ³ Of this the Archbishop makes a Just Complaint in his Mandate for the Convocation which met after Easter the next Year, and to that I refer, for a more full Satisfaction in this Particular. See the Appendix. ad Ann. 1315.

How the Archbishop of York proceeded in this Affair, I cannot tell: His Mandate for Executing the Premunitory Clause is dated November the 21st, and it was one of the last things that he did; for within a Fortnight after he died, December the 6th. Upon his Death the King order'd New-Writs to be sent to the Keepers of the Spiritualities of the Archbishoprick, and to the Deans and Chapters of the Cathedral Church, to put his Writs in Execution, and to come to the Parliament, as they should have done if that Accident had not happened. See the Appendix. ad Ann. 1316. Regist. Greenfield, Parl. II. fol. 32. b. Pryme's Register, Vol. I. p. 152, 153.

In Obedience to this double Summons, tho' apparently design'd for the same End of bringing the Lower Clergy to Parliament; ⁶ double Letters of Procuration were Granted by the Bishop of Lincoln, to the same Person; One directed to the King for his Parliament, the Other to the Archbishop for his Convention; and this Method continued when these Niceties were Overcome, and the Provincial Summons called them in as Express Terms to Parliament, as the Premunitory Clause did. But yet for all this, the Number was but small which appeared there this Year. One Archbishop was dead, and the Other went not to Parliament, but only sent his Proxy: And therefore tho' they Agreed to give the King an Aid, yet was it with this Condition, that a Convocation should be Called in each Province to Consent to it, as we shall see hereafter, it was accordingly done. Memorand. Dalderby, fol. 313. The same was done by the Bishop of Hereford: Register. Swinfield fol. 196.

But I must first stop, and encounter with the Visions and Errors of One, who seldom meddles with any of these Matters, without leaving a great deal of Room for Censure and Correction. In the Execution of the Parliamentary Provincial Writ, ⁷ he tells us, that the Archbishop called not only those specified in the Premunitory Clause, but the Whole Clergy of his Province; and for this he Refers us to Archbishop Reynold's Register, a large Volume, and fit to cover over a great Mistake. But to Observe that first, I dare venture to say, that this Mandate is not to be found in All that Register; at least I am sure, that after a Careful perusal of it, I am in the Condition of another, more diligent ⁸ Person, who, in like manner Professes his Inability to discover it there. This Mandate of the Archbishop he says was dated 15 Kal. Jan. or December the 18th. But indeed it was dated 10 Kal. December; or November the 22d. the Other was the date not of his Provincial Letters, but of his Diocesan Mandate, to the Prior, and Chapter of his Church; the only Record, I doubt, that Dr. A. saw of this matter. Rights, &c. p. 232. Dr. Hody.

EDWARD
the III.

As for the *Persons* who were Cited to this *Meeting*, he is mistaken in them too: The *Archbishop* Called none of the *Clergy*, but such only as by the King's *Provincial Writ* he was Expressly Required to do. The *Clergy* of the *Province*, who were at the same time Summon'd by the *Bishop's Writs* to Parliament; Them, and Them only, he called by his *Mandate* to *Lincoln*. But this Author's Mistake was this: He saw the *Mandate*, or rather some Extracts from it, which was sent by the *Archbishop* to those of his Own *Cathedral*. In that He followed the Form not of his Own *Pramunientes* for his single *Diocese*, but the *Provincial Form* which he had sent to the *Bishop* of *Lincoln* for all the *Diocesses* of his *Province*; and in that, and that only, the Difference lay; which indeed had he Understood it, was no difference at all. For it was Necessary for the *Archbishop*, if he would issue out any *Provincial Mandate* at all, to Summon'd the WHOLE CLERGY of his *Province*; but that WHOLE CLERGY was the PARLIAMENTARY, not the CONVOCATION CLERGY: Those who had been wont to be Summon'd by the *Pramunientes* in the *Bishop's Writs* to Parliament; not those who were wont to be Called by the *Provincial Mandates* to Convocation.

But his next Mistake is more inexcusable, because it carries an Air of Assurance, to deceive first, before 'tis Own'd to be All but Conjecture, and that, as I shall shew, an utterly false One too. "The *Clergy* thus Convened, stood by him (the *Archbishop*) in what he had done, and made their Excuse for not appearing at the Place the King directed; praying the *Archbishop*, and his *Suffragans*, to be Instant with the King that he would not insist on his *Summons*, but give them the Liberty of declining it. So I gather from a Petition of theirs, said to be made *Tempore Edm. II.* but without any Date. Whether they carried their Point at this time, I know not. As for the Petition on which this Author builds his New-Discovery, certain it is, that it could not be presented to the *Archbishop* in this *Assembly*:

Rot. Claus.
9 Edm. II. m.
17. d. Regist.
Henr. Prior.
Cant. fol. 168.

For by the King's next *Writ* it appears that he was not at that time at *Lincoln*; and his Absence was one Great Reason why the *Clergy* could not absolutely agree upon the *Subsidy* which was Required of them.

As for the matter of *Fact* he is mistaken in that too: The *Clergy* were there at the Place of *Parliament*, as much as ever (I believe) they used to be. They were at *Lincoln* the Place where it was held. There they met with their *Bishops*, and Treated with them about the Affairs of the Parliament. This was all, as far as I can Observe, that ever they did do; Let Dr. A. shew if he can, that they were wont at any other time to come Personally to either House, and Act together with the *Lords*, or *Commons* in Parliament.

In the mean time thus much the King's *Writ*, for their next Convocation testifies, that being met at *Lincoln*, and Required to Grant a *Subsidy* to the King, they did Consent to it; *Ita tamen*, upon Condition nevertheless that as well they, as Others of the *Clergy*, qui in dicto PARLIAMENTO presentes non fuerunt, should be Assembled to agree to it. The *Clergy* then who met at *Lincoln* were PRESENT IN the PARLIAMENT there, and therefore it must be a vain Conjecture in this Author to talk of their standing by the *Archbishop*, or making Excuses to the King, or praying for the future, in a Case wherein the King was Obey'd as far as he either desired, or used to be; and had the full End of his *Writs* answer'd by them. They came to *Lincoln* where the Parliament was held; They came at the Time that it was held; They came from both Provinces thither; There they debated with their *Bishops* concerning the Business for which they were Summon'd; They gave their Answer to the King's Demand in Parliament; Whether they did it in Person, before the *Lords* and *Commons*, or by their *Bishops*; Whether they sate in the very Place of the Parliament (the *Chapter-House*, not far from the *Cathedral Church*) Or by themselves in One of the *Chappels* belonging to it, it matters not; Nor would the King, I believe, have ever insisted upon these Points with them.

To Conclude the Affairs of this Year: Here was a Parliament held at *Lincoln*; To it the *Clergy* of both *Provinces* were Called, and Some, at least, of Both *Provinces* came to it: For the King's *Mandate* speaks of their being in *Parliament*; in the same Words, with Relation to the *Clergy* of *York*, that it does with Respect to those of the Other *Province*. Yet for all this, no Convocation was Summon'd with this Parliament. Of this we have a Demonstrative Proof in the *Allegation* of the *Clergy*, and their Desire that not only the

Parliamentary Clergy, but the Convocational, might be Assembled in their Respective Provinces (as we shall presently see they were) to agree to the Aid with the King had Demanded of them. K. EDWARD the 1st.

And indeed thus far ¹ Dr. A. if he will stand to his Own Concession, seems to Act fairly with us. For tho' by his mentioning these Provincial (Parliamentary) Writs, one would think oftentimes that he meant thereby for a Convocation, as we now Understand that Word; yet Pag. 254. he gives us Once for all the true key by which to interpret all his other doubtful Representations of this matter: ² "Hitherto (*Viz.* 14th. Edw. III. Anno 1340 ³ Ibid. p. 254. " says he) the Writs for a Convocation (or as for Distinction sake I would rather chuse to Call the Parliament-Meetings of the Clergy, a Convention) went not out only together with those for a Parliament, but were DESIGN'D PURELY to SECOND and INFORCE them, and to be a DOUBLE TIE upon the CLERGY to COME TO PARLIAMENT, being called THITHER both by the Bishop's WRIT, and by a PROVINCIAL CITATION from their Metropolitan. This, I say, is the true Account of these Provincial Writs; They were designed to SECOND and INFORCE the Parliament-Writs; and to be a DOUBLE TIE upon the Clergy to COME TO PARLIAMENT; by adding the Summons of their Metropolitans to their Bishops Citation

Tho' the Parliament at Lincoln were call'd to meet January the 27th, yet they entred not upon Business till ³ Thursday, February the 12th. On Fryday, February the 20th, the Laity Agreed upon a Subsidy to the King. The Clergy had given their Answer before; for on Munday, February the 16th, the King's Writs for the Convocations to meet, were Dated at Lincoln, during the Sitting of the Parliament there: The Inscription of these Writs, upon the ⁴ Roll is this; *De Convocatione Cleri fac.* ⁴ Rot. Claus. pro SUBSIDIO Regis, &c. So that I hope I may without Offence of any presume to say that these Convocations were Expresly Called to give Money to the King. 9 Edw. II. m. 17. dors.

The Archbishop of Canterbury took the same Course in Executing this ⁵ Convocation Writ, that he had used in the Execution of the Parliament Writ before. He inserted not the Words of it into his Mandate, but ⁶ Proposed it after his Own manner, and called it by his Own Authority: But he called it at the very Time, and to the same Place, which the King by his Writ had prescribed to him. And so did the ⁷ Guardians of the Spiritualities of the Archbishoprick of York in like manner; to whom the King sent the very same Writs, only with this difference, that the Clergy of Canterbury were to meet at London the Wednesday fortnight after Easter; Those of the Other Province at York, a Month after Easter Day. Sect. 30. 1316. ⁵ Claus. ut supr. See the Appendix ad Ann. 1316. ⁶ See the Appendix. Ibid. ⁷ Regist. Decan. & Capit. Ebor. Custod. Spir. sed. Vacant. fol. 135. ⁸ Ibid.

In the ⁸ Province of York, the Clergy either met not at the Time appointed, or they comply'd not with the King's Desires. For which Reason they were Summon'd to meet again soon after, *viz.* the morrow after Trinity; but what they did, I am not able certainly to say. The Archbishop of Canterbury having Order'd a Provincial Council to meet at London the Sunday next after the Octaves of Michaelmas, the King by his ⁹ Letters dated at York the 1st of October, earnestly Pressed the Archbishop to move his Clergy to give some Effectual Supply to him. These he followed with ¹⁰ New Letters, not only to the Archbishop himself, but to all the Bishops of the Province, and to the chief of the Abbots and Priors; three days after. By this Conduct he Obtain'd his Desires of them: ¹¹ They Granted him a Tenth to be paid One half at the Purification, this Year, and the Remainder on the same Day the Year following. ⁹ Claus. 10 E. II. m. 25 dors. ¹⁰ Ibid. See Regist. Winchelsea, fol. lxxiv. b. ¹¹ Registr. Winchelsea, fol. lxxv. a. Claus. 10 Edw. 2. m. 19.

Having had this Success in One Province, he immediately issued out his ¹² Writ for a Convocation to be held within fifteen Days after the date of it, in the Other. This Writ was in French, and given under the King's Privy Seal: It was dated the 11th of October, and the Convocation was Summon'd, in Obedience to it, to be held the Morrow after the Translation of St. Jo. Beverly, October the 26th. But tho' it was call'd then, yet either the Clergy came not so soon, or they did not presently agree on a Subsidy; for they Granted not their Tenth till ¹³ St. Clement's Day, November the 23^d, as by the Commission for Collecting of it, dated, December the 15th following does appear. ¹² Regist. Jo. de Halton. Episc. Carleol. fol. 189. Et Regist. Decan. & Capit. Ebor. Sed. Vac. fol. 136, 137. ¹³ Ibid. Regist. Dec. &c. Ebor. fol. 86. ¹⁴ Registr. Winchelsea, fol. lxxvii. lxxviii. See them in Spelm. Council. Vol II p. 483.

The King having received this Bounty from his Clergy, the very next Day, November the 24th, passed the *Articuli Cleri*, to which the Answers had been given in the Parliament at Lincoln, and were now confirm'd in the way of a Charter by him.

K. EDWARD
the 11d.

¹ Regist. Vol.
IV. p. 50, 51,
52.

Sect. 31.

1317.

² Brev. direct.

Archi. Cant.

Episc. Winton.

Eli. Norwic.

Et xviii Mag-
naribus.

³ See it Ms.

Lambeth, fol.

n. clxxi. Et

Rot. Cl. 11. E.

2. m. feed.

dors Et m. 34.

d. 11. 12.

⁴ Litera Regis,

&c. Ms. Lam-

beth. Supr. Cit.

⁵ Dugd. Summ.

Parl. p. 103,

106, 108.

Comp. Dr. Bra-

dy's Hist. Vol.

II. p. 123, 124.

⁶ Regist. Henr.

Prior. Cant.

fol. 190.

⁷ Rights, &c.

p. 333.

⁸ Dugd. Summ.

Parl. p. 111.

⁹ Rot. Claus.

12 Edw. II.

m. 22. dors.

Appendix ad

Ann.

But tho' so many *Convocations* met this Year, yet was there no *Parliament* to Accompany them: That was held without them the Year before, as these now without any *Parliament*, on which to *Attend*, this Year. ¹ Mr. *Prynne* does indeed make mention of a *Parliament*, or *Great Council*, which met this Year at *Lincoln*, *July* the 29th, and continued to *August* the 10th. Which ever it were, it makes nothing to the Advantage of those who set up for *Concomitant-Convocations*; that a *Parliament* met, and rose, Eight Weeks before the *Synod* of One Province began, and Eleven before the *Convocation* of the Other was Assembled.

Anno 1317. The *Pope's Legates* being come into *England*, the King was desirous to hold a ² *Great Council* at *Nottingham*, to deliberate with his *Lords* concerning the Business which they were sent about, and some other Difficult Affairs of the Realm. This was order'd to meet *July* the 18th, by *Writ*s dated the first of the same Month.

The *Pope* had Assign'd to the King a part of the *Tenth* imposed upon the *Clergy* by the Council of *Vienne* for the Use of the *Holy Land*, and sent his ³ *Bull* to the *Archbishop* of *Canterbury* for that Purpose. He also took part with Him against the *Scots*, against whom they brought their *Bulls* with them, if they Refused to accept of such Reasonable Offers as should be made to them. For these, and some other Affairs his *Legates* were now sent over hither; but the King had a farther Design in hand to Pleasure the *Clergy* by obtaining a Moderation of the Decree against *Pluralities*, for which He ⁴ wrote this Year to the *Pope* and *Cardinals*.

In the *Quindene* of *Hilary*, *January* the 27th, another *Parliament* was call'd to meet at ⁵ *Lincoln*; but by Other *Writ*s dated the 4th of the same Month, was Prorogued to the 1st Sunday in *Lent*. Then it was farther put off to the *Morrow* after *Trinity*, when the *Scots* invading *England*, the King utterly Revoked it, without ever Assembling of it at all.

About a fortnight before the Second of these Sessions, ⁶ *February* the 23d, the *Archbishop* of *Canterbury* called his *Provincial Convocation* to meet in *London*; and this perhaps Dr. A. will tell us was design'd for an *Attendant* upon the *Parliament* which should have met at *Lincoln*, *March* the 8th, but then it must be consider'd that had that *Parliament* sate; the *Convocation* must necessarily have Risen before it met, that so both the *Bishops*, and *Prelates*, and *Clergy*, might have been at liberty to go to it. That any *Convocation* met about the same time at *York* I cannot find: nor, indeed, do I believe that any was held there till the latter End of the Year following.

The Prorogation of one of those Sessions to the *Morrow* after *Trinity* being made *ad Requisitionem Pralatorum, & Cleri Regni nostri*, ⁷ Dr. A. infers, that the *Parliament* was then Sitting, and the *Clergy* sitting in it, and he brings it as a Proof of their coming to *Parliament* at that time. The thing I dispute not, on the contrary I agree with Him that the *Clergy* did come in those Days, to *Parliament*. But his Argument is not Good: The former Prorogation was made from four Days after *Hilary*, *January* the 27th, to this 1st Sunday in *Lent*, *ad Requisitionem Pralatorum dicti Regni*: The *Writ*, by which it was done, is dated *January* the 4th. Will Dr. A. conclude that the *Prelates* were therefore sitting at that time in *Parliament*, twenty three Days before the *Parliament* was to Sit? This latter was made in like manner *ad Requisitionem Pralatorum & Cleri*: But the *Writ* bears date *March* the 3d, and the 1st Sunday in *Lent* was not that Year till *March* the 8th. Let Dr. A. tell us how they came to be Sitting in *Parliament*, five Days before the *Parliament* was Open'd. To defend a Truth by such Proofs as these, is to Weaken, not Confirm the Point which is design'd to be proved or strengthened by them: And for the Truths sake, it was therefore Necessary to make this short Reflection upon his present Erroneous Allegation.

Sect. 32.

1318.

⁸ Dugd. Summ.

Parl. p. 111.

⁹ Rot. Claus.

12 Edw. II.

m. 22. dors.

Appendix ad

Ann.

But I go on to the next Year, in which the *Parliament* met at ⁸ *York* Three Weeks after *Michaelmas*: In this *Parliament* the *Archbishop* of *York* promised the King that he would call a ⁹ *Convocation* at *York* on the *Octaves* of *Hilary*, in Order to the getting an Aid of the *Clergy* of his Province for Him. The *Archbishop* of *Canterbury* not being at that *Parliament*, and the *Prelates* who were present Excusing themselves from Granting any Subsidy to the King in the Absence of their *Metropolitan*, the King Required the *Archbishop* to call a *Con-*

vacation

convocation of his Province the Day after the Purification, at London, to Treat of, and Consent to, a Subsidy on his behalf. This is the Sense, if not the very Words of the King's Writ, and it plainly Confirms these two Material Points in this Debate; 1st. That there was no Convocation of either Province held with the Parliament at York; and 2^{dly}. That the Convocations afterwards to be held, were called purely upon a Money Account, to Grant the King a Subsidy against the Scots.

The Archbishop of York kept his Word with the King: ¹ He called his Clergy to Convocation, on the Octaves of Hilary, and freely own'd the Supply of the King's Wants to have been the Occasion, and End of it. The Appearance of the Clergy being but small at that time, nothing was Resolved upon by them; but a ² Second Convocation was Summon'd for the same Business to meet at York the Munday next after Sunday in Midlent. What the Result of that Meeting was I have not found; but either there, or in the Parliament which was held after Easter, the beginning of the next Year, a Tenth was Granted to the King by them. This is plain, that tho' the Parliament met at York, and Two Convocations were held at the same place, this Year, yet they met at different Times, and so put the Doctrine of ATTENDANCE quite out of Doors.

Whether the King dropt his Order for the Convocation in the Other Province; or whether being met it did nothing, I cannot tell; but this we know, that they met for that purpose at London the beginning of the next Year; on the ³ Fryday after the Octaves of Easter, April the 20th. In this Convocation the King demanded a Subsidy of the Clergy against the Scots, who were come into England, and in Rebellion against the Roman Sea; but the Prelates would not grant any thing till they had asked the Pope's leave. ⁴ To Obtain this they sent Adam de Murimuth, at the King's Charge, to his Holiness; who thereupon Consented to their Granting of a Years Tenth to him. This Account I take from the Person himself who went on this Errand, and the Instruments relating to it are still extant in the Register of ⁵ Stephen Gravesend, who was then Bishop of London.

About a fortnight after this Convocation, ⁶ a Parliament was held at York, about May the 6th. To this the Clergy were called by the Premunitory Clause in the Bishop's Writ; which the Archbishop, and Bishops, not only Executed, but ⁷ Proxies were Granted by the Clergy of this Province thereupon, to appear in their Names there. The Archbishop of York had a ⁸ Provincial Writ to the same purpose, which he Executed: Whether the Archbishop of Canterbury proceeded in like manner in his Province, I am not able to say; but no such Writ to him appears either in the Clause Rolls, or in any Registers of the Province which I have yet Examined. In this Parliament the King had a Subsidy of the Laity; and either ⁹ here, or in Convocation at Midlent before, a Tenth from the Clergy of the Province of York.

The Messenger sent by the Clergy of Canterbury to the Pope made such quick dispatch, and had such good Success in his Business, that a ¹⁰ Bull was dated at Avignon for the Granting of their Tenth, May the 29th. But the King's Necessities called for an Advance of Money before the times on which he was to Receive it: This therefore he desired by particular ¹¹ Letters, and the more to Oblige the Clergy, who complained that they were Taxed, not only to their Own Tenth, but to the Twelfth, and Eighteenth Granted in Parliament, issued out his Letters to forbid the Collectors to Assess, or Receive, any thing to those Aids, out of such Profits of which they paid the Tenth which the Pope had imposed upon them.

To clear this Matter, I must observe that when the Twelfth, and Eighteenth were Granted in the Parliament at York, at which both the ¹² Prelates and Clergy of Canterbury were present; they caused this Condition to be inserted into the Grant, as far as they were concern'd in it, that if the Pope imposed a Tenth upon them, for which they had sent (as we have seen) to him, then they should not be obliged to pay to those Aids, out of such Goods of which

Prior. Cant. fol. 203.

⁸ Registrum, Melton, fol. 554.⁹ Ex Brevis Reg. ad Arch. Cant. Registrum, Prior. Cant. fol. 210. Vid. Append.

Cant. fol. 210.

¹⁰ Registrum, Eccl. Cant. H. fol. 228. b.¹¹ Registrum, Prior. Cant. fol. 210. Vid. Append.

ad Ann. 1319.

¹² Claus. 13 Edw. II. m. 17. Appendix. Besides the Returns of the Lower Clergy to this Parliament, were filed; and are still to be seen among the Rolls of the Tower: So that no doubt can be made of their being present at it.

R. EDWARD
the III.

they were wont to give their *Tenths* to the King. The *Pope* therefore having done this, they were to be Excused the Other, by Vertue of that *Proviso*; and accordingly they had the *King's Writ* to defend them against that double Payment to which they would otherwise have been Exposed.

Hitherto then the *Clergy* not only Came to Parliament, but Consented to the *Subsidies* which passed with Relation to themselves there. On the *Octaves* of *Hilary*, another Parliament met at York; but without any *Premunitory Summons* of the *Clergy* to it. So that here now we have again a full Distinction of all these Meetings, and a new Evidence of their Independence upon One another. The *Convocation* of York met in *Midlent*; the *Convocation* of *Canterbury* about a fortnight after *Easter*; and the *Parliament* at York, a fortnight after that; when neither of these *Convocations* were sitting. The *Clergy* both met, and acted, as we have seen, distinctly in Each of these Assemblies. The *Parliament* after *Hilary*, had no *Convocation* near it, in Either Province. The *Clergy* of York, gave their *Tenth* first, and freely: Those of *Canterbury* followed, at the *Pope's* Direction. And in all this, so contrary is the matter of Fact to Dr. A's Scheme, that 'tis impossible to Reconcile the One with the Other.

Sect. 34.

As for the next Year a ¹ *Parliament* was held at *Westminster* upon *Munday*, in the *Octaves* of *Michaelmas*. The *Pope* gave the King another ² *Tenth* upon the *Clergy*, but of any *Convocation* that fate this Year, I have met with no Account.

¹ Dugd. Summ.
Parl. p. 117.
² Adam de
Murimuth, Mf.

See the Bull dated 21d. Julij. in Regist. Eccl. Cant. H. fol. 232. b.

1321.

Anno 1321. A *Parliament* was Summon'd to meet at *London*, ³ Three Weeks after *Midsummer*, July the 15th. To this the *Clergy* were called by the *Premunitory Clause*, and a ⁴ *Provincial Writ* was issued out to the *Archbishop* of *Canterbury*, Requiring him to Summon the *Clergy* of his Province to it. This *Parliament* being held in the Province of *Canterbury*, no *Provincial Writ*, that I can find, was sent to the *Archbishop* of *York*, to Cite his *Clergy* to it. As two Years before 1319. none was sent to the *Archbishop* of *Canterbury*, when the *Parliament* was to meet at *York*. The *Archbishop*, being thus Required by the King, Obey'd, and Summon'd the *Clergy* by his *Provincial Mandate* to *Parliament*; and the *Bishops* of the Province Executed both the *King's Writ*, and the *Archbishop's* Precept, to that Purpose. Thus *Henry Burghersh*, Bishop of *Lincoln*, by his ⁵ Orders dated May the 30th, Called his *Clergy* to this *Parliament*, in pursuance of the *Premunientes*; and by ⁶ Second Orders of June the 11th following, Executed the *Archbishop's* *Provincial Citation* of them to the same *Parliament*.

With this *Parliament* no *Convocation* of either Province met: In December following the *Archbishop* of *Canterbury* Summon'd a *Provincial Council*; and in the ⁸ Second Volume of our *Councils*, we meet with several *Constitutions* pretended to have been made in it, which yet it is plain were drawn up, at least in the Form in which they there stand, many Years after, in the time of *Archbishop Stratford*. But the main thing to be Consider'd in this *Council* is the Resolution of the *Bishops* and *Prelates*, who declar'd the Act of the *Parliament* Preceding, in the Banishment of the *Spencers*, ⁹ Null, and Void in Law, because it was done without their Consent, who as *Peers* of *Parliament* ought to have Concurr'd in it; and the next *Parliament*, both Re-cited, and Allow'd, of what they had done. In the *Writ* of *Summons* for this *Council*, there are some things very particular, which do not Occur in any Other Forms. I shall therefore instead of Observing them here, take the shorter Course of inserting the *Mandate* its self into the ¹⁰ *Appendix*, and there leave it to such are minded to reflect upon them.

Thus passed this Year; but I must not go on to the next without taking Notice of a Remark which Dr. A. seems to have been fond of, and in which he is, nevertheless, more than one Way, utterly Mistaken. I will set it down in his own Words. "Now then, tho' the *Premunientes* was obey'd Nationally, yet the *Clergy* that met with the *Parliament*, acted Provincially; that is, the *Clergy* of that Province where the *Parliament* was held, acted as a *Synod* Convened by their *Metropolitan*; and the *Clergy* of the other Province sent their *Deputies* to the *Lay-Assembly* to consent for them; but

¹¹ Rights, &c.
p. 233, 234.

taxed

“taxed themselves, and did all manner of Ecclesiastical Business at home in their Own Province. For Proof of this, he alledges this Instance, and the only One it is on which he founds this Material Observation: “Thus in the Instance before given, Anno 1321. The Clergy of York Province (where the Parliament was held) are only said to have made their Grant in Parliament. But the Clergy of Canterbury Province are not said to have Granted in Parliament, tho’ they met AT THE SAME TIME Provincially, and Consented to the Grant of a Tenth which the Pope had imposed upon them. This is an Instance, which he no less then four several Times insists upon; and twice for the Proof of this very thing; and yet in the whole he betrays an Utter Ignorance of the Truth of that Matter.”

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the III.

Ibid. p. 233,
253, 336.

In the Year 1319. (for in that Year it was, not in the Year 1321.) the Convocation of Canterbury met upon the Fryday after the Octaves of Easter; but would not Grant the King a Tenth, unless the Pope Consented to it. The Convocation being Risen, and a Messenger sent to Avignon, at the King’s Charge, for the Pope’s Allowance of their Subsidy; the Parliament met at York about a fortnight after: There the Knights, Citizens, and Burgeses Agreed to a Subsidy of an xviiith; of all the Lay-Lands, and Possessions of the Realm. The Clergy had at this time a double sort of Rents, and were taxed after a double manner for them. Their Lay-Fees, but especially those of a latter Title, were Asses’d in Common with those of the Laity in Parliament, and there they Agreed with the Laity to the Imposition that was laid upon them. Their Antient Demeans, but especially their Spiritualities, the States in Parliament medled not withal: Those the Clergy themselves Asses’d; and that commonly in their Own Separate Convocations.

This was the Case in the Instance before us: The Clergy of the Province of Canterbury now Assembled in Parliament at York, had in their Convocation a fortnight before at London, agreed to give the King a Tenth, if the Pope Imposed it, and sent a Messenger to him for that Purpose. In Parliament they Consented to the Lay-Tax; but having Reason to believe that the Pope would grant the King the Tenth, which he desired, upon them; they Guarded this Grant in Parliament with this Proviso, that if he did Charge them with such a Tenth, then they should not be Obligated to pay the xith and xviiith out of such Lands and Tenements for which they should be Rated to that Tenth, and out of which they were wont to pay to it. This is the truth of the Case as far as the Province of Canterbury was Concern’d in it.

As for the Clergy of York, Two Convocations had been held for the like Subsidy in that Province: One after Hilary; the Other about Midlent. In this latter I take their Tenth to have been granted to the King; not in the Parliament, as Dr. A. without any Good Warrant from the Writ which he refers to, Reports. That Writ was dated July the 19th, after all these Meetings were over. It recites to the Archbishop of Canterbury, how that by his Advice (who therefore was it seems at Parliament) “and by the Advice of his whole Parliament, it was concluded that he should advance with an Army against the Scots. That this being not to be done without a great Expence, a Tenth of the Clergy of York, an Eighteenth of the Goods of the Community, and a Twelfth of the Cities and Burroughs had been Granted to him; and that the Pope had more-over given him a Tenth upon the Clergy of Canterbury. The rest of the Writ is to get a present Advance of Money hereupon, and is not material to our present purpose.”

Vid. Regist.
Henr. Prior.
Cant. fol. 210.

This is the Recital; and it takes in the several Grants in Order as they were made; but determines not either, when, or where, they were made. First the Clergy of York gave a Tenth (as I suppose in their Convocation of Midlent:) Next the Laity, their Subsidy; in the Parliament of York: And lastly, the Pope his Tenth; according to the desire of the Clergy of Canterbury, in their Convocation after Easter. And all this according to the Usage of those times; which was for the Clergy to tax their Own Spiritualities, not in Parliament, but in Convocation; by themselves, and in a full Meeting of the Province. But what is there in all this to favour Dr. A’s Principles? * “That the Parliament Clergy of the Province where that Great Council met, acted as a Synod? A thing utterly false; and never to be made out by any One Instance to be true. * That the Clergy of the Other Province, came not to it themselves

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the II^d.

3.

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Sett. 35.
1322.

¹ Dugd. Summ.
p. 122.

² Regist. Reynolds, fol. 304.

³ Claus. 15 E.
II. m. 17. d.

⁴ Mandat.
Arch. pro
Congreg.
Cleri. Vid.
Append.

⁵ See the Man-
date above
Quoted.

⁶ Regist. Memorand. Henr.
Burghersb, fol.

55. Append.
ad Ann. 1322.

⁷ Regist. Mel-
son, fol. 461.

⁸ Dugd. Sum-
monit. Parl.
p. 124.

selves, but sent their *Proctors* to Act for them: Which sometimes they did, and sometimes they did not; as it fell out for their Convenience, or not, to do it. * " That the Clergy of the *Province of Canterbury* (in this Instance)
" granted not in *Parliament*: Whereas with Reference to their *Lay-Fees*, 'tis evident they did grant there; and for their Others, neither did the Other *Province* Grant in *Parliament* any more then they; at least it does not yet appear that they did. * " That the Clergy of *Canterbury* met at the same time
" Provincially. Whereas 'tis plain that they met twelve Days before; and the same Persons, (as the *Archbishop* particularly) sate in both. * " That
" there they consented to a *Tenth* which the *Pope* had imposed upon them; When, on the Contrary, they would not Grant a *Tenth* without the *Pope's* Consent, but Agreed to One upon that Supposition, and delegated One of their Body to go to him, for his Allowance and Confirmation. All these Errors has this Author committed in this One Instance; which at last amounts to nothing more than this, which directly overthrows his Pretences; * That the Clergy of each *Province*, met separately, by themselves, in *Convocation*; * Whereas they came All together, *Nationally*, to *Parliament*. * That the *Parliament*, and *Convocation*, sate Severally from One another, without any Dependance of the One upon the Other: * That they Taxed their *Lay-Estates* all together, in Common, with the *Laitie* in *Parliament*; but severally, and by themselves, Assess'd their Own *Spiritualities*, Provincially, in *Convocation*. In short, * That the *Province* of *York* had no Dependance on that of *Canterbury*, but freely Granted a *Tenth* by their Own Authority, at the same time that the Other *Province* would not do it without the *Pope's* Imposition.

But I proceed to the next Year, where we shall farther see the Falseness of Dr. A's Principles, as we have now done the Weakness of the Proofs by which he endeavours to support them. The beginning of this Year the War of *Scotland* continuing, and the King's Necessities being encreased thereby, another ¹ *Parliament* was called to meet at *York*, three Weeks after *Easter*. To this the Clergy were again Summon'd both by the *Præmunientes* in the *Bishop's* Writ, and by a Provincial ² Writ to the *Archbishop*, as before. This the *Archbishop* Executed on his *Suffragans*; they on their *Inferiour* Clergy. Before the Session of this *Parliament* began, the King by Another ³ Letter to the *Archbishop* of *Canterbury* prepared the minds of the Clergy to comply with his Necessities; the Effect of which was such as he desired it might be.

Being thus Summon'd to *Parliament*, the ⁴ *Archbishop* of *Canterbury* the *Bishops* of *Norwich*, *Exeter*, *Chichester*, *Bath* and *Wells*, *Bangor*, *St. Asaph*, *Ely*, *Worcester*, *Rochester*, and *Lincoln*, went all in Person out of our *Province* to it. The Clergy of most of their *Diocesses* were there also; and (to the utter Ruine of Dr. A's Hypothesis) they there agreed to a *Subsidy* of five Pence per Mark, out of their *Spiritualities*, with this Condition; that a *Convocation* should be Called, as soon as Conveniently it could be done, within the *Province*, to confirm the Grant which those who were at the *Parliament* had, as much as in them lay, made of it. This, I hope, will fully satisfy this Author, that the Clergy not only went to the *Parliament* out of their *Province*, but sometimes gave *Subsidies* there too; and only Reserved the Confirmation of them to the fuller Body of the *Provincial Convocation*; in which it was now become the Usual, as it was indeed the most Reasonable method, to determine of such Matters. In pursuance of this Agreement, the *Convocation* was ⁵ Assembled soon after, on the *Wednesday* after *Trinity Sunday*: It met intirely about this Affair; insomuch that the ⁶ *Non-Exempt* Clergy of *Lincoln* giving their Consent at Home, to the *Subsidy* which had been before Granted, were thereby Excused from the Trouble of coming at all to it.

The ⁷ Clergy of *York* were before-hand with our *Province* in this matter. They met in *Convocation* there the *Munday* seven-night after the *Parliament* began, *May* the 10th; and that expressly for this End, to grant a *Subsidy* to the King; as the Mandate for their Assembling shews.

Upon the *Sunday* after *St. Martin*, *November* the 14th, another ⁸ *Parliament* was called, to meet at *Rippon*, but held at *York*. To this the Clergy were not called, either by the *Diocesan* or *Provincial Writs*; tho' the *Commons* were, as their Writs for their Expences shew. In this *Parliament* the *Laitie* Granted a large Aid to the King; a *Tenth* of the Community, and a *Sixth* of the Cities

Cities and Burroughs. The very last day of this Parliament (to convince Dr. K. EDWARD A. that no Convocation of either Province met with it) the King issued ^{the 11d.} out his ¹ Writs, for both the *Convocations* to meet; the One at *Lincoln*, the ¹⁶ Rot. Claus. Other at *York*, with all convenient speed. In these the King Avows his ¹⁶ Edw. II. m. End in Calling them, to be to get a Supply from them; which he therefore ^{20.} dors. App. presses them with all Earnestness to grant to him. But having given an Aid ^{pend. ad Ann.} but just before, and the Two Years *Tenth* Granted by the Pope being still ^{1322.} Running on, they desired to be Excused from obliging themselves to any more at that time.

This was the Resolution of our Clergy in their Convocation at ² *Lincoln* ^{Vid. Append.} the Morrow after *Hilary*, *January* the 14th. And the same was the Answer ^{ad Ann.} of the Other ³ Province in theirs at *York*, *January* the 26th. In the mean ³ *Registrum.* while, here we see plainly two *Parliaments* held, and three *Convocations*; all ^{Melton. fol.} at different times from One Another; and without any Dependence in their ^{462.} Meeting upon Each Other. The Design of these *Convocations*, is declar'd to be for Aid to the King; which I hope may serve to justify my Assertion, that this was the great End for which our Kings Called these Meetings; and the main Use which they made of them, being Assembled.

I cannot conclude this Year without Observing ⁴ that *Walsingham* speaks ⁴ *Wals.* p. 119. of a Third *Parliament* which met this Year in *Lent*; and in which he tells us many things were done. If this were so, here is another *Parliament* without any *Convocation*, that I know of, in Either Province to Attend upon it.

The Year following, 1323. the King Summon'd A Council of his *Lay-* ^{Seal. 36.} *Lords* at *Westminster* on the *Octaves* of *Hilary*. He had held a ^{1323.} Great *Coun-* ⁵ *Mc. Lam-* *cil* at *Nottingham*, in *November*, where it was Resolved to call, not a *Par-* ^{bet h. Num.} *liament*, but a separate Meeting of the *Barons*, and a *Convocation* of the *Cler-* ^{cclxxxv. fol.} *gy* of Either Province: The *Lay-Convention* to meet at *Westminster*; ⁶ the ^{57. b. Vid.} *Convocation* of One Province at *York*; of the Other at *St. Pauls London*; ^{Append. ad} and All upon the same Day, the *Octaves* of *Hilary*. What the Design of ⁶ *Rot. Claus.* these several Assemblies was, the *Writs* speak not: They only mention in ¹⁷ *Edw. II. m.* *General, quadam pro decore S. Ecclesie Statuq; & Honore Regni*; Concerning ^{31. dors. Ap-} which the King wanted their *Help* and *Assent*, and that they should shew ^{pendix.} themselves Ready and Willing to help him.

But be the Design what it will, it was soon laid aside, and a new ⁷ *Re-* ⁷ *Rot. Claus.* *solution* taken. For by *Writs* dated *December* the 26th, both the *Lay-Con-* ¹⁷ *Edw. II. m.* *vention*, and the Two *Convocations* of the *Clergy* were intirely Suspended, and ^{27. dors.} a *Parliament* Summon'd in their stead to meet Three Weeks after the *Puri-* ⁸ *Regist. Henr.* *fication*. The *Archbishops* who had Called these *Convocations* at the King's ^{Prior. Cant. fol.} *Command*, ⁸ the One to meet at *London*, on the *Octaves* of *Hilary*, the ^{234. Vid.} Day which the King had prescribed, the Other at ⁹ *York* the *Tuesday* after ^{Append.} the *Purification*; again Obey'd in the ¹⁰ Suspension of them.

It was now grown the Custom to Call the Clergy to Parliament by two ⁹ *Regist. Mel-* ^{ton. fol. 464.} *Provincial Writs*, as well as by the several *Diocesan Summons*. And the ¹⁰ *Regist. Bur-* ^{ghersh. Lincoln.} *Clergy* were so well used to it, that the King's *Writ* gave them no Offence, ^{fol. 117. Re-} tho' it were intirely inserted into the *Archbishop's Mandate*. What was done ^{gist. Melton.} in this *Parliament*, which sate about Three Weeks, ^{fol. 464. Vid.} Our *Historians* par- ^{Append.} ticularly inform us: To them I refer the Reader. It is enough that here ¹¹ *Prynne's Re-* ^{gist. Vol. I. p.} again we have a full *Parliament* Called, and no *Convocation* with it; but on the ^{98. Registrum.} contrary, the *Convocations* called by the King's Order were prohibited to meet, ^{Reynolds, fol.} because that the *Parliament* was about the same time to be Assembled. ^{235, 236. Ap-}

From this true Account of the Affairs of this Year, it will now be easy ^{pendix. ad} to Rectify the multitude of Errors, which for want of attending to the Truth ^{Ann. 1323.} of these Matters, Dr. A. has fallen into, and built some very Extravagant ¹² *Angl. S.* *Notions* upon them. ^{Vol. I. 364.}

¹³ He tells us, "that when the *Archbishop* Summon'd (the *Clergy*) in ^{Walsingham,} "Obedience to the King's *Provincial Parliament Writ*; He did not only do ^{p. 121, 506.} "always just what that *Writ* Exacted, and no more, but took Occasion some- ^{Adam Muri-} "times from thence, to Cite All those *Abbots* and *Priors*, who had no Place ^{muth. Mc.} "in *Parliament*, in Order to Compleat the Numbers of the *Clergy*, and ¹³ *Rights, &c.* "form a *Provincial Assembly*. Upon this Fundamental Error, he Runs into ^{p. 255.} a great many more Consequential Mistakes, to the End of this Paragraph, which is a piece of Entire Fancy, without either Truth, or Ground on which to

K EDWARD build them. For indeed the *Archbishop* did no such thing : When He Executed the *King's Writs*, he did it according to the Letter of them, and Summon'd no Other Persons but what the King Called to Parliament. If he thought fit to hold a Council, at the same time, it was by Other Mandates that he held it; not in the Execution of the *King's Writs*.

But we will Examine his Proof of this New Assertion. " Thus Anno 1323. when the Parliament met in ¹ Octab. Hilarij, and the *Pramunientes* went out (for the *Writ* has it whereby that Parliament was Prorogued) the *Archbishop* at the King's Instance, Expressed in his Second *Writ* with the Clause *Nos Nolentes* (a Copy of which for the Prorogation of this Parliament, is in ² *Regist. Henr. Prynn. Vol. I. pag. 98.*) Summon'd not the ² Parliament Clergy alone, but All such as Composed a Provincial Council.

1. What a heap of Mistakes are here Crowded together into a very few Lines? " When the Parliament met in Octab. Hilarij. Will this Author give me leave to tell him in the first place, that that Convocation never met at all; but was by *Writs* dated December the 26th, above three Weeks before the time it should have met, intirely put off.

2. Again, The Convention called to meet at Hilary, was no Parliament. Let ³ Dr. A. look again into the *Writ* of Summons to which he Refers : He will see it was only an Assembly of the Lay-Barons, who were designed to have been then Convened.

3. By Consequence, 3dly. There was no *Pramunientes* went forth with those *Writs* : The *Writs* to the Temporality, to be sure had it not. Those to the Spirituality, were meerly for a Convocation; and to let him see that there was no *Pramunientes* in them, He may please in the Appendix to take a View of the very *Writ* by which they were Called.

4thly. This Parliament, never Summon'd but in this Authors Fancy, was by Consequence not Prorogued neither, to Three Weeks after the Purification : But the King, who designed to have had three distinct Assemblies of the Temporality, the Clergy of Canterbury, and the Clergy of York; at Westminster, London, and York; thought it better to Unite them all together into One Parliament, at the time before-mentioned; and therefore Suspended altogether their Separate Meetings, and Required them to Assemble in One Common Council.

For the same Reason, 5thly. There was no Clause of *Nos Nolentes*; issued out for that First Meeting after Hilary : It was called by another sort of *Writ*; in which that Clause neither had, nor could have had any Room.

In short, 6thly. The King Order'd the Two *Archbishops* to call their Provincial Clergy together. They did so, and therein Literally Obey'd the very Words of the *King's Writ*; which was not, as He imagines, for a Parliamentary Convention, but for a Separate Provincial Convocation.

Dr. A. having upon Occasion observ'd a great many Mistakes (as he thinks) of mine, in a few Lines, which shall hereafter be Consider'd, concludes with this Generous Challenge on my behalf : " ⁴ I defy any Man to make MORE Mistakes, in So few Words, As Dr. W. has done. A Critick in Words, would have said, THAN Dr. W. has done. But that is not material. I ought in Justice to give him the Precedency in this, who is so Ambitious of it in all other Respects; and shall therefore submit it to the Reader, to judge whether there be not a Man in the World, whom he ought to know (tho' I fear He never will know Him) that can Commit as many Mistakes, in as few Words, as 'tis possible for Dr. W. with all his Ignorance, and Ill-luck too, to do.

The next Year affords but little to Our present Purpose : ⁵ Three Weeks after Michaelmas a Parliament was called to Sarum; Whether held there, I cannot tell. If Mr. Prynn has been exact, the *Writs* of Expences for the Knights who came to it, mention Westminster as the Place of its Assembly. None of the Lesser Clergy were called to it, nor does it appear that any besides the Bishops were at it. Two Other Great Councils were held this same Year : ⁶ One to meet at Winchester the Second Sunday in Lent; the other at Westminster, on the Octaves of Easter. The former met not, but was Adjourn'd to the Latter; Whether that assembled, I cannot tell. As for Ecclesiastical Synods, I meet with none this Year of any kind, and shall therefore pass on, without more delay to the next.

In this, a Parliament occurs on the ¹ Morrow after St. John Baptist: The Bishops with the Parliamentary Abbots and Priors, were Summon'd to it, but no Clause for the Lower Clergy to come with them. But that was Supplied in the Other Parliament of this Year; which was held at Westminster in the ² Octaves of St. Martin, November the 18th, and sate about a fortnight. To this the Church of ³ Lincoln sent its Proctors, with three several kinds of Procuratorial Letters; the Entry of which is thus made, That of these One was more Restrained, *et Si Utendum*: To be insisted upon, and only Used if it might be. The Other was *Aliquantulum Restrictum*, but not like the former, and to be Used, *Si de alio non Possit Evadi*. The third was more General, but by no means to be Used, *nisi in Causa valde necessaria*. The Difference consisted in these Words, after the Empowring Clause, which enabled them to Consent in their Names, to what should be ordained in Parliament; "*Quatenus ad Ea facienda de jure artari poterimus, & debemus. Proviso quod iidem Procuratores, vel Eorum Alter, nulli contributioni facienda, Nobis consentiant, vel consentiat, Inconsultis*. The first Proxy had both these Limitations: The Second only the latter of them: The third had neither.

This may be of Use to shew, what it was that made the Clergy so uneasy in their going to Parliament; and withal prove, that hitherto, they did not only Return their Proctors thither, but that their Proctors also went and Acted on their behalf there.

I observe only this One thing more, in this Year; That tho' here was an unquestionable Parliament Assembled, yet no Convocation in either Province met with it; or, in Dr. A's New Phrase, ATTENDED UPON it.

We are now come to the last Year of that Unfortunate Prince King Edward the Second, in which much Business was done, but of little Concernment to Our present Debate. The Archbishop had for some Affairs Relating to the Church, and in Obedience to the Pope's Command, called a Council of his Province to meet fifteen Days after Michaelmas. The King designing at the same time to hold a Great Council at Stamford, ⁴ Commanded the Archbishop to put off his Synod, that it might not interfere with that intended Meeting. The Archbishop accordingly Prorogued his Council, to the next day after All-Souls, November the 3d. Whether it met then, I cannot tell: In the Margin of the Archbishop's Register there is set an *Alia Prorogatio*; but the Instrument to which it refers has nothing to that Purpose. About the latter End of December, ⁵ the Archbishop called his Provincial Council to meet at London the Fryday next after Hilary, January the 17th. This was held purely upon an Ecclesiastical Account; The Summons has somewhat very particular in it, and may for that Reason deserve the place which I shall give it, accordingly, in my Appendix.

In this Interval a Parliament was called to meet fifteen Days after ⁶ St. Andrew the middle of December; and from thence was Prorogued, to the Morrow after Epiphany, January the 7th. All was now in Confusion: Nothing done after a Regular or Orderly manner. Yet amidst all this Confusion, this may be Observed, that with neither of these Parliaments was any Convocation Summon'd; nor did any meet in either Province.

That the Lower Clergy were not only still Summon'd, but continued upon that Summons to go to Parliament, we have such clear Proofs from the Authentick Instruments relating to this present Parliament, that it may not be amiss to take some notice of them. The Archbishop of Canterbury (as we have seen) gave but a very short notice to his Suffragans for the calling of the Provincial Council, which I have said was held at London the Fryday after Hilary.

⁷ The Proctors for the Diocese of Lincoln were already chosen, and deputed to Parliament; and the Bishop thought it a Grievance to his Clergy to Assemble again upon such short Warning. But yet considering that their Labour and Charge might much be eased if instead of chusing New Proctors, they sent Powers and Instructions to the Proctors already order'd to Parliament, to act for them in the Council, He proceeded to the Execution of it. Now as this shews that the Lower Clergy of that Diocese appear'd still in Parliament; so have we another Authentick Record to prove, that those of Lichfield did likewise. In one of whose ⁸ Registers belonging to the Cathedral, I find this Minute entred; *iii Kal. January 1326. "It was Agreed by the Chapter of Lichfield that Mr.*

K. EDWARD
the 1st.

1325.
Dugd. Summ.
Parl. p. 133.

134.
Ibid. p. 134.

3 Lib. A^{ss}. Ca-
pit. Lincoln, I.
fol. 5. 2 Non.
Nov. 1325.

Sect. 38.
1326.

⁴ Registrum
Reynolds. fol.
312. See the
Appendix ad
Ann. 1326.

⁵ See Append.
ad Ann. 1326.

⁶ Dugd. Summ.
Parl. p. 136.
Brady's Hist.
Vol. II. Ap-
pend. n. lxxi.

⁷ Memorand.
Henr. Burghersb.
fol. 152.

⁸ Acta Capituli
Eccle. Cath.
Lichfield in
Mus. Ashmole
794.

" John

K. EDWARD ^{the III.} "John Clarel Proctor of the Chapter in the Parliament at London, shall have allowance of the Days from the Beginning of the Parliament, till the Clergy shall be Licensed to depart; — And the Parliament began the Morrow after Epiphany; 1326. What was done in these two large Dioceses, we may justly conclude was done in All the Others: And the Procuratorial Letters filed in Parliament, and lately discover'd in several Bundles in the Tower, sufficiently shew, that they did continue many Years after this to Assemble, not in two imaginary Convocations (as Dr. A. pretends) but in One National Body with the Other Estates, in Parliament.

And now to sum up the whole of this Reign: From what has been said, it appears; * That the Clergy hitherto continued not only to be Summon'd to Parliament, but actually to come to it, and do Business in it. * That to this they were called sometimes by the *Premunientes* only, sometimes by that Clause, enforced by Provincial Parliamentary Writs, to the Archbishop of each Province. * That by these Writs, the same Persons were Summon'd, and that to the same Assembly, and for the same Purpose, that they were by the *Premunitory* Clause to the Bishops; * Nor did the Archbishop in the Execution of them, ever Call any Other Persons, but the Parliamentary Clergy only, to meet in Obedience to the King's Command. * That however the Clergy, at first, Remonstrated against their being Summon'd, after this manner, by the Archbishops to Parliament, yet before the End of this Reign, they freely submitted to it, and made no more Exceptions against it. * That during this whole Period, it does not appear that the Provincial Convocations of the Clergy were either wont to be held at the same time with the Parliament, or otherwise looked upon as any ATTENDANTS upon it. * That sometimes there were Convocations in the same Year, and often none; in which nevertheless One, or More Parliaments, were held. * When there were Assemblies of Both Kinds in the same Year, sometimes they met near to, but oftner at a Greater Distance from the Parliament, but NOT ONCE hitherto CONCURRENTLY WITH IT. In a Word, * That the avow'd Design, and End of the King, in Desiring, or Ordering the Assembling of these Convocations, was to Obtain Supplies of the Clergy: For this they met, and little more than this was done by them, when they came together. Let us see how these things stood in the long Reign of his Son.

King EDWARD the III.

Sec. 39.
1327.

This young King was scarce well settled in his Government, before the Scots began to give him a Disturbance upon the Borders. Having spent the Summer in his Engagements against them, and wasted his Treasure, he was forced to Assemble a Parliament at ¹ Lincoln for New Supplies: This he Order'd to meet there September the 15th: And to bring the Clergy the better to it, He not only Cited them by the *Premunientes* in the Bishop's Writs, but pursued the Custom which his Father had begun, of Calling them by two Provincial Parliament Writs, directed to the Archbishops, for their several Provinces.

² Regist. Reynolds, fol. 207. Tho' these Writs were Executed by both the ² Archbishops; yet the Clergy came but in a small Number to the Parliament. Those ³ of York alledged that their Metropolitan could not Compel them to go out of their Own Province. And tho' those of Canterbury had not the same Excuse, yet ⁴ the Greater part of the Bishops and Clergy went not to it. The Smallness of the Number which appear'd there, furnish'd them with the Excuse which they desired of not Granting the King any thing out of their Spiritualities in Parliament. This was what the King would willingly have brought them to; and they as Industriously declined. All that was done therefore at that Parliament, as to this Matter, was to agree that the Clergy of each Province should meet in a Convenient time within their Respective Provinces in Convocation, and there deliberate of the Supply that was demanded of them.

To hasten this, the King issued out his ⁵ Letters to the Archbishop of Canterbury whilst the Parliament was yet sitting at Lincoln, to Assemble his Convocation at Leicester: Regist. Reynolds, fol. 207. ⁶ See the Appendix ad Ann. 1327.

convocation,

vocation, as soon as possible at *Leicester*; and Required him to be Himself in Person there, and to Use all possible Diligence to get a suitable Aid of his Clergy. He wrote in like manner to the Archbishop of York for his Province, which he Order'd to Assemble for the same End.

And now the *Convocations*, which had not been called either to meet with, or Attend upon the Parliament, were both Assembled by this Order of the King to that Purpose. That of our Province met at *Leicester*, the Place which the Royal Writ had assign'd on the Wednesday after *All-Souls*, November the 4th, about Six Weeks after the Parliament was Risen. That of York met sooner, upon Munday, October the 12th. And first the Clergy there agreed to Grant a Tenth to the King. Afterwards our Province did the same at *Leicester*; at this time following, not Guiding, much less Over-ruling, the Acts of the Other. Not long after this the Archbishop of Canterbury died; November the 16th; and was in a few Days succeeded by Simon Mepham, who was Chosen into his place the 8th of December following.

Upon the Sunday after the Purification, a 2 Second Parliament met at York. The Clergy were doubly Summon'd, as before, to it. But having so lately been supplied, neither did the King desire any Convocation to meet with this Parliament, nor did any, in either Province, Attend upon it.

The next Year a great many Parliaments were Assembled: One at 3 Northampton, three Weeks after Easter: A 4 Second at York, the Sunday after St. James: A third at 5 Salisbury, on the Sunday after the Quindene of Michaelmas: And a 6 fourth, by Adjournment from Salisbury, at London, on the Octaves of the Purification: And the Clergy were Summon'd to every one of them. Yet not one Convocation appears to have sate in either Province, or to have Attended on any of these four Parliaments.

On Fryday, January the 29th, the Archbishop of Canterbury held his 7 Provincial Council at London; in Pursuance of the Determination of the Church Canons, and at the instant Admonition of the Pope to that Effect. In the Execution of the Archbishop's Mandate a little difference arose between the Chapter of Lichfield, and the Archdeacon of Stafford, of which some Notice must be taken. 8 The Bishop of Litchfield had Commanded the Archdeacon by his Letters Mandatory to Cite and Premonish the Chapters of the Archdeaconry of Stafford to appear at this Council. The Chapter of Litchfield was of Opinion that this Command Extended not to them, because that neither the Chapter, nor Chapter-House, were within the Archdeaconry of Stafford. And besides, by Immemorial Custom, the Chapter was to be Cited only by the Dean, or his Delegate; and the Mandates for such Citations, to be directed immediately to them, for that End: Upon which they Protested in Presence of a Publick Notary, that they would not Obey the Archdeacon's Premonition, unless, or any father than, they were bound of Right to do it, and so as not Prejudice the Custom before-mention'd. The Council being thus Summon'd, met; and made some Ecclesiastical Constitutions of no great Importance, which may be seen in the Second Volume of our English Councils.

Anno 1329. A Great Council was held at 9 Windsor the Sunday after the Feast of St. Mary Magdalen, July the 23d. To it were Summon'd the Bishops, Abbots, and Priors, as Usual: But the Lower Clergy were not called. Upon the Sunday before the Feast of Pope Gregory, March the 11th following, a 10 full Parliament was held, and the Clergy by double Writs, were called to it. The Archbishop Summon'd them to Appear before himself, in the Cathedral Church of Winchester, on the Day that the Parliament was to meet. And so far departed from the latter Methods of Execution; and Return'd to the manner which had first been used, while the Clergy were not yet satisfied with the Lawfulness of such a Citation. But they were Summon'd to appear before him for the 11 Business of the Parliament; In Obedience to the King's Parliament Writs, Recited in the Mandate; "To treat with him, and the rest of the Prelates, concerning the Urgent Affairs of the Church and Realm, which were more at large to be Treated of in Parliament. This I take to have been All that the Lower Clergy were wont to do at those

6 *Ceteris Prelatis, super urgentibus Ecclesie Anglicane & REGNI negotiis in PARLIAMENTO predicto diffu-
sus pertractandis.*

Meetings:

K. EDWARD
the 1st.

Regist. Mel-
ton, fol. 463.

Dugd. Summ.
Parl. p. 143.

Sect. 40.
1328.

Ibid. p. 145.

Ibid. p. 147.

Ibid. p. 148.

Pryn. Regist.

Parl. IV. p.

101. 102.

Memorand.

Hear. Burg-

herst, Lincoln,

fol. 199. b.

Arch. Capitula

Ecol. Cath.

Lich. MS.

Asbmol. fol. 24.

Sect. 41.

1329.

Dugd. Summ.

Parl. p. 151.

Ibid. p. 153.

Regist. Henr.

Burghest.

Lincoln. fol.

169. Ad

tractand. uns

Nobiscum &

prædicto diffu-

K. EDWARD Meetings: They treated with the Prelates, of what concern'd them; and having so done, the Bishops acted both in their Own, and their Clergies Names, with the Other Estates in Parliament.

1330.

But tho' here again was a full Parliament Assembled, yet did no Convocation sit this Year in either Province; nor by Consequence was the Doctrine of ATTENDANCE (that New-found Priviledge of the English Clergy) yet known, at least we are sure it was not yet Practised by Them. For Proof of which, I must observe, that about Three Days before that Parliament rose, the King issued out his Writs dated March the 18th, to both the Archbishops, to call their Clergy together in Convocation on the Munday next after the Feast of Tyburtius and Valerianus, April the 16th, about a Month after that Parliament was Dissolved. The Occasion of Calling these Convocations, was to Represent to the Clergy the Dangers of the French War, then ready to break out, and to induce them to Grant the King a proportionable Supply for the Prevention of them.

¹ See the King's Writ, Cl. 4 Edw. III. m. 38. dors. apud Pryn. Registr. 1 Vol p. 234.

² Registr. Burghersb. Lincoln. fol. 214.

This Reason the ² Archbishop of Canterbury doubted not to insert at large out of the King's Writ into his Own Mandate. It seems neither our Princes nor our Metropolitans were ashamed to own the Supply of the King's Necessities to be the Cause of their Assembling of these Convocations; how much soever the bare Report of this Matter, moves some Mens Indignation now; who indeed have no Reason to be Content that the Truth should be discover'd, for fear least in time it should prevail too. A Misfortune that, should it happen, would utterly overthrow their Designs, and leave their Cause as Defenceless, as it is false.

³ Walsingham p. 511. So Contin. Polychron. Ms. ⁴ Claus. 4 E. III. m. 22. Ms. Cort Cleopat. E. II. ⁵ Dugd. Summonit. Parl. p. 155.

Whether this Convocation granted any Supply, I much doubt: Our Registers are silent in that Case; and the Pope this Year granted the King a ³ Tenth upon all the Ecclesiastical Benefices of England, Wales, and Ireland, to continue for four Years; and be Equally divided between them both. From this Payment the King Exempted such small ⁴ Benefices as exceeded not the Value of six Marks per Annum, which he Order'd should not be assess'd for any Tenth to his Use.

⁶ Ibid. p. 157. ⁷ Ibid. p. 158. 159.

In July following a Great Council was held at ⁵ Osney; and another (by our Historians called a Parliament) at ⁶ Nottingham, October the 15th. After both a formal Parliament was Assembled the ⁷ Munday after St. Catharine, November the 26th, yet no Convocation met with any of All these.

⁸ Sect. 42. 1331. ⁹ Ibid. p. 161. 162. ¹⁰ Ibid. p. 163.

The Beginning of the next Year, 1331. A ⁸ Parliament was call'd to meet the Morrow after the Quindene of Easter: But by Writs dated March the 23d, was intirely put off. Another was called to meet at ⁹ Westminster the morrow after Michaelmas. In the Writ of Summons an Extraordinary Clause was added, requiring the Bishops to be Exact to their Day, and to Premonish their Clergy to be there at the same time, that so the Parliament might be ended as soon as possible, and the People be put to the less Trouble and Expence. The Words run thus ¹⁰ "Because that heretofore, the Common Affairs of our Kingdom

¹⁰ Et quia ante hæc tempora, Communia REGNI nostri Negotia, propter aliquorum PRÆLATORUM & MAGNATUM absentiam, qui ad CONVOCATIONES & PARLIAMENTA HUIUSMODI non ad dies Statutos, sed diu postmodum Venerunt, frequenter retardata fuerunt, ad Commune Damnum Populi Regni nostri.

"have frequently been Retarded thro' the Absence of some of the Prelates and Great Men, who have not come to THESE KIND of Convocations, and Parliaments at the days appointed, but a long time after; We will and Enjoyn. — From this Expression of this Brief, ¹¹ Dr. A. raises this double Inference; "that these (Two) Assemblies the Convocation and Parliament, were used long before this time to Assemble Concurrently: And Secondly, That the Premonish'd Clergy, so Assembling in Convocation, were yet Reckon'd to be of the Parliament.

Now in this he either plays with Words, and means nothing at all, or if he does, his Inference is as far from a just Reasoning, as it is contrary to History and to the Truth.

¹¹ Rights, &c. p. 332, 333.

If by CONVOCATIONS and PARLIAMENTS he means, the Assemblies of the Clergy, and Laity, called by the Parliamentary Writs; (as 'tis plain they are here to be understood, and in these kind of Instruments are often called;) ad Convocationes & Parliamenta HUIUSMODI; No body doubts but that from the time that the Premunientes was inserted into the Bishop's Writs, the Clergy thereby Summon'd, were wont to Assemble Concurrently with the Parliament; for indeed they were a Considerable part of the Parliament. Nor is it questioned by any, but that the Clergy so Assembling by the King's Premonition in Convocation, if he will needs call it so, were reckon'd to be of the Parliament; A proper Member and Estate of it.

But

But if by *Convocation*, he means the *Provincial Assemblies* of the *Clergy*, called by the *Archbishops* of *Each Province*; and consisting not of the *Parliamentary Clergy* only, but of the *Whole Body* of the *Regular and Collegiate Clergy* usually *Summon'd* to those kind of *Assemblies*, (as we now understand the Word) I think no Consequence can be more Rambling than this; that because in the *King's Writ*, the *Parliament* is called by the Double Name of *Convocation*, and *Parliament*; by the One with particular Regard to the *Ecclesiastical*, by the Other with Respect to the *Secular Parts*, of it; and both the *Clergy* and *Laity* are mentioned, as *Summon'd*, and *Coming* to it: Therefore it had been the *Custom*, time out of mind, for the *Provincial Assemblies* of the *Clergy* (of which not one Word is said) to meet at the same time with the *National Parliament*; and the *Clergy* meeting in One, are to be accounted as *Members* of the other.

On the *Octaves* of *Hilary* another *Parliament*, or *Great Council*, was held at *Westminster*. And on the *Munday* next after the Feast of *Pope Gregory*, a *fourth*. In the *Writ of Summons* to that, another *Extraordinary Clause* was inserted, with Relation to the *Prelates*; "that without some evident Necessity, the King would not Excuse their Personal Attendance, nor accept of any *Proctors* in their stead. But where amidst all these *Parliaments*, and *State Councils*, are *Dr. A's Co-attending, Provincial Convocations*? Those I must leave to him to Nominate; for indeed my *Collections* furnish me not with One in Either *Province* all this Year.

Among other things proposed to the Consideration of this last *Parliament*, One was that of the King's Voyage to the *Holy Land*; and of preserving the *Peace* of the *Realm* in order thereunto. ³ Of this the King Charged the *Prelates, Earls, Barons*, and other *Great Men* to Consult. But being advised that it did not properly belong to them to give their Counsel for keeping of the *Peace*, and punishing the Breaches of it; the *Prelates*, and *Proctors* of the *Clergy*, went apart by themselves to deliberate of the things proposed to them. "After which it was ordained by the King; the *Prelates, Earls, Barons*, and other *Great Men*, the *Knights of Counties*, and the *Commonalty*, that a Sentence ordain'd by the *Prelates* and *Clergy* should be Pronounced against the Breakers of the *Peace, &c.*

Now as this shews that the *Clergy* were not only *Summon'd*, but came to the *Parliament*, and voted in it; So does it seem to intimate after what manner they proceeded there. They debated with the *Prelates*; and therefore in matters of *Treating*, we find Notice taken particularly of them. But when the *States* came together, the *Prelates* alone seem to have Voted for them, and therefore in those Cases we meet with no mention of any Other.

This *Parliament* Assembled the *Munday* after the Feast of *St. Gregory*, *March* the 16th. Upon the *Saturday* following, the King gave leave to the *Knights of the Shires*, the *Citizens* and *Burgesses*, *Summon'd* to the said *Parliament*; and also to the *Clergy*, to go home; but Order'd that the *Prelates, Earls, Barons*, and *Counsellors* should tarry longer. I mention this, to shew that the *Lower Clergy*, as Opposed to the *Prelates*, were present at this *Parliament*; and that therefore the *Proctors* of the *Clergy* before mention'd, must be properly understood, of their *Delegates*, and *Representatives*, there.

On the *4th* of *September* the next Year, the *Archbishop* of *Canterbury* held a *Provincial Council* at *St. Pauls London*. It presently brake up without doing of any Business, as a *Learned Author* informs us. The *Provosts* and *Archpriests* as well as *Archdeacons*, were called to it: Nothing else Remarkable in it. Five days after this the *Parliament* began at *Westminster*, *September* the 9th. That also had soon done its Business, for it rose in four days time.

On *Fryday* before the Feast of *St. Nicholas*, *December* the 4th, a New *Parliament* sate at *York*. It was adjourn'd from thence to *Munday*, and so to *Tuesday*; before it entred upon Business, and yet broke up the *Fryday* following. The Cause of this suddain Recess was the Absence of several of the *Bishops* and *Prelates*, and of the Other *Great Men*. For which Reason this *Parliament* was not Dissolved, but Prorogued to the *Octaves* of *Hilary* at the same place. And then again it sate but Seven Days, and so was Dismissed. With all these *Parliaments* we find no *Convocation* held in Either *Province*; so little was the *Doctrine* of ATTENDANCE yet grown into Request. But the Truth was,

K. EDWARD the III.

the III.

Dugd. Sum-

monit. Parl.

p. 165.

Ibid. p. 167.

Jura Cleri.

p. 34.

Rot. Parl. 6

E. III. n. 11.

Sect. 43.

1332.

Lib. Aft. Ca-

pitul. Linc. II.

fol. xxv, xxvi.

Antiqu. Bri.

tann. p. 220.

Dugd. Sum-

monit. Parl.

p. 169.

Dugd. Ibid.

p. 171.

Rot. Parl. 6

E. III. n. 1.

c.

Rot. Ibid.

K. EDWARD the four Years *Tenth* Granted by the Pope upon the Clergy, was not yet Expired. The King therefore had no Reason to think that He should get any Money of them, and for this Reason he did not Require the *Archbishops* to Convene them.

In all these Writs, as they are Copied by Sir William Dugdale, we see no *Præmunientes*; nor can I find that any *Provincial Writs* were issued out to the *Bishops* to Call the *Lower Clergy* to *Parliament*. How the Omission came, I know not; but from the *Procuratory Letters* still remaining among Our *Records*, deliver'd in by the Clergy at *Parliament*; it appears that they were present at them. In the first of these *Parliaments* a *Fifteenth* and *Tenth* were Granted to the King, and therefore we may be sure they had a *Summons* to come to it.

In the next at ² York, the *Prelates* and *Clergy* are said to have treated together; and *Fryday* after in full *Parliament* when the Result of the Debates of the several Estates apart was to be laid before the King, the *Prelates*, by themselves, gave in an Account of their Treating. The Subject was about the *Archbishop* of *Canterbury*'s carrying his *Cross* in the Province of *York*, which the King by his Writs had forbidden the *Archbishop* of *York* to hinder him in; (as at the ³ *Parliaments* before, he had in like manner Prohibited the *Archbishop* of *Canterbury*, to hinder the *Archbishop* of *York* in his Province.) And the *Parliament* agreed that the King's Business should not be delay'd, or hindred, upon any such Account.

It was towards the latter End of the Year 1333, before the next ⁴ *Parliament* was held; viz. *February* the 21st, being the *Munday* before the *Feast* of *St. Peter in Cathedra*. To this the *Lower Clergy* were Summon'd both by the *Diocesan*, and *Provincial Writs*: The *Archbishops* *Summons*, in the Vacancy of that See, being directed to the *Prior* of *Canterbury* for this time.

The last part of the Four Years *Tenth* being now Running on, the King began to think it time to Call the Clergy together in *Convocation*, for the Continuance of their *Subsidy*. And accordingly by his ⁵ Writs to the *Archbishops* dated *October* the 6th, He commanded the *Archbishop* of *Canterbury* to Assemble his Province at *London* upon *Munday* after the *Octaves* of *St. Martin*; the *Archbishop* of *York* his, at *York*, *Munday* after the *Feast* of *St. Katharine*.

Had these *Convocations* met at the time which the King appointed, they had both fate, and might probably both have been dismissed too, in *November* this Year: Whereas the *Parliament* was not called till the beginning of *January*, and met not till almost the End of *February* following. But the *Archbishop* of *Canterbury* dying within a Week after these Writs were issued out, the King was obliged to follow his first Precept with a ⁶ New One dated *November* the 18th following. Having been forced by this Accident to change the time for the Meeting of One of the *Convocations*, He thought fit to Enlarge Proportionably that of the Other too; and by a Writ of the same Date, called both to meet at the same time, the One at *Northampton*, the other at *York*; upon the *Munday* after *Epiphany*, *January* the 19th, six Weeks, at least before the *Parliament* was to sit.

The End of these *Convocations* was *Consilium & Auxilium*: But Money was the main, indeed the only true Reason, that prompted the King to call the Clergy together. For this I refer to the King's ⁷ Writs, which plainly intimate as much. Whether the Clergy of *Canterbury* met hereupon, I cannot tell: The Province of *York* did, upon the ⁸ *Munday* after the *Octaves* of *Epiphany*; but what they did, or whether they came to any Resolutions there, I am not able to say.

⁷ Nos attendentes NECES-
SITATEM
Nobis & Regno
nostro ex Causis
Predictis im-
minentibus, Con-
siderantesq;
Adjuvantes,
quod Omnes Fideles nostri pro supportand. Oneribus Defensionis Regni nostri manibus tenentur apponere
Vobis mandamus, &c. Regist. Jo. de Kirkby Episc. Carleol. fol. 284.

And now, after Forty Years Fruitless Search, we are at last come very near to the thing that we have been looking for; a *Parliament* held with a *Convocation* almost Attendant upon it: And because this is a matter of a more than Ordinary Concern to our present Argument, it will become me to give a full, and exact account of it.

The King being in great want of Money to carry on his War against the Scots, by his ⁹ Writ dated at *New-Castle* upon *Tyne*, *June* the 12th, command- ed the *Archbishop* of *York* to Summon a *Convocation* of his Clergy, to Treat of,

of, and Consent to, a Competent Aid, to be laid upon them for His Use. ^{K. EDWARD the III.}
By other Writs dated at Northampton, July the 23d, He gave the same Command to the Archbishop of Canterbury with Relation to our Province, that He had before done to the Archbishop of York with Respect to the Other.

Between these two Summons, the King had held a ² Great Council at Nottingham, and there Resolved to Assemble his Parliament at London with all convenient speed. In pursuance hereof the next Day after the Convocation-Writ went out for the Province of Canterbury, the ³ Parliamentary Writs were dated at Reading, for the Parliament to meet at Westminster on the Munday next before the Exaltation of the Holy Cross, September the 19th. To this the Clergy were Summon'd, both by the *Præmunientes Clause* in the Bishop's Writs, and by two Provincial Writs dated the same Day to the Archbishops.

The Case now with Relation to the Parliament, and Convocation, stood thus: The Archbishop had Three Writs from the King; One for a Convocation, which left both Place, and Time, to his Own Choice and Direction. Two for the Parliament, in which both were Limited, to meet at Westminster, September the 19th. By the first, He was to Assemble the whole Body of his Provincial Clergy: By the two Last, those only who had been wont to come to Parliament. Let us see how he proceeded in Obedience to All these.

By a ⁴ Mandate directed to the Bishop of London, He took notice, "how much it had been his Wish ever since he came to the Archbishoprick to free his Clergy from these Laborious, and chargeable Vexations; and to keep them in Ease, that so they might the better Attend upon the Service of the Great King of Kings. But that now the Urgent Affairs which concern'd the Church, the King and Kingdom, and the King's Writs, Obliged him to Call them together. These Writs he Recites, and then goes on; and declares, how that having hereupon advised and treated Diligently with certain of his Brethren and Others, and being Unwilling, as far as he could help it, to put the Clergy to a Double Trouble and Expence, He had Resolved to make his Convocation as easy as possible to them. To that End, he first Summons them to Parliament, as the King Required, September the 19th. And then, in Obedience to the Other Writ, He Cites them to Convocation, the Munday Seven-night after, September the 26th: In the One to treat of such things as should come to be handled in Parliament by them: In the Other, "to treat of those things which were mentioned in the King's Convocation Writ, and to Consent to what should thereupon be Unanimously Agreed."

Here now we see how this Parliament, and Convocation, came to meet so near to one Another. It was not that the Parliament had any Right to be Attended on by the Clergy, or the Clergy any Obligation to Attend upon the Parliament: These are New-Lights, lately struck out by the Happy Invention of One who professes to trace out New-ways, and not servilely to follow Old Notions. No, but the Good Archbishop was desirous to spare the Trouble and Charge of his Clergy, as much as He could, and therefore he freely held his Convocation at St. Pauls London within a Week of the Parliament; when it was in his Choice, to have called it to a Place a Hundred Miles off London, and Three or Four Months Afterwards, had he thought fit so to do.

But to see how unluckily all things here happen'd at this Juncture. The Parliament met September the 19th: The Convocation September the 26th. Who would not have thought, that, be the Occasion of it what it would, here should have been however an Instance of a Parliament with a Contemporary Convocation? Yet as near as they met, that fate not a Minute together. The Parliament held but Four Days; and so there was an End of the Clergies Parliamentary Session. And it was Three Days after, before the Convocation Began: So that here were two as Distinct Meetings IN FACT (the thing which Dr. A. so much Ridicules) as if Three Years, instead of Three Days had pass'd between them.

Thus went Matters in the Province of Canterbury: In that of York the Distance was still Greater; for there the Convocation met not till the 24th of October; above a Month after the Parliament was risen, and not much less after the Other Convocation was broken up.

¹ Rot. Claus.
⁸ E. III. m. 23.
Dors. Append.

² ad Ann. 1334.
³ Circa xiii. Julij. See Walsingham, p. 134.
⁴ Dugd. Sum. monit. Parl. p. 177.

⁵ Regist. Burg. herib Episc. Linc. fol. 275. Et Montacute Episc. Wigorn. fol. 3.

⁶ Regist. Melton. Ebor. Arch. fol. 496. Convoc. die Merc. Prox. post. Fest. S. Lucae Evang.

K. EDWARD
chs III d.Regist. Mon-
tacute Wi-
gorn. Episc.
fol. 8. Et Re-
gist. Orleton
Episc. Win-
ton. fol. xiii.
² Walsingham
p. 134.
³ Rights, &c.
p. 342.
⁴ Card. Bel-
larmino.

The Convocation being thus Assembled at St. Pauls London, granted the King a Tenth. This, our ² Historians, who are not nice in their Distinctions in these Cases, speak of as done in Parliament; And with them the Author of the *Antiquitates Britannicae*; from whose Expressions therefore on these Occasions no Argument can be drawn to prove either the *Parliamentary Right* of the Clergy; or the *Convocations* to be a part of the *Parliament*; as ³ Dr. A. sometimes very weakly endeavours to do. But where a Cause is in Distress, all Arts must be used: And as the Politick ⁴ Italian once observed to his Friend, who charged him a little Severely for using now and then such wretched Sophistical Arguments as he had done in Defence of the *Romish Church*; "He was to be read by Men of All sorts, and therefore it was Necessary to have Arguments of All Sizes, that might be suitable to all Capacities."

I add but one thing more; That the whole Business of these *Convocations* was for Money: A Truth that will all along stare Dr. A. in the Face, and shew either his Ignorance, or Disingenuity, in his Intemperate Railing upon me for that, which the whole Course of our *History* speaks Openly, and Loudly, and Plainly, to Us.

Upon the very first Day of the next Year, being Sunday in Midlent, March the 26th, A ⁵ Great Council was held at Nottingham. There a Parliament seems to have been Agreed upon; for by Writs dated ⁶ April the 1st following, the King Summon'd it to meet at York on the Morrow after the *Ascension*, and by double *Parliamentary Writs*, Required the *Lower Clergy* to come to it.

Upon Munday next after Midlent Sunday, He held ⁷ another Parliament at Westminster, March the 11th. And again by Double Writs called the Clergy to it. In the Execution of the *Provincial Parliament Writ*, the Archbishop cited the Clergy to appear before himself at ⁸ St. Pauls, to treat of the *Parliament Affairs*. This was now the Method which was ⁹ commonly taken: And there, I conceive, the *Lower Clergy* met, treated of the Affairs of the Parliament with their Bishops; and so by them sent their Resolutions to Westminster, without Ordinarily appearing themselves in Person there. In the Archbishop's Writ of this Year, the ¹⁰ Abbots were inserted; and those also Summon'd to Parliament by Him. This Assembly of the *Parliament Clergy* before the Archbishop at Pauls, the Mandates call by the Name of a *Convocation*. And such a *Convocation* as this, from the time that the Clergy were called to Parliament, as often as the *Præmunientes* was inserted into the Bishop's Writ, always was, and is, and ought to be, Summon'd with the Parliament: Because indeed, this *Convocation* is no Other but the *Estate* of the Clergy in Parliament; One of the first, and chiefest *Estates* of it. But to Confound this Assembly of the Clergy, with the particular *Convocations* of each Province; and from an Identity of Name, infer an Indentity of Nature; Rights, Powers, and Priviledges, in utterly distinct Congregations, must be the Effect either of Great Ignorance, or of Errant Sophistry; as from the Acts of the last Year, in which these Two *Convocations* were held by different Writs and Mandates, at different Times, and with different Members, from One Another, does plainly, and demonstratively appear. And Dr. A. may as well say that the Bishops sit in the same Capacity in the House of Lords, and in the Jerusalem Chamber, at this Day; as pretend that the Clergy Summon'd by the Parliament, and Provincial (not *Parliamentary Provincial*, which have long been out of use; but *Convocational-Provincial*) Writs, were the same Assembly, or ever had, or ought to have had, the same Rights, and Priviledges, and Powers, as such.

But I Return from this Remark, which yet ought to be often made, and duly Consider'd, as being in truth the only thing that can raise any Difficulty in this Case. Two Parliaments were held this Year, and the Clergy called, as Members, to both of them. But no *Convocation* met in either Province, to pay their Homage to, and Attendance, upon them.

Sect. 47.
1336.

The Clergy of the Province of Canterbury there agreed to give the King a Tenth: So there was no need of any farther Assembling of Them; and for those of York, who, according to Dr. A's Scheme, ought to have been at Work at home upon the same Business; we shall presently see how the King proceeded with them.

Whether the Archbishop of York came not to this Parliament, or that his Clergy were not present in any suitable Numbers there; but certain it is, that tho'

tho' the Province of *Canterbury* gave the King a ¹ *Tenth* there, those of the other Province did not agree to it. To make up this defect, the King issued out his ² Writ to the Archbishop of *York* the 26th of the same Month, about a Week after the *Parliament* was risen, to call a *Convocation* of his Province before *Whitsuntide*, therein to obtain a suitable Supply of his Needs. The Archbishop ³ Obey'd, and order'd his *Convocation* to meet on *Munday* the 6th of *May*; at a sufficient Distance from the *Parliament* in *March* before.

But against this Dr. *A.* will except: † He tells us the *Clergy* of *Canterbury* who made this *Grant* to the King, were not (as I affirm) the *Parliamentary*, but *Convocation* *Clergy*; and from thence maintains this *Paradox*; that Our *Records* mention the *Convocation* *Clergy*, as of the *Parliament* and in it. In answer to this *Account*, shall I appeal to the Words of the King's Writ; or shall I rather desire Dr. *A.* to tell us when the *Convocation* to which He ascribes this, was called? By what Writ from the King? By what *Mandate* from the Archbishop? And in what *Rolls*, or *Registers* we may find some account of either? Till this can be shewn, it may suffice Us to take the King's Words as they lie in his *Summons* to the Other Province; "That the *PRELATES* and *CLERGY* of the Province of *Canterbury* had already granted him *One Tenth* of their *Ecclesiastical Goods*, (not in their *Convocation* at *St. Pauls London*; but) in *PARLIAMENTO NOSTRO apud WESTMONASTERIUM*; the only Meeting to which they had been called for a Year before; or to which they were called for *Six Months* after.

About *Whitsuntide* the King held a ⁴ *Great Council* at *Northampton*; There it was agreed to send *Ambassadors* into *France* to treat about Other Matters, and Particularly about their going to the *Holy Land*. The King of *France* instead of making up his differences with our King in Order thereunto, openly declar'd his Resolution to Oppose him, and to assist the *Scots* against him. To prepare against these Dangers the King called his *Parliament* to meet at ⁵ *Nottingham* the *Munday* after *St. Matthew*, *September* the 23d. And by his *Parliamentary Provincial Writ*, as well as by the *Premunitory Clause* in the *Bishop's Writs*, Summon'd the ⁶ *Lower Clergy* of the Province of *York* to come to it. The Archbishop Executed this Writ, and Summon'd the *Clergy* of his Province to come to the *Parliament* at *Nottingham* at the time appointed, according to the Tenour of it.

The same day that the King thus Commanded the Archbishop of *York* to call his *Clergy* to *Parliament* at *Nottingham*; another ⁷ Writ was issued forth to the Archbishop of *Canterbury*, to call a *Convocation* of his Province to meet at *Leicester*, within the Province of *Canterbury*; the *Munday* after *Michaelmas* Day, *September* the 30th, a Week after the *Parliament* was to meet at *Nottingham*. In this Writ he took Notice of his *Parliamentary Summons*, and Commanded the Archbishop to Obey both the *One*, and the *Other*.

These two Assemblies of the *Clergy*, Convened by such different Writs, the *Parliamentary*, and *Provincial*; to meet not only in different Places, but in different Provinces; consisting of different Members, the *Convocational*, and *Parliamentary Clergy*; to come together at different Times; Every Reasonable Person must allow to have been both in Law, and Fact, different Conventions, or *Convocations* of the *Clergy*. The *One* was evidently a part of the *Parliament*, and consisted of the *Parliament Clergy* of Both Provinces. The Other was only a *Provincial State-Assembly*, of the *Clergy* of the Province of *Canterbury*. But was this *Convocation* at *Leicester* called to Attend upon this *Parliament* at *Nottingham*? So it might have been thought by those who are willing to turn all things to their own Hypothesis. But then this unlucky *Parliament* at *Nottingham* should have sate a little longer: Whereas rising upon the ⁸ 27th of *September*, it was Dissolved Three Days before that *Convocation* met, or by Consequence had any Legal Being, in which to pay its ATTENDANCE upon it.

The End of this *Convocation* was Money: 'Tis a Note that will come often into Dr. *A.*'s Ears, in the Prosecution of our History; if it grates upon them, he must blame the King's Writs, not my Report of them. And accordingly a ⁹ *Tenth* was there given to the King, to supply his Needs, and to prevent the Danger with which both the Nation and Church were threatened.

In

K. EDWARD the III.

Rot. Claus. 10 Edw. III. m. 36. dors. Ibid. See the Appendix.

1336. Regist. Jo. de Kirkby Episc. Carleol. fol. 327. Rights, &c. p. 60.

Walsingham p. 136.

Dugd. Summonit. Parl. p. 185, 186. Regist. Melton. Arch. Ebor. fol. 544.

Claus. 10 E. III. m. 16. Dorso. See the Execution of it, &c. Appendix ad Ann. 1336.

Prynne's Regist. Parl. Wr. Vol. IV. p. 146.

Regist. Henr. Burghersh. Episc. Linc. fol. 357.

K. EDWARD

the III^d¹ Dugd. Sum-
monit. Parl.
p. 188² Regist. Or-
leton, Episc.
Winton, fol.
xi^o.³ Dugd. Sum-
monit. Parl.
p. 190.⁴ Rights, &c.
p. 256.Sect. 48.
1337.⁵ Dugd. Sum-
monit. Parl.
p. 192, 194.⁶ Ibid. p. 195.⁷ Pryn. Regist.
Parl. Writs.
Vol. I. p. 40.⁸ Pryn. Regist.
Vol. IV. p.
157.
⁹ Walsingham,
p. 513.

In November following another ¹ Parliament was called to meet at York upon Hilary day, and the Clergy again were both by the Provincial and Diocesan Parliament-Writs Summon'd to come to it. But by New Writs dated ² December the 10th, it was Prorogued to the Octaves of the Purification, and from thence to ³ Munday after St. Matthias, when it fate about Eleven days.

Such were the great Assemblies of this Year, and from the Account thus truly given of them, it appears that tho' there were two Sessions of Parliament, and two Prorogations; yet not One Convocation met Concurrently with either, or in the New Phrase ATTENDED upon the Lay Assembly. But here then Dr. A. interposes, on the behalf of his Concurrent, and Parliament-Attending Convocations: And I must stop so long, as to consider the Mistakes, which he still goes on to fall into, as to these Matters. He is enquiring when the King's Writ to the Archbishop for a Provincial Convocation (as we properly understand that Word;) began? ⁴ "At what time precisely, those Writs to the Archbishop for a full Convocation (so he calls it, because consisting of a great many more Members than the Parliament Convocation of the same Province did) to be held CONCURRENTLY WITH a PARLIAMENT, began to be practised, I have not found. The Eldest that has yet come to my hand is of the 10th Edward 3d, when the Parliament was called to meet at Nottingham, and the same day another Writ issued to the Archbishop of Canterbury to call the Clergy of his Province to Leicester; seven days afterwards. That this was not the first Instance, that of the Eighth of this King, before mentioned, shews. But in that I blame him not; he pretended to no more but to offer this, as the first he had met with; and it is not far from the first that ever was. That which I Condemn is, his calling this a CONVOCATION that met CONCURRENTLY with the PARLIAMENT, which fate neither at the same PLACE, nor at the same TIME; nor in the same Province, but met at Leicester, some days after the other had been held and Dissolved at Nottingham.

The next Year is full of extraordinary Proceedings, and Affords the first Instance that ever was, of a Convocation Assembling by the Authority of the King's Writ, during the Session of a Parliament. It is true, there is one great Defect in it; that the Convocation of the Other Province met not till after the Parliament was risen. But I will fairly Represent the matter of Fact, and shall then leave it to Dr. A. himself to judge whether his Cause gets, or loses by the Transactions of this Year.

Two ⁵ Great Councils the King had held towards the beginning of the Year, one at Stamford the morrow after Ascension day; the other at Westminster the Munday after St. Margaret, July the 21st. But these I shall not need to insist upon. Upon the 18th of August the King issued out his ⁶ Writs for the holding of a Parliament at Westminster the Fryday before Michaelmas, September the 26th. He was now engaged in a double War with France, and Scotland, and in order to the better carrying on of his Affairs, was ready to pass over the Sea in Person. But before that, he desired to hold his Parliament, and to make the best Provision of Money that he could for his extraordinary Occasions. The ⁷ same day He issued out other Writs to the Archbishops for the Assembling of the Convocations of the two Provinces. That of Canterbury he order'd to meet the day after Michaelmas; the fifth day after the Parliament; the other of York, the Thursday after the Octaves of Michaelmas, October the 9th.

That these Great Assemblies might come together with the better Disposition to Aid him in his present Urgent Necessities; He issued out other Letters, three days after, to the Two Archbishops, and to all the other Bishops of England, to call the Clergy of their several Diocesses together, on a day named by him, and to declare the Justice, and Danger of his Cause to them, as set forth in a Schedule sent to them for that Purpose. What he thus did by the Bishop of every Diocese, with respect to the Clergy, he at the same time did, by Select Commissioners to the Laity of every County, and with their Commissions to this Purpose, he sent Letters of Credence to the People, to hearken to them, in what they should deliver on the King's behalf.

The Clergy, and People, being thus prepared, seem to have met with the better Disposition to Answer the King's Expectation. The Parliament ⁸ fate but seven, or nine Days; yet in that time it granted a ⁹ Tenth, and Fifteenth, the

the One upon the *Burroughs*, the Other upon the Community of England. ^{K. EDWARD the III.}
 Upon the 30th of September, the day appointed by the King, the Convocation of Canterbury met at St. Pauls London: Thence it Adjourned to St. Brides by Fleetbridge, and there agreed upon a (Triennial) 2 Tenth to be raised on their Spiritualities to the King's Use. In this they made such dispatch that they seem to have passed it the 3 second day of their Meeting; while the Parliament was yet sitting.

In the Province of York the Archbishop first Summon'd his own Diocesan 4 Synod to meet on the Wednesday next after the Nativity of the Blessed Virgin, September the 10th: 5 Then he order'd his Convocation to Assemble the next Court-day after the Feast of St. Martin, about the 12th of November, almost Six Weeks after the Parliament, which met at Westminster, was risen. In this Convocation that Clergy likewise Granted a Three Years Tenth to the King; and so far followed the Pattern which those of the Other Province had set to them. On the 6 Morrow after the Purification another Parliament was called, but I cannot find that any Convocation was Assembled in Either Province with it; and considering what they had before Granted, we may be confident that none was. So that all then that can at last be said of this Year is this; That the King freely Assembled the Convocation of Canterbury a few days before his first Parliament rose; The Convocation of York, as many after it was Dissolved: And with his Next Parliament which met in February, and sate Eleven Days, he Assembled neither the One, nor the Other at all. This was the matter of Fact; let Dr. A. 7 make the best He can of it.

dandum Responsum Cardinalibus qui Româ missi sunt, pro pace Reformandâ inter Reges Franciæ & Angliæ. Contin. Polychron. Mf. 7 Rights, &c. p. 257.

The Year following several Parliaments were Called, and Two, if not more, were held. The first was Summon'd to Northampton, on 8 the Morrow after St. James, July the 26th. The Clergy were called as Usual, by the Premunitory Clause, tho' for want of a Provincial Summons, but few of the Lower Order came to it. In this Parliament they agreed that the King should have the half of their Wool at a low Price; and tho' the 9 Clergy were there but in a small Number, yet the Prelates agreeing to the same for them, the King Exacted it of them.

pud Northamptonam—concessa fuit Lana Domino Regi per Eos qui fuerunt presentes ad Gravissimum Onus Populi. Sed quia Clerus Regni ad illud concilium Vocatus non fuerat, Ordinatum est quod Vocaretur. Unde facta Convocatione Londoniæ ad Idiem mensis Octobris,—Clerus Concessit Regi Angliæ unam X^m, ultra duas Xmas prius promissas, Et quod Xa anni tunc presentis solveretur terminis brevioribus quàm prius Ordinatum fuerat. Solutionem vero lanarum Expresse Negarunt.—Polychron. Mf.

To convince Us that there was no Convocation Attending upon this Parliament, the King about Two or Three days after it was risen, issued out his 10 Writs at Northampton for the Convocations to meet, that of Canterbury, October the 1st; that of York, the morrow after St. Matthew, about ten days before it. The Archbishop of Canterbury obey'd as to the day, but not as to the Place; he called them by his Vicar General the Bishop of Chichester, himself being Abroad, to 11 St. Bride's Church London; * and there they Agreed to shorten the Terms of paying in their Tenths, for the King's Use, and to give another Tenth besides the Three which they had Granted the Year before; but expressly refused to the Payment of their Wools which the Laity had obliged themselves to.

The Archbishop of York 12 enlarged the time which the King had appointed for his Convocation; and held it (whether by Chance, or Concert with the other Province, I cannot tell) on the very same day that ours met.

Not long after these Convocations another 13 Parliament was called in the Quindene of Michaelmas. Whether it sate at all, or what it did, I am not able to say. But within a Month after a Third was Summon'd to meet the Morrow after Hilary; and from thence (I conceive) was Prorogued to the Morrow after the Purification; when it met, and sate about a fortnight, as the 14 Writs for Expences shew.

To every one of these Parliaments the Clergy were called; to the Second, by the Provincial, as well as the Diocesan Writs. But tho' there were so many Parliaments this Year, yet was there but one Convocation held in either Province, and

Registr. Montacute, Episc. Eli. fol. 38.
 2 Registr. Hemmingshall, Episc. Wigorn. fol. 40.
 3 Registrum Hamon. Episc. Rossens. fol. 108.
 4 Registrum Melton, fol. 547.
 5 Registr. Jo. de Kirkby, Episc. Carleol. fol. 365.
 6 Dugd. Summonit. Parl. p. 197. Parliamentum in Crastino Purificationis ad Angliæ. Contin.

Secl. 49. 1338.
 8 Dugd. Summonit. Parl. p. 200.
 9 Hoc Anno in quodam Concilio sive Parlamento tento apud Northamptonam.
 10 Rot. claus. Edw. III. p. 2. m. 17. dorso.
 11 Registr. Henr. Burghersb. Linc. Episc. fol. 332. b. [but 'tis false paged.]
 * See above, 9.
 12 Registr. Jo. de Kirkby, Episc. Carleol. fol. 376.
 13 Dugd. Summonit. Parl. p. 202, 204.
 14 Pryn. Registr. Vol. IV. p. 170.

K. EDWARD and that not in *Attendance* upon any of them, but in the *Interval* between the *the III^d*. *First*, and *Second*; Called after the former was risen, and rising before the latter met.

Seft. 50. While the last of these *Parliaments* was sitting, the King issued out his
1339. *Writs* for the holding of a *Convocation* in the *Province* of *York*; which there-
Rot. Claus. fore must have met, either at the End of this, or at the very beginning of
13 Edw. III. the Year following. It recites how that the *Convocation* of *York* being called
p. 1. m. 35. to meet some time before, together with that of *Canterbury*, had refused to
d. Appendix. grant any thing to the King, tho' the *Other Province* had both given a *New Tenth*, and shortned the time of Payment of the *Second Year* of the *Triennial Disme* granted before by them; and that this was made known to them. The *Clergy* of *York*, had not yet, it seems, learnt, or were not yet so well Versed as they should have been, in Dr. A's Rule, of their *Obligation* to follow whatsoever those of this *Province* thought fit to do before them.

But the King's *Writ* goes on, and *Summons* them thereupon to meet a *Second* time, by themselves, without any *Convocation* on our side to keep pace with them; and this not to *Attend* upon any *Parliament*, or to present any *Grievances*, or to do any other of those fine things which Dr. A. talks of: No, but plainly to consider of the *Necessities* of the *Realm*, and of what the *Clergy* of our *Province* had done, and to make at least as *Liberal*, if not a more large Grant out of their *Ecclesiastical Goods*, than the *Clergy* of *Canterbury* had done out of theirs. This the King's *Writ* declares, and from thence, with Dr. A's leave, I would infer, that the Design of King *Edward the III^d*, in calling of this *Convocation*, was neither better nor worse, than what I had before truly, and as I hoped inoffensively said, to get Money of the *Clergy*.

On the ² *Quindene* of *Michaelmas* following another *Parliament* was called to meet at *Westminster*. It sate Seventeen Days, and much Business was done by it. Among other things taken Notice of in the *Rolls* of it; this was one,
³ "that *Letters* should be made out under the Seal of the *Archbishop* of *Can-*
⁴ *terbury*, and the *Other Prelates*, *Earls*, and *Barons*, in that *Parliament*, to the
⁵ *Archbishop* of *York*, and the *Clergy* of his *Province*, to *Excite* them to make
⁶ a *Convenient Aid* for the Guard of the *Marches* of *Scotland*, and to inform
⁷ them how that the *Clergy* of the *Province* of *Canterbury*, had made *Conve-*
⁸ nient *Aid* for the Cause aforesaid.

In order hereunto it was ⁴ farther agreed in the same *Parliament*, that *Writs* should be issued out for the Two *Convocations* to meet, the One at *St. Pauls London*, fifteen Days after *Hilary*, the Other at *York* a Week after. A *Parliament* was also agreed to be Summon'd on the *Octaves* of *Hilary*; so that the *Assembling* of these Meetings was settled in an Extraordinary manner, by Order of *Parliament*; which I conceive sufficiently shews that the *Convocati-*
⁹ ons were not then wont to meet of Course with, or, as it is now Phrased, to
¹⁰ ATTEND upon, the *Parliament*.

This matter being thus settled, the King accordingly, *November* the 16th, sent out his ⁵ *Writs* for the Meeting of the *Parliament*, on the *Octaves* of
⁶ *Hilary*. And on the 28th of the same Month two ⁶ other *Writs* for the Meet-
⁷ ing of the *Convocations*: Of that of our *Province*, *January* the 27th; of that of
⁸ *York*, *February* the 2^d following. The ⁷ *Convocation* of our *Province* met at
⁹ the time which the King required. That of *York* (if I mistake not in my
¹⁰ Application of an ⁸ *Instrument* of *Proxy*, without a *Date*) came not together
¹¹ till the *Octaves* of the *Purification*: They both met during the Session of *Par-*
¹² liament; the *Convocation* of our *Province* granted the King a ⁹ *Tenth*, *February*
¹³ the 17th; upon Condition, says ¹⁰ *Walsingham*, that the *Clergy* should not be
¹⁴ burthened with any other Contribution, at that time: That of *York*, a ¹¹ Two
¹⁵ Years *Tenth*, as by the Orders for the Collection of it, appears. It seems that
¹⁶ *Province* did not always follow, but did sometimes come short of, sometimes
¹⁷ exceed (as this Year) what that of *Canterbury* did.

Thus passed this Year: Two *Parliaments* sate in it; with the *Former*, no *Con-*
¹⁸ vocation at all met; with the *Latter*, it was held, by the Express Agreement of
¹⁹ the King, and at the Desire of the *Lords*, and *Commons* in *Parliament*; not
²⁰ as an Assembly that was either *Obliged*, or *Accustomed*, to be held a-Course,
²¹ whenever the *Parliament* sate. ¹² Dr. A. therefore when he took Notice of this
Instance

² Registrum
Braunsford,
Wigorn Episc.
fol. 181.

³ Rot. Parl.
13 Edw. III.
num. xvi.

⁴ Ibid. Num.
xxiv. xxv.

⁵ Dugd. Summ.
Par. p. 206.

⁶ Rot. Claus.
13. Edw. III.
Par. 3. m. 20.
dors.

⁷ Registr. Henr.
Burghersh. Lin-
coln. Episc.
fol. 367. b.

⁸ Registr. Jo.
de Kirkby,
Episc. Carleol.
fol. 408.

⁹ Registr. Wul-
stani (Brauns-
ford) fol. 153.

¹⁰ Registr. Henr.
Lexington. E-
pisc. Lincoln.
fol. 212.

¹¹ Registr. Dee.
& Capit. E-
bor. sede
Vacant. fol. 47.

¹² Rights, &c.
p. 33.

Instance to prove the *Convocation* to be a *Meeting Co-incident* with the *Parliament*,^{K EDWARD the III.} put a manifest Fallacy upon his *Reader*; and from what was done, after an *Extraordinary Manner*, at One time, infer'd a *Customary Practise*, not to say a *Legal Right*, for what was to be constantly done at *All times*. He might more justly have drawn another *Conclusion* from the same Instance, had he been so minded, to prove the *Parliament* to have been an *Attendant* upon the *Convocation*, it being first Agreed to hold a *Convocation*, *Rot. Parl. N. 24.* and then Order'd (after that was resolved) to call the *Parliament*, *N. 25.* But the truth is, the whole Resolution was *Extraordinary*: And the Agreement made at the Request of the *Commons*, and by the Advice, and Consent of the *Lords*, to hold these *Two Meetings*, at that time, together, does the more evidently prove that at Other times they were not wont to be so held; as indeed when that very *Parliament* sate which did order this, no *Convocation*, in either *Province*, was sitting with it.

The last *Parliament* was scarcely risen before^{Sect. 51.} another was Summon'd, by *Writs* dated *February* the 21st, to meet the *Wednesday* after *Midlent-Sunday*;^{1340.} that is, if I compute aright, *March* the 29th. This *Parliament* sate the longest that ever any *Parliament* hitherto did, till almost the middle of *May*.^{Dugd. Sum- monit. Parl. p. 208, 209.} About the End of which a² *Second* was called, to meet *July* the 12th. To both these the *Clergy* were Summon'd; to the former by the *Provincial Parliamentary*, as well as by the *Diocesan Parliamentary Writs*: To the latter, by the *Bishop's Præmunientes*, if not by the Other also. Yet with neither of these *Parliaments* did any *Convocation* sit in either *Province*; so that the *Attendance* which we met with One Instance of, the last Year, was totally laid aside, and forgotten in this.^{Ibid. p. 211.}

Indeed in the *Province of York*, a³ *Convocation* was held towards the End of the Year. The *Archbishop* being dead, and the *Dean* out of the *Province*; the *Chapter* of *York* Summon'd the *Clergy* of that *Province* to meet at *York*, *December* the 11th. They met accordingly, but what they did, or for what they were called, I am not able to say.^{3 Regist. Dec. & Capit. Sed. Vac. fol. 79.}

Besides these *Assemblies* of the *Church* and *State*, a Third there was, which met *October* the 2^d: But that being only a *Great Council*; I shall not insist upon it. It is enough that this Year again the *Parliaments* and *Convocations* sate at such a *Distance* from One Another, as utterly destroys *Dr. A's Hypothesis*, of their mutual *COINCIDENCE*, and *ATTENDANCE* of one upon the other.

The next Year we meet with a very buisy⁴ *Parliament*: It began *April* the 23^d, and sate till⁵ *Whitson-Eve*, *May* the 26th. Many *Ordinances* were made in it, and some such as the *King* was not afterwards very well pleased withal. Yet in all this Year no *CONVOCAION* that I can find in either *Province* met with, much less *ATTENDED* upon this *Long*, and *Active Parliament*, as the Modern stile is.^{1341. Dugd. Sum- monit. p. 214. Rot. Parl. 15 E. III. n. 43.}

And yet⁶ *Dr. A.* produces this very *Parliament*, to prove that the *Convocation-Clergy* are spoken of, as *OF the PARLIAMENT, and ACTING IN IT.* "In⁶ Rights, &c. p. 332, 335. "the 15th of *Edward the III*d (says⁷ he) *N. 19.* tho' *Archbishops*, and *Bishops* only are Named, yet in the Note of the *King's Answer*, *N. 26.* they are called generally, *PETITIONS of the Clergy.* This well deserves our Notice, because it gives us a true Account how the *Parliament Prelates* came to *Act* in *Parliament* for the whole *State Spiritual.* For that being at hand always was Consulted, and Advised with, in every thing that related to them, and the Result of those Debates was, by the *Lords Spiritual*, laid before the *Parliament.* I agree with *Dr. A.* The *Clergy* in those Times were at hand, whenever the *Parliament* met. The *Bishops* and *Prelates* Advised with them, and then deliver'd the Sense and Votes of their *Clergy*, as well as their *Own*, in *Parliament.*^{Ibid. p. 340.}

But who were the *Clergy* that made up this *State Spiritual*, and were always thus at hand upon these Occasions? Not the *Convocation* of *Canterbury* (as we now understand the Word *Convocation*;) for that was but a *PART*, of the *STATE SPIRITUAL*, and Commission'd only for ONE *PROVINCE.* The *Convocation* of *York*, was not usually so near at hand to be Advised with on every turn by the *Prelates*, of what was doing in *Parliament.* This *Clergy* then was the *Clergy* Summon'd by the *Parliament Writs*; the *National Body* of the *Church-*

K. EDWARD *Representative* called by the King, together with their Bishops, to Parliament. *the III^d.* This Clergy were duly Summon'd; and hitherto were wont to come pretty duly too upon their Summons. They were a proper Part, and State of the Parliament: With these the Bishops Advised; Their Sense they deliver'd: In their Name, as well as in their Own, the Bishops Acted. But this Parliamentary Convocation, as I have sufficiently shewn, was very different from One, nay from Both the Provincial-Convocations: And was often Called, and Met too, when the Other were both Called, and Met, and Acted distinctly, at the same time.

¹ During the Session of this very Parliament, the Abbot of St. Austin's Bristol, sued for an Exemption from coming to Parliament. The King granted it to Him; but with this Condition, which shews that the Proctors of the Clergy, called by the *Præmunientes*, as yet came pretty duly to these Councils; *Ita tamen quod Ipsi* (this Abbot and his Successors) *Procurator. ad hujusmodi Parliamentis & Concilia Mittend. per Clerum, Consentiant; & ut moris est, pro Expensis Contribuant Eorundem.* Pat. 15 Edw. III. Part. 1. m. 13.

To omit Other Instances already observed: In 1339, this Parliamentary Convocation (the National Clergy of both Provinces) met at Westminster, January the 20th: The Convocation of the Province of Canterbury, not till a Week after at St. Pauls, January the 27th; the Convocation of York, yet later, February the 9th, and at a greater Distance, at St. Peters York. The Clergy sat distinctly in All these, nay and Acted so too: They granted a Ninth to the King in the Parliament at Westminster, and a Tenth at the same time in the Convocations at London, and York.

If therefore by the Convocation (in the Equivocation of which Word all Dr. A's Refuge lies) he means the National Parliamentary-Convention of the Clergy of the whole Realm, I know no body that denies but that they constantly then were, as still they are, Summon'd to every Parliament, and made a Part of it. They were called by the Bishops Writs, and sometimes by the Archbishops too, to every such great Assembly; and as yet they came, (tho' not in a very full body) to it, and acted, after the manner that, I think, he truly says in it. But if by the Convocation, he means the Provincial Assemblies of the Clergy, usually called by that Name, and consisting not only of the Parliamentary, but of many Others of the Regular and Collegiate Clergy not Summon'd to Parliament, I deny that either any such Convocation met in either Province with this Parliament, or was at all Consulted with, or Acted for, by the Prelates in it.

The 19th of October being the Morrow after St. Luke, the Archbishop of Canterbury held his Provincial Council. This ² Dr. A. himself allows to have been a proper Ecclesiastical-Synod; and should have told us in Consequence thereof, that the Lower Clergy were only ³ INVITED to it, not SUMMON'D, as Necessary and Proper Members of it.

I say nothing of the ⁴ Great Council held this Year, July the 11th, nor of that Summon'd to meet the Morrow after the ⁵ Close of Easter, the next Year, and from thence adjourned to the Munday after St. Mark, with which I have no present Concern. The Assembly called to meet the Wednesday next after the Feast of St. Edward the Confessor, October the 16th, tho' stiled only a Great Council, has yet all the Formality of a Parliament, and most of the Parliamentary-Members were Summon'd to it. But yet in the End of the Roll of that of the foregoing Year, it is Expressly noted, that none was held in the 16th of this King. This Meeting was Summon'd by ⁶ Writs dated September the 12th, and the Clergy were called as usually by the *Præmunitory Clause* to it.

About a Month before these Summons were issued out for this Council or Parliament, the King had order'd the ⁷ Archbishop of Canterbury to Summon his Convocation to meet at St. Pauls London, six Days after Michaelmas. By Other ⁸ Writs dated September the 30th, he gave the like Command to the Archbishop of York to call his Clergy to Pomfret, the Munday next after St. Andrew, December the 2d; but by a Second Order, ⁹ ten days after, changed both the Place and Time, to the Morrow after the Conception of the Blessed Virgin, December the 9th, at York.

The Archbishop of Canterbury having Received this Command, called his Clergy accordingly, to meet at London the third day after ¹⁰ St. Faith, October the 9th, and so brought it still nearer to the time that this Council was to meet. Here therefore Dr. A. may fancy he has again found somewhat very like a Parliament with an Attending Convocation: I shall not Dispute that matter with him; 'tis enough that whatever the Convocation of this Province were, that of York

paid

² Rights, &c. p. 65.

³ See the Appendix ad Ann. 1341. Sect. 52.

⁴ Dugd. Summonit. Parl. p. 216.

⁵ Ibid. p. 217, 219.

⁶ Dugd. Ibid. p. 220.

⁷ Rot. Claus. 16. Edw. III. p. 2. m. 34. dorso.

⁸ Rot. Claus. 16 Edw. III. p. 2. m. 14. dorso.

⁹ Ibid. Teste Custod. Angl. apud Kenyngton X^o die Octobris.

¹⁰ Lib. Memorand. Tho. Beck. Episc. Liac. fol. 2. Regist. Magn. Wigorn. fol. 179, &c.

paid no such Homage to this *State-Council*, but met in *December*; long after *K. EDWARD the III. d.* that Assembly was probably *Dissolved*. Indeed there was about that time another *Select Council*, the *Morrow* after *St. Lucie* *December* the 14th. *Dr. A.* if he pleases, shall Compound the Matter; and the *Convocation* of *Canterbury* shall *Dugd. Summ. Parl. 220.* be this Year Attending upon One, that of *York* upon the Other; always remembering, that both the *Convocation* of *Canterbury*, and that of *York*, were *Dissolved*, before either of the *State Councils* were begun.

Our *Archbishop* being thus Obligated to call his *Clergy* together upon a double Account for the *State-Convocation*, and the *Parliamentary-Council*, resolved *2. October* the about the same time to hold an *Ecclesiastical-Council* too. He issued out his *14th.* *Mandates* for both, the *3* same day; for the One by Virtue of the *King's Writ*, *3. x. Kal. Dec.* for the Other by Authority of his Own *Metropolitcal Power*. These *Mandates* *Memorand.* were not only *distinct Orders*, but of a *different Kind* too. In the One, the *Lower Clergy* were *Necessarily Required* to appear before the *Archbishop* in *Convocation*: In the other they were only *Premonished* as they had been the Year before. IF THEY WOULD, IF THEY THOUGHT IT FOR THEIR ADVANTAGE, IF THEY HAD ANY BUSINESS THERE, they might come; or if they thought Good, they might tarry away. *Tho. Beck. Episc. Linc. fol. 1.*

In this *Council*, several *Church-Canons* and *Constitutions* were made; but the *Archbishop* had yet more of this kind to do; and therefore towards the End of the Year, he held another *Provincial Council*, in *Presentia Comprovincialium Episcoporum*, says the *Cotton MS. viz. March* the 20th, and therein Publish'd those other *Constitutions* which we find in the *4* *Second Volume* of our *English Councils*. *4. Spelm. Concil. Vol. II. p. 581.*

The next Year following the *5* *Parliament* met on *Munday* fortnight after *Easter*, *April* the 28th. It sate about three Weeks, and much Business was done by it; especially with Relation to *Provisions*, from the *Court* of *Rome*. *Seft. 53. 1343.* If any *Convocation* of either *Province* met about this time, I have not had the fortune to light upon it; and I must beg leave to think, till I shall be better informed, that none was held this whole Year. *Dugd. Summ. Parl. p. 222.*

I say nothing of the *Great Council* held in *6* *September*, the same Year. On the *Quindene* of *Easter*, *Anno* 1344. at Another the like *Council* *7* it was agreed, "That for several *Great Affairs* touching the *Government* and *Safety* of the *Realm* of *England*, which could not be determin'd without a *Parliament*, as it was then said, a *Parliament* should be *Summon'd*, and that the *Archbishop* of *Canterbury* should hold a *Convocation* of the *Prelates* and *Others* of the *Clergy* of his *Province* at *St. Pauls* *London*, the *Morrow* after *Trinity*, to *Treat*, *Say*, and *Ordain* what should seem best to be done for the *Execution* of the said *Affairs*. *1344. 6. Apud Westm. die Mercur. prox. post Festum Nativit. B. M. V. Memorand. Tho. Beck. Episc. Linc. fol. 41. 7. Rot. Parl. 18. Edw. III. num. Vid. Ap. pend. ad Ann. 1344. 8. Apud Dugd. Summ. Parl. p. 224, 225. 9. Rot. Claus. 18. Edw. III. Par. 1. m. 14. Dorso.*

In pursuance of this *Resolution* the *King* first, by his *8* *Writs* dated *April* the 20th, *Summon'd* the *Parliament* to meet at *Westminster* on the *Octaves* of *Trinity*, *June* the 7th; and by a *Second* *9* *Writ* to the *Archbishop* of *Canterbury*, dated two days after, commanded him to cause his *Convocation* to *Assemble* at *London*, on *Munday* the *Morrow* after *Trinity*, *May* the 31st. The *Writ* runs in the *Common Form*; That the *King* was desirous to have the *Council*, and *Aid* of his *Clergy*, and therefore required them to be ready at the day appointed to *Treat* with such as should be *Deputed* by him, if himself were not *Personally* present there; *vestrumque Consilium & Auxilium impensuri*, as the *Words* of the *Writ* are, the meaning of which we now very well understand.

Having thus *Summon'd* both the *Parliament* and *Convocation* of the *One Province*, he lastly issued out a *10* *Third Writ* above three Weeks after, to the *Archbishop* of *York* to call the *Convocation* of the *Other* to meet the *Wednesday* after the *Feast* of *St. Barnabas*, *June* the 16th, in the same *Form*, and for the same *Ends* that he had called that of *Canterbury*, before. *10. Rot. Claus. Ibid.*

The *Clergy* being thus *Summon'd* by these several *Writs* to *Parliament* and *Convocation*, *11* met accordingly in both. And first, Those of our *Province* agreed to grant a *12* *Three Years Tenth* to the *King*; the *Clergy* of *York* agreed to the like *Subsidy*, and differed only in the times of *Paying* of it. *11. Jura Cleri. p. 62. 12. Registrum Wulstan. Episc. Wigorn. fol. 170.*

This *Tenth* thus agreed upon in *Convocation*, was declared by the *Prelates* and *Proctors* of the *Clergy* in *Parliament*; *13* and in *Consideration* thereof, the *King*, at their *Desire*, *Confirm'd* several of their *Petitions* of *Right* to them, and caused his *Charter* of *Confirmation* to be drawn at their *Request* thereupon. *13. Jura Cleri loc. Cit.*

K. EDWARD
the III^d.

¹ Rights, &c.
p. 342.

² Rot. Parl. 18
Edw. III. num.
23, 24.

It was necessary to Observe this Procedure, to clear a little Difficulty which Dr. A. had raised, for want of distinguishing aright in this Case. He observes p. 342, that the *Author* of the *Ant. Brit.* speaks of the *Clergy* granting in Convocation, as if they Granted in Parliament; *Rex Parliamentum tenuit; In Eo Clerus Ei concessit Decimas Triennales.* He spake truly in what he said: ² For the *Clergy* having agreed to this Subsidy in Convocation, declared it by the *Prelates*, and their *Proctors*, in Parliament: As in our *Latter Times*, the *Subsidies* of the *Clergy* were doubly Passed, both in Convocation, and Parliament; and yet the *Provincial Meetings* of the *Clergy*, at *Pauls*, and *York*, were never the more a proper *Part*, or *Member*, of the Parliament which sate at *Westminster*. They sate, they *Acted* distinctly then, as they did in our *Own Times*; only meeting at the same time, the Concession made in the One, was Reported, and Declar'd in the Other, now; as after the 25th of King *Henry the VIIIth*, what was granted in Convocation, was commonly Brought to, and Confirmed by Authority of Parliament.

¹ Rights, &c.
p. 58, 60.

Another Notion Dr. A. has started, and would confirm from the *Rolls* of this Parliament; that the *Clergy* sometimes spoken of in those *Rolls*, were not the *Parliamentary Clergy*, coming by the *Premunientes Summons* thither, and constituting the *Estate* of the *Clergy* there; but the *Convocation-Clergy*, ³ who acted with the *Lords*, and *Commons*, as the *Spiritual Community* of the *Realm*. To prove the Falsity of this in the present Instance (so often already shewn in several other of his *Allegations* to the same purpose) I shall need only to observe that the *Clergy* which the *Roll* speaks of, were the *Clergy* of the *Realm*; *La Clergie de son Roialme*, Rot. n. 23. The *Clergy* of both *Provinces*, Num. 24. But now the *Lower House* of Convocation of the *Province* of *Canterbury*, could in no Wise be called the *Clergy* of the *Realm* in Parliament. As for the Convocation of *York* that met within its own *Province*, at 150 Miles Distance from the Place of this Parliament. The *Lower House* of that Convocation therefore could not appear here, or joyn with the Convocation of *Canterbury* in these Requests. But the Truth of the Case was this: The *Clergy* in their several Convocations had granted the King a *Three years Tenth*. The *Bishops* and *Prelates* made Report of it in Parliament. Then in the Name of the *Clergy* of the *Realm*, as well as their *Own*, they prefer'd the *Petitions* entred upon the *Parliament-Roll*: Which being Granted by the King, they desired for their farther Security to have this *Grant* pass'd under the *Great Seal*, and the *Aid* taken Notice of, which they had agreed to, in Consideration of it. In the Recital of this *Grant*, (made in the Two Convocations) the *Procurators* of the *Clergy* are mention'd; in all the Rest, only the *Prelates*, or the *Clergy*, at large, without coming to Particulars. These *Procurators* therefore are not Represented in this *Roll*, as doing any thing in Parliament, but are only taken notice of for what they had done, not there, but in their several Convocations before. This I take to be the Truth of this Matter; and for this I appeal to the *Roll* its self; let Dr. A. shew the contrary from it, if he can.

¹ Rights. Ibid.
p. 46, 47.

But ⁴ he has a farther Use yet to make of this Procedure, viz. to prove the Dependence, and that not only in *Spirituals*, but *Temporals* too, of the *Province* of *York*, upon that of *Canterbury*. It was for this Reason, he tells us, "the Convocation of *Canterbury* was first held, in order to set the President, which it was Expected the Other *Province* should almost implicitly follow. I shall not stop to Examine the ⁵ Falseness of this Remark, and do right to that Injured *Province*, which had the same Freedom both in its Conciliary and Convocational *Acts*, as Ours had, and knew as well, when it was fitting, how to insist upon them. I shall reserve this Point to a Particular Debate, and thereat Once put together all the Scatter'd Observations which this *Author* has been able to Muster up in Prejudice to their Liberties. At present I shall only take Notice of One from the *Rolls* of Parliament the 13th of this King, in which, he says, it occurs, "That the *Archbishop* of *Canterbury* and other *Nobles* (the King's Commissioners in his Absence) should Require the *Archbishop* of *York* to Contribute for the Defence of the *North*, as they (i. e. I suppose as the *Archbishop* of *Canterbury* and his *Clergy*) had done."

¹ See before
in the Grants
of 1337,
1339. &c.

What a strange Story has this *Author* made of a plain Matter of Fact, nothing to the Purpose? The Case, as it stands upon the *Rolls*, is this: The King had the Year before got a *Subsidy* of the *Clergy* of *Canterbury*, but those of *York* had, it seems, refused to Grant any *Aid* to him.

For

For this they were called together a *second time* in Convocation, as I have before observed: What they did then, I am not able to say. The *Parliament* sitting fifteen days after *Michaelmas*, the *Archbishop* of *York*, and his Clergy, seem to have been stopped from coming to it, by the troubles in the *North*; and therefore "it was accorded, and assented unto in the said *Parliament* by all the PEERS and COMMONS there Assembled (I recite the Words of the *Roll*)" *Ret. Parl. 13* "that Letters be made under the Seals of the *Archbishop* of *Canterbury*, and of the Other Prelates, Earls, and Barons, being in this *Parliament* at *Westminster*, and sent to the *Archbishop* of *York*, and to the Clergy of his Province, to EXCITE them to make a Convenient Aid for the Guard of the Marches of *Scotland*, and for the King's other Business mentioned in those Letters— and how the Clergy of the Province of *Canterbury* had made Convenient Aid for the Cause aforesaid." *the III. d. Edw. III. num. 16.*

This is the Matter of Fact, and it shews Us these Three Mistakes at least in Dr. A's Report of it. 1st, That this Letter was written not by the King's Commissioners, in his Absence, but by All the Prelates, Earls, and Barons, in *Parliament Assembled*; with the Assent of the Commons. 2^{dly}, That here was no REQUIRING at all in this Case, tho' One would have thought a whole *Parliament* concurring, might without Offence have done as much as that would have amounted to. But they contented themselves with a softer Expression, and more Agreeable to the Liberty of the Subject; *De Les EXCITER*, To EXCITE them to such an Aid, was all that the *Baronage* pretended to; and to Represent to them *qu'il leur COVIENDRA*, that it would BECOME them to Grant it: A form of Respect, not of Subjection; and that from the *Parliament* of *England*, not from the Convocation of the Province of *Canterbury*. 3^{dly}, That the mention of what the Province of *Canterbury* had done, was designed not to Conclude, but to Animate and Encourage them to a like Grant: That if they of *Canterbury* who were remote from the Danger, had yet Contributed to the Removal of it, much more would it besit those of *York*, who were next to it, to follow their Example, and to give an Aid for their Own Defence.

And now what could have been Alledged more contrary to his Assertion, than this piece of History, when fairly, and fully Represented? The Clergy of *Canterbury* had Granted an Aid to the King: The whole *Parliament* desired that those of *York* should do likewise. On Dr. A's Principles their Letter must have run after this Manner, to acquaint them with what those of this Province had done, and to put them in mind of their Obligation, to follow their Example; and, in short, to Will and Require them so to do. But here all is quite Otherwise: The whole *Baronage* write, the Commons desire; yet all Ends in an Excitement to Give; in a Representation of the Reason they had to expect this from them. But still they left it to them, and pretended not either by the Example of the Other Province, or their Own Authority, to impose any thing upon them.

But I must not insist on a Point here, which I shall probably take Occasion particularly to handle hereafter. The Sum of this Year is this, that here were two different Assemblies of the Clergy called to *Parliament*, and to Convocation. These were Summon'd at different Times, to different Places, and by different Writs. The Clergy themselves distinctly Met, and Acted in both of them. In this only Dr. A. is in the Right, that they were All, in some Measure, Contemporary with One Another: The King who in Other Years had freely Called the *Parliament*, and Convocation, at different Times, having now thought fit, by the Advice of his Council, to Assemble them, as freely, at the same Time, this Year.

The next Year following, there are no Summons of *Parliament* upon Record; but in an Antient ² Register of the See of *Worcester*, there is a Writ Enter'd, by which a *Parliament* is said to have been Called to meet at *Westminster*, the Morrow after the Purification. This Writ is dated by the King at *Rockingham Castle*, November the 26th. Regni 19^o. It Summons only the *Baronage*, but takes no Notice of the Lower-Clergy, or Commons. The same Year there was a ³ Council of the Bishops of the Province of *Canterbury*, Summon'd to meet at *St. Pauls London*, about the 4th of May: It consisted only of the Provincial Bishops; Dr. A's Inferiour Prelates and Clergy being again omitted. The same Year, 1346, a *Parliament* was held on Munday after the Nativity of the Blessed Virgin, Sept. the 11th. To this the *Archbishop* of *York*, being not in a Condition to come in Person, by reason

Sect. 54.

1345.

1346.

² Registrum

Wulston

(Braunsford)

fol. 174.

Appendix ad

Ann. 1345.

³ Ibid. fol. 95.

Prox. die Ju-

rid. post, Fe-

stum Inuent.

S. Crucis. Ap-

of pendix. Ibid.

K. EDWARD
the III^d.

¹ Registr.
Zouch. Arch.
Ebor. fol. 257.
² Rot. Parl.
20 Edw. III.
num. 44.

³ Rot. Claus.
20 Edw. III.
m. 18. dorso.
Test. viii^o die
Septembris.
⁴ Registr. Jo.
Trilleck. He-
reford. Episc.
fol. 138.
⁵ Registrum.
Zouch. Arch.
Ebor. fol. 245.

⁶ Rights, &c.
p. 333.

⁷ Rot Parl. xx
Edw. III. num
46.

⁸ Nos (Archs.)
de Consensu
Confratrum
Nostrorum no-
stra Cant. Ec-
clesia Suffra-
ganeorum, in
Parlamento
apud Westm.
die Lunæ
prox. post fe-
stum Nativita-
tis B. M. V.
ultimo præte-
rit. Celebrat.
—Convocati-
onem hujus-
modi fore Or-
dinavimus fa-
ciendam. Re-
gist. Trilleck
supr. Citat.
fol. 138.

⁹ Dugd. Summ.
Parl. p. 228.
Sect. 55.

1347.
¹⁰ Ibid. p. 230.
¹¹ Ibid. p. 232.

of the Troubles in the North; he was required by the King to send a sufficient Proxy to Act in his stead, and that in the very Writ of Summons: Which, being a rare Example, I have inserted a Copy of it, (Omitted by Sir William Dugdale) into the Appendix. The ¹ Archbishop Obey'd; and by his Procuratorial Letters, dated the last of August, deputed his Proxies accordingly.

In this Parliament, among other things Resolved, One was this, ² That the Religious should be taxed among the Laity in Parliament, for such Lands for which they had not been wont to pay Tenths, before the 20th of Edward the 1st, and for the rest should be Charged with the Clergy, as they had been accustomed before to be.

About ³ three days before this Parliament Assembled, the King by his Writs Order'd the Archbishops to Summon their Convocations; that of Canterbury the Munday after the Translation of St. Edward, October the 16th: That of York the Munday after St. Lucie, December the 18th. The ⁴ Archbishop of Canterbury called his Clergy accordingly: But in York a delay happen'd; for by a new ⁵ Writ dated November the 6th, that Circumstance was Omitted, and the Archbishop left at Liberty to take his Own Time. He Summon'd them to meet upon the Munday next after the Conversion of St. Paul, January the 29th, as by this Mandate, dated December the 9th, does appear.

Here therefore tho' both the Parliament, and Convocations met, yet the Doctrine of ATTENDANCE again fail'd. With the Parliament after Easter no Convocation at all was held. That of September rose the 18th of the same Month: But the Convocation of Canterbury met not till the 16th of October following; and that of York above three Months after, January the 19th.

But I must not quit this Year without taking notice of a Judicious Remark made by ⁶ Dr. A. upon a certain Passage in the Parliament held in September before-mention'd. He had advanced a Point, which he says, "his Adversaries seem to Grant, that the Convocation was a Meeting Co-incident with the Parliament. If he means that it sometimes met, by Chance, at the same Time with it, I do not deny it: But if he would persuade Us that it is a Meeting that always was, or ought to be, held at the same Time with the Parliament; I have not only deny'd, but sufficiently disproved it. Among other Authorities to prove this, One is drawn from the Rolls of this Years Parliament. A strange Authority, to prove the Convocation to be an Assembly Co-incident with the Parliament, from the Rolls of a Parliament, which had no Convocation held at the same time with it! But let us hear what it says: ⁷ "XX E. III.

"the Bishops are commanded to Certify into Chancery the Names of all Aliens, their Benefices, and Values; before, or at the next Convocation, WHICH WAS

"TO SIT WITH THE NEXT PARLIAMENT.

Thus Dr. A. Confidently Recites the Order: But does the Parliament Roll speak thus? No, it does not, nor did it mean any such thing. It refered to the Convocation which had been Called a few days after the Parliament met, and which was to sit in our Province about a Month after the passing of this Order. The Words of the Roll, as himself delivers them in the French, are these; "That they should Certify, as he Reports it, before the day of the Convocation of the Clergy, (not a Convocation Uncertain, to be called hereafter to ATTEND upon a Parliament no body knew when; no, but the Convocation which was at that time Summon'd to Assemble by a Determinate Day) "or then at the latest. This was the Convocation of which the Parliament spake: A Convocation so far from being an Attendant upon that, or any Other Parliament, that in the very Mandate by which it met, the Archbishop took notice of the ⁸ Parliament as sitting before he Called it, not as to sit Concurrently with it. Dr. A. therefore could not have Chosen a more Unlucky Instance to prove his New-Theory by, than this; which had he been willing to Understand it, plainly proves the Contradictory to his Assertion, that the Convocation then Summon'd, was not to be held with the Parliament, but to meet at a Time quite different from it.

In the Close of this Year a ⁹ Great Council was held at Westminster, March the 3d, which having mention'd, I shall not insist any farther upon it.

The next Year two Parliaments were Call'd; the One the ¹⁰ Morrow after Hillary, which sate a whole Month; the Other to the ¹¹ Munday after Midlent-Sunday, March the 31st, 1348, and sate about a Fortnight. But the Clergy had in their

their last Convocation before Granted a *Three-Years Tenth* to the King, so that there was no need of any present Supply from them; and for all Other Concerns, they were called to these *Parliaments* with the *Laity* by their *Bishop's Writs*, and therefore the King thought not fit to put them to a Fruitless Trouble in that Case.

But tho' there was no Convocation held with either of these *Parliaments*, yet a ¹ Provincial Council was Assembled by the Archbishop of Canterbury to meet in Our Province the first Court-Day after the Feast of St. Jerome, in the beginning of October. The Design of this was purely Ecclesiastical; *Pro Corrigendis Excessibus, & Moribus Reformandis*, as the Words of the Mandate for Summoning of it, run. It was called by the sole Authority of the Metropolitan; the Lower Clergy were INVITED, not, as in the Convocation Mandates, CITED to it. The Deans and Priors of Cathedral Churches, the Regular Abbots and Priors, and Archdeacons, might come *si eis Utile Videatur*; the Chapters, Convents, and Clergy might send their Proctors to it, *si sua prospexerint interesse; & Causas vel Negotia habuerint in hujusmodi Provinciali Concilio tractanda*: The Prelates of Exempt Churches, might be present, *si Voluerint*. But Necessity was laid upon none but the Bishops: They only were the Essential Members of these Synods, and therefore they only continued, when they sate, to be Summon'd Peremptorily to them. The Lower-Clergy were rather Indulged in this Case, than Required: It was a Favour that they were invited, no Fault in them not to come, to those Councils.

Towards the latter end of the Year ² 1348, a Parliament was called to meet at Westminster, the Munday after Hillary. The Writs were in the usual Form, excepting only that here (as in that of 1346) the Archbishop of York was Excused from Coming himself, and required to depute a Proxy in his stead. Yet in the Bishop of Worcester's Writ there is a singular Clause which ought to be taken Notice of. He had, it seems, Obtain'd a General Liberty from the King of not coming to Parliament. But the King in the present Instance Suspended this Privilege, and required his Attendance "*Quacunque Concessione Vobis pro Immunitate Vestra de non Veniendo ad Parliamenta nostra prius Concessa non obstante*". To this the Clergy were Summon'd, as was usual, by the Preliminary Clause; but the Pestilence then raging in London, this ³ Parliament was Prorogued till fifteen days after Easter 1349, and, by ⁴ Second Writs, suspended for the same Reason till a New Call.

The Plague at this time raged not only in London, and the Places thereabouts, but in many other parts of the Realm; if at least I may depend on a Minute taken out of the Bishop of ⁵ Wells's Register, whereby he Indulges his People during the time of the Pestilence, when Priests could not be had, to Confess to Lay-men, *vel etiam Faminis*. But tho' none of these Parliaments met, yet twice the King seemed Resolved to have had them sit; but of any Convocation that should have sate with either of them, we have not the least Intimation.

In the the Province of York a Convocation was Summon'd, by order of the ⁶ King's Writ, to meet at York on Fryday in Whitson-Week, June the 13th, 1348. The Parliament which met the beginning of this same Year, March the 31st, was risen two Months before; the next should not have met till January, i. e. till about Seven Months after; so that here could have been no Pretence for any Dependence of the One upon the Other. As for our Province, whether by reason of the Pestilence's raging in it, the Convocation, as well as Parliament, was Suspended; or that Archbishop Stratford dying this Year, and two other Archbishops within the Compass of the next following; the State of Affairs was in such Confusion, as made it proper to delay such an Assembly for the present; but so it was, that no Convocation, that I can find, met in either of these Years, in our Parts, tho' two Parliaments were called, and one Convocation held in the Other Province.

But I must go yet farther, for the next Year following a ⁷ Parliament was not only Summon'd to meet on the Octaves of the Purification, February the 9th, but met, and sate three Weeks. ⁸ In it was made a Famous Act against the Provisions of the Court of Rome, and some ⁹ Other things were Attempted by the Commons, against the Rights of the Church, particularly in the Point of Excommunications, tho' not Assented to by the King and his Council. Yet with all this busy Parliament,

K. EDWARD
the III.

Regist. In-
stitution. Jo.
Gynewell Episc.
Linc. fol. 28.

1348.
Dugd. Summ.
Parl. p. 234,
235.

³ Dugd. Summ.
Parl. p. 237.
⁴ Ibid. p. 239.

⁵ Regist. Rad.
de Salop. Episc.
B. W.

⁶ Regist. W.
Zouch. Arch.
Ebor. fol. 247.

Señ. 56.
1350.
⁷ Dugd. Summ.
Parl. p. 241.
⁸ Rot. 1. Parl.
25 E. III. n.
46. ad. 55.
⁹ Ibid. Num.
liament, 31, 32.

EDWARD the III. liament, in which the Church was so much Concern'd, no Convocation met in either Province; so that here again Dr. A's New Doctrine of ATTENDANCE, appears to have been utterly contrary both to the *Law*, and *Practise* of these Times.

1351. To make this Matter the more clear, let me observe, that on ¹ March the 1st, (the day on which this *Parliament* rose) the King issued out his *Writ*s to the Archbishop of Canterbury to Assemble the Convocation of his Province, in as short a time as he could. In that *Writ* he tells him how that he had Declared to himself and Others in this present *Parliament*, the *Burdens* which lay upon him, which without the help of his Subjects he was not able to support. He recites how that for this Reason, he had demanded of him, and his Clergy, a fitting *Subsidy*, for the Support of those *Burdens*; and therefore that he now Required him to call them together in Convocation, and there to declare his Needs to them, and to induce them Effectually to Grant him such a *Subsidy*, and to Certify him what it was that they Granted, and at what times it was to be paid.

ac Onera nobis propter hoc incumbencia, Vobis & aliis in Præsenti Parlamento nostro existentibus plenius exposuimus, Vos non Latet. Ad quorum Onerum supportationem absq; Adjutorio fidelium nostrorum non sufficimus sicut scitis: Per quod aliquod Subsidium Congruum in supportationem tantorum Onerum à Vobis & aliis de Clero, &c. Et expositis eis dictis Negotijs, ibidem, ipsos ad aliquod Competens Subsidium nobis in auxilium Supportationis dictorum Onerum concedendum cum Efficacia inducat, &c.

² Regist. Iſtip. In Obedience to this *Writ* the Archbishop by his ² Mandate dated March the 9th, Summon'd his Convocation to meet on the Munday next after the Quindene of Easter, May the 2^d. They met, and ³ Granted a Double Tenth; one absolute, the other upon this Condition, that before the Terms of its Payment their Grievances should be wholly Reformed by the King's Authority.

Having thus taken order for the Convocation of our Province to meet, May the 2^d, He next Summon'd that of ⁴ York to Assemble about a Month after Easter for the same End. The Archbishop Assign'd the ⁵ Wednesday before S. Dunstan, May the 18th; when they met accordingly, and the very next day made a Grant of a Two Years Tenth, as those of the Other Province had done before.

About Eight Months after these Convocations were risen, the ⁶ King held his next *Parliament* on Hillary day, January the 13th. In this the Grievances of the ⁷ Clergy were Represented to the King, by the Archbishop and Bishops for themselves, and the whole Clergy; and a favourable Reply was made to them. But the Two Years *Subsidy* of the Clergy before Granted, had taken off all need of any farther Convocations to meet at this time, and so this *Parliament* also was held without any.

But here ⁸ Dr. A. interposes and tells us that the Clergy for whom the Archbishop, and Bishops Petition'd, were the Convocation-Clergy. If by the Convocation-Clergy he means the *Parliamentary*-Clergy, Summon'd by the *Parliamentary Writ*s, as Representatives of the Body of the Clergy of England, I do not deny, nor can it reasonably be doubted by any, but that these were a proper Part, and Member of *Parliament*. They were Summon'd together with the Bishops and Prelates, as one of the Three Estates of it; and as such they both went to it, and Acted in it. This therefore is nothing to the Purpose: But if by the Convocation-Clergy he means the *Provincial Clergy* of the Two Convocations, as we now speak of them, it is certain he is mistaken; for the Convocations sat by themselves the May before; at those Meetings they gave the King a Two Years Tenth, and that being now running, they were not called at all with this *Parliament*.

In this *Parliament*, a Grant of a *Disme* and *Quindisime*, being made to the King; ⁹ Dr. A. thought he had thereby found another Proof, of what no body denys, that the *Parliamentary*-Clergy in these times came to *Parliament*. But he has since been satisfied, that these Grants were both made by the *Laity*, and not as he supposed, one by the Clergy, the other by the People. To Retract this Error as softly as may be, we are in the ¹⁰ Additions Advertised to blot out the whole Paragraph without any reason given why we should Omit it. What therefore he concealed, I take the Liberty to Observe; because it was not only Impertinent, which it would have been, if true; but because it was False too, as Dr. A. himself is now satisfied that it was.

Anno 1352. A ¹ Great Council was held at Westminster the day after the Assumption of the Blessed Virgin; but no Parliament or Convocation that I can find this Year.

K. EDWARD
the III.
Sect. 57.
1352.
Dugd. Summ.
Parl. p. 246.
1353.
Ibid. p. 248.
Rot. Parl.
27 E. III. n. 42.
1354.
Die Lunæ
post Fest. S.
Marci Evan-
gelistæ. Dugd.
Summ. Parl.
p. 249, 250.

Anno 1353. Another such ² Council met on the Munday after St. Matthew, and much Business was done in it. But the whole number of the Commons being not Called, nor the Lower Clergy Summon'd to it, we find the very ³ Council its self distinguishing its Acts from those of a Parliament, and desiring that what was then done, might be Confirm'd by Authority of the next Parliament to be Assembled.

To that Parliament I now pass, called by the King the end of the same Year, but not sitting till the beginning of the next, ⁴ April the 28th. Here the Ordinances of the last Great Council, relating to the Staple, were Confirm'd; and the doing of this was declared to be One End of calling this Parliament. With this State-Council, according to the new Doctrine of Convocational-Attendance, the Provincial-Assemblies of the Church ought to have been Convened: But that any such Meetings were held Concurrently with it, I cannot find, and must therefore leave it to Dr. A. to shew that there were.

The next Year the Parliament was ⁵ first called to meet on Thursday, the day after St. Martin, November the 12th, but was ⁶ Prorogued to the Munday after St. Edmund the King, November the 23d. Then it met, and sate Seven Days; and Granted to the King a Subsidy of xls upon every Pack of Wool.

Having thus Summon'd the Bishops, Prelates, and Clergy to Parliament; He by ⁷ Other Writs Summon'd the same Bishops and Prelates, with the Convocation-Clergy, to meet at a different Time, and different Place, for such Service of the State as fell under their Cognisance, in Convocation. Now this so plainly distinguishes the Parliamentary-Convention, and the Provincial-Convocation of the Clergy, from one another, and so evidently proves them to be different Assemblies, that He must be resolved to be deceived who does not see their actual Distinction, in Fact, as well as Law, from one another.

Westmonast. die Jovis in Crastino S. Martini prox. fut. tenere; & Vobiscum, & cum Prelatis, Magnatibus, & Proceribus, &c. Colloquium habere & Tractatum.—Et quia expedit quod Negotia predicta qua Salvationem & Defensionem Regni nostri sic contingunt salubriter & efficaciter cum bona & matura Deliberatione deducantur, Vobis mandamus Rogantes quatenus Omnes Episcopos & Abbates, necnon Decanos & Priores tam Ecclesiarum Cathedralium, quam Collegiarum, Exemptos & non Exemptos, Archidiaconos & totum Clerum vestre Provinciae apud Ecclesiam S. Pauli London. die Lunæ prox. post dictum festum S. Martini: (In the Other Province) die Lunæ in Crastino S. Nicholai, &c. apud Ecclesiam B. Petri Ebor. Convocari faciat.

If these Assemblies met according to this Summons, it must then be Granted that they came as near as well they could in time, tho' yet none sate, at the same time, with the other. The Convocation of Canterbury met on Munday, November the 16th. On that day seven-night the Parliament sate November the 23d. On the same day fortnight (a Week after the Parliament was risen) the Convocation of York was held.

And yet, tho' this be so evident a Proof of the Distinction of these Assemblies from one another, Dr. Atterbury doubts not to alledge this very Instance, nay, and this very Reason too, for the Confounding of them. So strangely different are we not only in our Principles, but in our ways of defending those Principles too, that what the One thinks to make the most strongly for his Point, the Other of us accounts to make the most forcibly against it. But let us see how he manages this Matter. ⁸ "This also, says He, deserves Notice in many of ⁹ Rights, &c. them (the Convocation-Writs) that they went not out only at the same time with ¹⁰ the Parliament-Writs (He should have said were SOMETIMES issued out ¹¹ NEAR ¹² the same time that the Parliament-Writs were; for that is all that can truly be affirm'd in this Case) ¹³ but mention the Holding of a Parliament in their Pre-ambles, as the Ground of their Issuing; that so the CLERGY, according to THEIR DUTY, MIGHT RESORT to it.

That which Dr. A. would have, if I take him aright, is this; That the Reason why these Convocation-Writs were sometimes issued out near the time that the Parliament-Writs were, was, to Oblige the Clergy thereby to come the more duly, and in greater Numbers, to Parliament. An Assertion in which I cannot tell whether the Falseness, or Absurdity of it, be the Greater. Let the Reader judge, from his Own, that is, the present Instance.

K. EDWARD
the III^d.

On the 20th of September the King sent out *Writs* for calling a *Parliament* to meet the day after St. Martin, November the 12th. By those *Writs* he Summon'd the *Archbishops*, and *Bishops* of All England; with the *Cathedral Deans*, and *Priors*; the *Archdeacons*; the *Capitular*, and *Diocesan Parliament-Clergy*; the *Parliamentary-Abbots* and *Priors*, to come to *Westminster* on that day to his *Parliament*.

By Other *Writs* dated September the 25th, He Summon'd the *Archbishop*, and *Bishops* of the Province of *Canterbury*, the *Abbots*, *Deans*, and *Priors*, as well of *Collegiate*, as *Cathedral Churches*, *Exempt*, and not *Exempt*; the *Archdeacons* and *Clergy* of that Province only, to meet at St. Pauls London, the Munday following. Those of the Other Province to meet at St. Peters York, December the 7th, almost a Month after the *Parliament* was to meet at *Westminster*.

He mention'd his having called a *Parliament*, and to the End the Matters which he had to propose, might the more Maturely be Deliberated upon, declared his Resolution of having a *Convocation* of Each Province too; in which, as well as in his *Parliament*, they might be treated of.

¹ The *Parliament* being Prorogued from November the 12th to November the 23^d.

Let us now put this together: Here are two *Convocations* Summon'd to meet at London, and York; a *Parliament* to meet at *Westminster*. These *Convocations* met, One of them a Week before the *Parliament*, and (if it sate at all) in all Probability rose before the *Parliament* sate. The other met not till a Week after the *Parliament* was up. They agreed neither in Time, Place, nor Members, with one another: And yet these *Convocation-Writs* were design'd (if Dr. A. may be Credited) to Oblige the *Clergy* to come more duly to the *Parliament*. That is to say, the *Prelates* and *Clergy* of *Canterbury* were called to St. Pauls London, November the 16th, in Order to secure their Attendance at *Westminster*, November the 23^d: And which is yet more apparently, tho' not more really, Absurd, Those of York were Summon'd to be at York, December the 7th, in order to their RESORTING MORE DULY to the PARLIAMENT at WESTMINSTER November the 23^d, which had sate a fortnight, and was risen a Week before.

Sect. 58.
1356.

To such hard shifts, will an Ill-cause sometimes put even Witty-Men in the Defence of it! But I proceed: The next Year, tho' it affords us neither *Convocation*, nor *Parliament*, yet presents us with a *Provincial Council* in Each Province; The End of which, I dare not say, was to Grant a *Subsidy* to the King; this I may say, that it was the main thing which being met, was done in both.

² Regist. Ilip.
fol. 111, 117,
&c.

The ² Council of our Province was called to meet at St. Pauls London, May the 16th. And the Process of it was this. The first day being taken up in matters of Form; On the second the King's Messengers came, and Prohibited them in the King's Name to do any thing in Prejudice of himself, or his Kingdom. This was commonly done in Councils called by the *Archbishop*, but never in *Convocations* held at the King's Command. Then the Commissioners demanded for the King a Six Years Tenth, to be paid within the Compass of Three Years.

The third and fourth day, were spent in Exhibiting, and Receiving of Petitions. The fifth, the *Archbishop* being indisposed, the Bishop of Lincoln, by his Commission continued the *Convocation* to the next day. On Saturday, the 6th of their Session, Petitions were read, and so they were Prorogued to the Munday following. Then the *Clergy* presented their Answer to the King's Demand, to

³ Regist. Ilip.
Ibid. fol. 117.
b. Vobis Re-
verendis in
Xto Patribus
Dom. Dei Gra-
tia Archiepis-
cope Contua-
riens. Vestrisq;
Suffragancis

the *Archbishop* and *Bishops*, to this Effect. " ³ That whereas in the LAST CONVOCATION of the *Prelates* and *Clergy* of the said Province, certain great Grievances were proposed, and shewn to lye upon the said *Clergy*, a Remedy of which was desired of the King; and upon that, and other Conditions, a Two Years Tenth was Granted to him; but that neither in that, nor OTHER PARLIAMENTS since held, was any Remedy ordain'd, tho' the Tenth were both paid: For this, and other Reasons, there alledg'd, they desired to be excused from Granting any thing at this time.

ad Celebrandum Concilium Provinciale juxta SS. instituta Canonum Congregatis, supplicat humiliter & devote Clerus Cantuariensis Provinciae, &c. IMPRIMIS; Cum in Ultima Convocatione Praelatorum & Cleri Ejusdem Provinciae certa enormia Gravamina dicto Clero illata, proposita fuerunt & Ostensa, super quibus petatum fuit a Domino nostro Rege Remedium, & sub certis Conditionibus—Et inter caetera, quod in Proximo ex tunc Parlamento Reformatio fieret Eorundem, idem Clerus concessit dicto Domino Regi Decimas Biennales; sed interim in Praedicto & Aliis Parliamentis quae ex tunc Citra fuerunt, licet dicta Decima sit Soluta, nullum omnino certis Remedium Ordinatum, &c.

I have inserted this Petition of the *Lomer-Clergy* to shew ; that since the Year 1351, the time of which they speak, tho' several Parliaments had been held, yet no Convocation had met : And therefore that 'tis probable, the Convocations called the last Year, never Assembled, but were by some *Second Writs*, which are not now Extant, revoked, before the Execution of the first. This the Silence of our Registers, as to those Convocations, in both Provinces seems to confirm ; and therefore that the New Doctrine of a Concurrent Convocation necessary to be held with every Parliament, is here in Terms Contradicted by the Clergy of our Province. However the next day they consented to a Tenth ; the one half Absolute, the other on the Condition that their Grievances should be Redress'd.

This was the Work of our Synod : That ¹ of York met the 3d of June following : And in like manner Granted the King a Tenth, "*sub spe Emendationis & Reformationis Gravaminum* ; and upon certain Conditions, express'd in the return made of their Grant to the King.

But to leave these Councils, and go on to the Transactions of the next Year. On the Munday² after Easter Week, that is, if I compute aright, April the 17th, the Parliament met. It sate almost Three Weeks ; the Clergy being called as usual to it. Thus the Year began with a Parliament, and so it Ended too ; for on the ³ Munday after the Purification, a Second Parliament met, and sate again another Three Weeks, the Clergy being Summon'd, as before, to it.

With the former of these Parliaments the King Summon'd the Convocations of both Provinces to have met. He Order'd the Archbishops to call their Clergy together to ⁴ London and York, the morrow after St. George ; a Week after the Parliament was to begin. But Our Archbishops were not yet sufficiently instructed in the Modern Doctrine of Attendance, to Obey him so Punctually as they should have done in this particular ; and therefore so order'd the matter that the Parliament had but very little of their Company. In short ; The Parliament met April the 17th : The Convocation of our ⁵ Province met not, till the 26th, (the middle of its Session) and in the other ⁶ Province, the Convocation sate not till the Fryday after the Ascension, May the 29th, almost a fortnight after the Parliament was dismiss'd.

In the Letters ⁷ Mandatory to the Bishop of London for holding of this Convocation, the Archbishop did not insert the King's Writ : as it had been usual to do, but only made mention of it. In the Preamble he sets forth the Cause of this New Assembly, and what had moved him to the calling of it. He Extols the King's Success in his Wars, and acknowledges the Benefits which the Church had reaped from his Labour and Dangers. He takes Notice of the King's Desire, in Order to the putting an End to them, to Consult with his Clergy, and how he had thereupon issued out his Writ to him to call them together. And then adds, that ⁸ " He accounting the King's Desire to be Reasonable, and being " willing, as much as in him lay, to comply with his Wishes, had the more " readily proceeded to hold a Convocation, in that therein he was promised a " Satisfactory Answer to their Petitions made in their last Convocation.

res ideo quantum cum Domino poterimus annuere Votis suis, tanto promptius ad Convocationem Cleri nostri super premissis loco & tempore infra scriptis faciendam processimus, quatenus in Eadem nobis promittitur Grata Responsio ad Petitionem & Supplicationem nostras.

Had it now been Customary, to hold Convocations Concurrently with every Parliament, as some of late pretend, how came the Archbishop to preface his Mandate after this strange manner ? Or what Account can we give of his deferring it, till the Parliament was above half over, first, and then to give such Reasons as these, why he proceeded to call it at all ? Let Dr. A. put what Glosses he pleases on this Years Convocation, which is another of his Instances to prove the Pretended Right of their Attendance upon every Parliament : But sure I am, neither the Delays of the Archbishops in this Case, nor the Reasons now Recited, from One of their Mandates, for the meeting of the Convocation at this time, can be Reconciled with this Doctrine, and that therefore we must conclude it is not true.

To this Parliament at Westminster, April the 17th, the ⁹ Chapter of York sent up their Proxies to treat and consent to such Things as should there be Ordain'd by the Common Council of the Realm. These Procuratorial Letters were

K. EDWARD ^{the III^d.} dated at York the 2^d of April before. Let Dr. A. consider whether those must not have been IN FACT two different Assemblies, for the One of which that Chapter sent up their Proctors to Westminster, to act with the Estates of the Realm in April: In the other of which, their Proctors went no farther than to their Own Chapter-House, nor Acted with any but their own Provincial Bishops and Clergy, the Month following.

But not to add any more about this first Parliament; what shall we say to that which sate in February following? There was no Attending-Convocation Summon'd in either Province; but the Parliament met and sate by its self, without any Provincial Assemblies of the Clergy to keep it company.

Sect. 60.

1359.

¹ Regist. Islip. fol. 343. a.

² Rot. Claus.

33 Edw. III.

m. 10. intus.

³ Quamvis à

tempore quo

Cant. Ecclesie

Domino dispo-

nente præsui-

mus—corditer

optassemus Prælatos & Clerum diætæ nostræ Provincia à Laboriosis & Sumptuosis Convocationibus & Vexationibus præservare, ipsosq; in quiete fovere, ut Altissimo Regi Regum possent liberius deservire; Urgentia tamen,

&c. Regist. Islip. fol. 155. a.

The next Year following, I meet with no Publick Assemblies either of the Church, or State. Anno 1359. the King being about to pass over the Seas, by his ¹ Writs dated at Sandwich, October the 10th, Summon'd a Great Council to meet at Westminster the Sunday before St. Martin, November the 10th.

Presently after this Council was up, two ² Provincial Writs went out to each Archbishop to Summon the Convocations of their Respective Provinces, with all Convenient speed. ³ The Archbishop of Canterbury made an Apology in his Mandate for calling his Clergy so often together, and inserted the Writ intirely into it. He order'd them to meet at ⁴ St. Pauls London, January the 28th. On February the 4th they granted a Tenth to the King; and that, I suppose, was all that was done by them.

⁴ Die Lunæ prox. post festum Conversionis S. Pauli: Ibid.

⁵ Registrum

Thoresby fol.

penult.

⁶ Regist. We-

ston fol. 63.

⁷ Regist. Hat-

field fol. 39. a.

In the Other Province they met later, ⁵ February the 12th. So both the Archbishops, and the Bishop of ⁶ Carlisle's Registers tell us. But the ⁷ Bishop of Durham's Summons is for January the 27th. How this difference comes, as I cannot pretend to tell, so neither do I think it at all material to enquire. But tho' both these Convocations met this Year, yet I cannot find that any Parliament met with them; but as the last Parliament, Anno 1357, sate without any Convocation, so now the two Convocations were both held, without any Parliament.

1360.

⁸ Dugd. Summ.

Parl. p. 260.

⁹ Ibid. p. 261.

The Clergy having thus granted their Subsidy about the End of this Year; The Parliament was called, by its self, without any Convocation, to meet ⁸ the day after the Ascension, the next Year following. What that Assembly did, I cannot tell; but towards the end of the Year another Parliament was called, to meet the ⁹ Sunday before the Conversion of St. Paul. The Session was long; And the Clergy Premonish'd to come to each of them. But neither with this latter can I find that any Convocation met; and must therefore beg leave to conclude, till I shall be better inform'd, that none was held with it. To both these

¹⁰ Regist. Dec.

& Capit. Ebor.

ab Ann. 1352.

fol. 33, 37.

1361.

Parliaments the ¹⁰ Chapter of York sent their Proctors, as by their Letters of Pro-curation still upon Record, does appear.

Anno 1361, A Great Council was held after Easter about the Affairs of Ireland; after which two Provincial Synods were Summon'd to meet in the Church of St. Mary Southwark, the One the day after the Ascension, the Other the morrow after the Octaves of Trinity. To the ¹¹ former of these, only the Bishops of the

¹¹ Regist. Islip.

fol. 170.

¹² Ibid. fol.

185. Regist.

Barnet. Wi-

gorn. fol. 20.

Sect. 61.

1362.

¹³ Dugd. Summ.

Parl. fol. 265.

Province of Canterbury were called: To the latter, the Clergy too, who were allow'd to appear by One, Two, or Three Proctors, as they should themselves like best. ¹² The Design of these Meetings was to grant an Aid to the Pope, nor does it appear that any thing else was done by them.

The Year following, 1362. ¹³ A Parliament was held fifteen days after Michaelmas, October the 13th. It sate above a Month, and granted to the King a Three Years Subsidy. If Dr. A. can tell us what Convocations sate Concurrently with it, he will make a Discovery, which neither the Registers of the Archbishops, nor the King's Writs, nor any other Monuments of Antiquity which I have enquired into, have as yet enabled me to make.

1363.

¹⁴ Ibid. p. 267.

¹⁵ Aff. Capit.

Litchfield. fol.

150.

On Fryday, October the 6th, 1363, another ¹⁴ Parliament was held at London. It sate till the latter End of the Month, and many Excellent Laws were made by it. But the ¹⁵ Convocation of the Province of Canterbury met not till the 2d of December following; and that any was held at all in the other Province, I have not found.

1364.

¹⁶ Dugd. Summ.

Parl. p. 269.

Anno 1364. A Parliament met on ¹⁶ Munday in the Octaves of Hillary: It sate above a Month; reduced the Custom upon Wool, to a more moderate rate; and

and ordain'd that all Other Impositions should cease. But as the King had ^{K. EDWARD} now no need of any *Aid* from his *Clergy*, so neither did He call any *Convocation* ^{the III.} to meet; nor do I find that any was held this whole Year in either *Province*.

The next Year, neither *Parliament*, nor *Convocations*, that I know of, met: ^{1366.} The Year following, 1366. The ^I *Parliament* sate *May* the 4th. The Occasion of ^{Ibid. p. 271.} it was to resolve what the King should do, if the *Pope* should cite him to *Rome*, or otherwise proceed against him, for Homage, or Tribute, on the Pretence of King *John's* Surrender of the *Realm* to Him. Another Famous Cause was also transacted in this *Parliament*, between the two *Universities*, and the *Fryar's Mendicant*. But the King had no need of Money, and therefore as the *Parliament* made but a short *Session*, so it does not appear that the *Convocation* of either *Province* met with it, or at any other time this whole Year.

The next Year, for ought I can yet find, pass'd without either *Parliament*, or *Convocation*. ^{Sect. 62.} Anno 1368, a *Parliament* was held ^{1368.} *May* the 1st, and sate about Three Weeks: In it a *Subsidy* was Granted to the King, by an Encrease of the ^{Ibid. p. 273.} *Customs* upon *Wool, Fells* and *Skins*; but no Money was given by the *Laity*, nor was any demanded of the *Clergy*, nor by Consequence any *Convocation* held this Year.

But tho' the King, having no need of their *Aid*, called not the *Clergy* to *Convocation*, yet the ³ *Archbishop* of *Canterbury* being oppress'd with Debt Summon'd ³ *Regist. Lang-* those of his *Own Diocese* to a *Synod*, the day after King *Edward*, and there ob- ^{ham. Arch.} tain'd six Pence in the *Mark* of them, towards the Relief of his Needs. After ^{Cant. fol. 70. a.} this, in his *Visitation* of the *University* of *Oxford*, He condemn'd thirty Erroneous *Articles*; which from the Register of the *Archbishop* are transcribed into the ⁴⁴ *Spelm. Con-* Second Volume of our *Councils*. And about the same time confirm'd certain ^{cil. Vol. II.} *Hymns* to the Honour of *St. Catharine*; which is the Sum of what was done by ^{P. 615.} Him in *Church-Affairs* during his Presidency at *Canterbury*. ⁵ In *October* this ⁵ *Contin. Poly-* Year He was made a Cardinal, and in *April* following took his Journey to *Rome*; ^{chron. MS.} *William Wittlesey* Bishop of *Worcester*, being, by *Papal Provision*, made *Archbi-* ^{cap. lix.} shop in his stead.

We have now for some time pass'd on without much Business to insist upon: ^{1369.} *Parliaments* have often met for the Benefit of the *Publick*; but the *Convocations* have been intermitted, thro' the little Occasion the King had for their *Aid*. But here we shall again begin to fall into the History of them; and by the different *Times* of their *Assembling* from that of the *Parliaments* of the same Years, no less discern their Independency on those *State-Meetings*; than by their not coming together at all for some Years past, tho' *Parliaments* were constantly held, we have seen it before.

On the ⁶ *Octaves* of *Trinity*, *May* the 27th, the *Parliament* of this Year was ⁶ *Dugd. Sum-* held: It sate a Fortnight, and Confirm'd some *New Customs* again to the King. ^{monit. Parl.} This *Parliament* which thus met, *May* the 27th, rose ⁷ *June* the 10th: On the ^{p. 275.} 27th following the ⁸ *Archbishop* issued out his Letters to the *Official* of his *Arch-* ⁷ *Rot. Parl.* *deacon*, to this Effect; "that in the *Parliament* which had before been sitting, ⁴³ *E. III.* "the King had demanded a *Three Years Tenth* of the *Clergy*; and that himself, ^{num. 25.} "and the *Bishops*, had promised to call together their *Clergy* within their *Re-* ⁸ *See the Ap-* *spective Diocesses*, as soon as they could, to deliberate of this Demand: In ^{pend. ad Ann.} ^{1369.} "pursuance whereof He now Appointed those of his *Diocese* to meet the *Mun-* "day after *St. James's* day, about the End of *July* following.

What the Effect of these *Diocesan Assemblies* was, we may judge by the *Tenor* of the ⁹ *King's Writ*, dated at *Westminster* the 11th of *October* following. In ⁹ *See the Ap-* which, complaining of the Burdens which lay upon him, and the need he had of ^{pendix: Ibid.} their Assistance, he requires the *Archbishop* to call his *Provincial Convocation*, in Order to the Obtaining of a *Subsidy* therein. ¹⁰ The *Archbishop* appointed the ¹⁰ *See the Acts* 21st of *January* for their Meeting; where being Assembled, they Granted to ^{of this Convo-} the King a *Triennial Tenth*, and so rose the beginning of *February* after. ^{cation in Re-}

It was not above a ¹¹ day or two after the rising of our *Convocation*, before that ¹¹ *Regist. Tho.* of *York* met. It was Assembled upon the same Account, and probably agreed ^{Hatfield. Du-} to the like Grant. So that here then we have a double Proof against *Dr. Atter-* ^{nelm. fol. 481.} *bury's Hypothesis*; A *Parliament* and *Convocation* both held, and that *Convoca-* ^{b.} *on* called expressly for *Aid*; yet meeting Seven Months after the *Parliament* was risen, and Consequently no *Attendant* at all upon it.

Whe-

K. EDWARD
the III.

Sect. 62.

1370.

Regist. Wick-
ham, Par. III.
fol. 37, 43, 44

Whether the King desired some farther, and greater Supply of the *Clergy*, or wanted to have what was last Granted sooner paid in, than the Terms of the Grant before made allow'd of; but so it was, that for one or other of these Ends, the *Clergy* were again called together the beginning of this Year: But it was not to a *Provincial Convocation*, but to particular Assemblies within their *Own Diocesses*; in which they seem to have comply'd with the King's Desires. This I gather from a *Writ* of the Bishop of *Winchester* to the *Archdeacon* of *Surrey*, in which He Recites, "that the *Religious* and *Secular Clergy* having *Ecclesiastical Goods* and *Benefices* in that *Archdeaconry*, being lately called before his *Commissaries*, and having the King's *Necessities* and *Expences* declared to them, granted a certain *Subsidy* of their *Goods* and *Benefices* to be speedily paid, the several *Sums* of which, with the *Persons* by whom they were Granted, were set down in the *Schedule* thereunto annex'd: He therefore gave *Directions*, by that *Mandate* for the Collecting and Levying of it. This *Writ* was dated, *July* the 26th; and implies this meeting to have been held not long (probably the *Month*) before.

1370.

Dugd. Sum-
monit. Parl.
p. 277.

About the End of the same Year 1370, a *Parliament* was called to meet the first *Munday* in *Lent*, upon the Feast of *St. Matthias*, *February* the 25th. In this an *Aid* of 5000*l.* was Granted to the King, to be Levy'd at a certain rate upon every *Parish*. Upon this, and the other Affairs which came before it, this *Parliament* sate long, to *March* the 28th, before it brought its *Business* to an End. On *March* the 27th, at the very End of this *Parliament*, the King issued out his *Writs* for the Two *Convocations* to meet, and that again expressly for Granting a farther Supply to him.

The Parlia-
ment broke
up March the
28th. Rot.

Parl. 45 E. III. Num. 6, 8.

4 Rot. Claus. 45 E. III. m. 35. Dorso. Rex, &c. Qualiter Negotia tam

Nos & Statum Regni nostri Angliæ, quam necessariam defensionem Eiusdem contingentia, ac Onera nobis propter hoc incumbencia, Vobis & Aliis in ultimo Parlamento nostro existentibus plenius exposuimus, Vos non latet; Ad quorum Onerum supportationem absq; Adjutorio fidelium nostrorum, non Sufficimus sicut scitis; per quod aliquod subsidium congruum in supportationem tantorum Onerum à Vobis & Aliis de Clero Dioc. & Provinciæ vestrarum, in dicto Parlamento tunc Præsentibus, Nobis concedi petivimus. — Nos ut dicta Negotia maturiori deliberatione valeant expediri, Vobis — Rogando Mandamus, &c. To call the Convocation.

1371.

There can hardly be any thing more Demonstratively evident in History, than this Summons is in Opposition to Dr. A's Hypothesis. The *Parliament* had sate a Month upon *Publick Business*: The last day but one of it, the *Convocations* were Summon'd; and met, the one about a Month, the other almost four Months, after. It is plain therefore that they were not Attendants upon that *Parliament*. Nor were they any more upon the next (whether *Parliament*, or

Dugd. Sum-
monit. p. 279.

Regist. Wick-
ham, Par. III.

fol. 46.

Regist. Tho.
de Appleby;

Carlolens. fol.
240,

Regist. Wit-
tlesey, Arch.
Cant. fol. xlii.

Council) which met at *Winchester* on the *Octaves* of *Trinity* following. The *Convocation* of *Canterbury* met the *Thursday* after *St. George*, *April* the 24th. The *Convocation* of *York*, on *Thursday*, *July* the 10th. Between these the *Parliament* of *Winchester* was held, *June* the 1st. It met above five Weeks after the *Convocation* of Our Province, and as many before that of the other.

Here therefore are two *Parliaments* more without any Concurrent *Convocations*; tho' the *Convocation* of each Province met within a moderate Distance of them both: And these *Convocations* were expressly called by the King for *Aid*; the Great End which our Princes always had for the Summoning of them. In these *Convocations* they Agreed to give the King a *Subsidy* of 5000*l.* The Province of *Canterbury* undertaking first for their Proportion of it, and that of *York* coming afterwards into the like Concession with them.

And now would one not wonder, after the Account which I have here given of these Meetings, that notwithstanding such clear Evidence to the contrary, Dr. A. should yet alledge this very *Parliament*, as he had done that of 1369 before, in Proof of his Assertion; and maintain the Vos & ALII in PARLIAMENTO EXISTENTES to whom the King had declared his Burdens, to be the *Archbishop* and *Convocation*? This is I think to carry the Paradox to the highest Degree of Assurance. For what, was the *Convocation* sitting with the *Parliament*; and did the King declare his Wants to a sitting *Convocation*, in order to have a *Convocation* called to supply them? Was the *Convocation* held in *February* and *March*, with the *Parliament*? And again Summon'd by *New Writs*, while it was yet sitting, to meet about a Month after, to grant the *Aid*, which the King had before told them He stood in need of? To what Absurdities does an Indefensible Cause sometimes drive Witty Men? But how then did the King make the same Declaration to those of the Other Province? Were they called up

up too from their Convocation at York, to hear the Account of the King's Wants in Parliament at Westminster? For the King's Writ speaks in the same manner to them that it does to the Clergy of Canterbury. And indeed we cannot better interpret the meaning of what he said to one, than by his Words to the other. They run thus: "*Qualiter Negotia tam Nos & Statum Regni nostri Angliæ, quam necessariam defensionem Eiusdem Contingentia, ac Onera Nobis propter hoc incumbentia PROCURATORIBUS VESTRIS ac PRÆLATIS in ULTIMO PARLIAMENTO NOSTRO existentibus, &c.*" The King in Parliament declared His Needs to the Bishops and Clergy of Both Provinces, who were called, and came to the Parliament, and to the Proctors of those who were Absent. These were the Vos & ALII, of whom his Writs speak: No others were meant by it; no others, besides the Parliament-Clergy, were Assembled, in either Province, at that time.

The next Year a Parliament was called to meet a Fortnight after Michaelmas; but Prorogued to the Morrow after All-Souls Day, November the 3d. It sate till the 23d of that Month; and several things were moved in it, wherein the Interest of the Church was concern'd. Yet I cannot find that any Convocation met at all this Year: So that here again the new Hypothesis of the Convocations Parliamentary Attendance fail'd.

Nor did it any less suffer by the Proceedings of the next Year, 1373, in which the Parliament was Assembled, the Morrow after St. Edmund the King, November the 21st. On St. Andrew's Eve, 4 November the 29th, the King gave leave to such as would to go away. After which he allow'd Two Days more for the Delivery of Petitions, and order'd those who would, to sue out their Wages. For this many of the Members of the Lower-House tarry'd yet Ten Days longer; tho' the Parliament was effectually broken up from the time that the King Licensed the Members to depart. It was in this Case somewhat as in that of his 45th Year; when the answers to the Commons Petitions were not made whilst the Parliament sate, but were drawn up by the King's Council after it was risen.

About the End of this Parliament, the Convocation of our Province, which had before sate the 30th of May without the King's Writ, now met again by Vertue of it, December the 1st. It continued a Week, and granted a Tenth to the King. For this the King called it: And this was the main of what was done in it. They gave in indeed their Grievances, and pray'd a Redress of them; and Courtney Bishop of Hereford declared that He consented not to the Tenth for his Diocese, but upon Condition that they should be Remedied. But this was not the thing which the King had in his View in the calling of them, nor did any Great Effect follow upon these sort of Customary Demands.

The Archbishop of York dying, after the King's Writ was issued out for the Convocation of that Province, a Second was made to the Dean and Chapter as Guardians of the Spiritualities; and thereupon a Convocation Summon'd by the Chapter alone, the Dean being abroad beyond the Sea. This delay'd the Assembling of this Province, which by this means came not together in Convocation till the Munday after the Purification, two Months after the Parliament was risen.

The next Year following passed without any Publick Assemblies, either of the Church, or Realm. Anno 1375, a Parliament was Summon'd to meet, February the 12th, but by Writs dated January the 20th, was put off till the Munday after St. Gregory, March the 17th. Five Weeks after this Parliament began, the King by the Advice of his Parliament Order'd the Convocations of the two Provinces to be Assembled. The Occasion of his Calling them, He expressly declares to have been for the Supply of his Needs: A thing that I must often beg leave to put Dr. A. in mind of. The Archbishop of Canterbury Order'd not his Convocation to meet at London till the beginning of June: But neither did he suffer it to sit then, but by Prorogation continued it to the

"plena Deliberatione instantis Parliamenti Convocatio Cleri Provincia Cant. nuper facta est, &c. ter Salvationem Status Ecclesiæ Anglicanæ, ac necessariam defensionem Regni nostri Angliæ sumptus, ac Census, & Expensas quamplurimas Effundere nos Oportet, ad quorum Onerum Supportationem absq; Juvamine fidelium nostrorum, non sufficimus, sicut scitis——Registr. Sudbury Arch. Cant. fol. 17. b.

Registr. Sudbury Ibid. die Lun. post Festum Pentecostes; vel (ut alia Registra) post. Fest. S. Trinitatis.

Registr. Sudbury, fol. 26. in Marg.

Sect. 64.

1372.

Dugd. Sum-
monit. Parl.
p. 280.

Ibid. p. 282.

1373.

Ibid. p. 284.

Rot. Parl.
47 Edw. III.
Num. vii.

Regist. Wilt-
lessey Arch.
Cant. fol. 59.
b.

Regist. Wick-
ham Winton
3 par. fol. 91.
7 Rot. Claus.

47 E. III. m.
13. dorso. Ap-
pendix ad

Ann. 1373.
Regist. Wilt-
lessey fol. 64,
65.

See the Kings
Writ. Append
10 Rot. Claus.

47 E. III. m. 9
Dorso. Com
pare Regist.

Tho. de Applic-
by Carleol. fol.
256, 257.

Sect. 65.
1375.

Dugd. Sum-
monit. Parl.
p. 286, 288.

Per Brev.
dat. 24 April.
13 Regist. Hat-
field. Dunelm.

Episc. fol. 88.
b. "Percipien-
tes quod ex

"Quia prop-

K. EDWARD ^{the III.} 23^d of June, about a fortnight before that long Session ended. Whether it sate then I cannot tell, nor is it worth the while to dispute it. This is plain, that had the King thought of calling this Convocation to Attend this Parliament, He would not have defer'd the Summons till the Parliament had sate so long; nor would the Archbishop have put off its Assembling Five Weeks first, and after that have Prorogued it farther for Three Weeks more, till that Great Council was just ready to rise.

It is true some Copies of the Rolls of Parliament, instead of St. Gregory have St. George; so have some of our Registers too: And this makes some odds in the Computation. But then, as Sir William Dugdale, Mr. Prynne, and Mr. Ryley, with several other Registers, agree in that which I have therefore followed upon their Authority, so be it which it will, the matter is not great: This is plain, that the Convocation of Canterbury did not meet, at soonest, above a Fortnight before the Parliament rose; and after it had sate almost Threescore Days by its self without it.

But the Convocation of York Attended yet less upon this Parliament. It met not till ¹ Munday after the Feast of St. James, July the 28th, almost Three Weeks after the Session of Parliament was ended. I shall only observe farther, that the Chapter of York deputed several Persons, and by different Letters of Proxy, to appear and act for them in these two different Assemblies: By the one dated April the 1st, they Commission'd R. Ravenser Archdeacon of Lincoln, W. de Simthorp, Tho. de Fordeham, Mich. de Ravendale, and Adam de Thorp, to appear in the Parliament at Westminster, the Munday after the Feast of St. Gregory; by others dated July the 21st, (Eleven Days after the rising of the Parliament, and almost four Months after the date of the other) Jo. de Norton, to appear before the Archbishop of York, at York, the Munday after St. James, July the 28th, and to act on their behalf with the Provincial Clergy there. If this does not satisfy Dr. A. that the Parliamentary-Convention of the Clergy held in April this Year at Westminster, and the Provincial-Convocation held at York in July, were IN FACT two different Assemblies, I must give over the Cause; for indeed a more Evident Demonstration I cannot tell how to offer of it.

About the latter End of this same Year, ² another Parliament was Summon'd to meet at Westminster fifteen Days after Hillary, January the 27th. A ³ Fortnight after this Parliament was called, the King issued out two other Writs, to the two Archbishops for Summoning their Convocations; and that again Expressly for Aid, in the same Words as before. The Archbishop of Canterbury appointed His Clergy to meet the day after the Purification, a Week after the Parliament began. From thence they sate on together, and the Convocation which met a Week after the Parliament, to make up its time, continued to sit as much beyond it.

Now as this sufficiently shews the Independency of these Assemblies upon one another; so it must be observed that the ⁴ Convocation of York, here again, as before, met not till near two Months after the Parliament was risen. So that if this Duty, or Privilege, (I know not which I ought to call it) of Attending on the Parliament be a Right of the Convocation, 'tis, as Dr. A. seems sometimes to intimate, the Right of the Convocation of our Province alone; for there is yet no Proof that it ever was the Right, or so much as Practise, of the other.

But Dr. A. has here some things to offer from the Parliament of 1376, which he thinks may favour his Cause. The point which he lays down is this, that the ⁵ "Convocation-Clergy are spoken of, as of the Parliament, and Acting in it. And for Proof of it, he refers us to two Passages of the Parliament 50 E. 3. "The Commons of Tividale, as well Religious as Secular Prayen. But what would Dr. A. conclude from hence? Not I hope that these Commons-Religious of Tividale, were the Convocation-Clergy, or the Commons Secular of Tividale, the House of Commons? That would be Ridiculous to suppose: But the Commons of that Country brought in their Petition to the Lower House of Parliament, and they presented it, as they did the City of London, and many other particular Towns, and Persons Petitions, to the King in Parliament.

His next Instance is yet less to the Purpose, if possible, than the foregoing: ⁶ "The Commons of the Diocese of York complain of the outrageous taking of the Bishop and his Clerks for Admission of Priests to their Benefices. Now these Commons, to make this Instance pertinent to Dr. A's Purpose, must be the Convocation

¹ Regist. Dec. & Capit. Ebor. ab Anno 1352. fol. 126. b. Compare. fol. 125. b.

² Dugd. Summonit Parl. p. 290. Dec. 16. Regn. 50. Regist. Sudbury, fol. 31. a.

⁴ Regist. Tho. de Appleby fol. 293. Tho' the King's Writ was issued to both Archbishops at the same time.

⁵ Rights, &c. p. 335, 336.

⁶ Rights, &c. p. 336.

Convocation of York. The Words 'tis plain imply no such thing; and as for K. EDWARD the III. the Matter of Fact, the *Convocation of York*, as I have shewn, met not till *Three Weeks* after this *Parliament* was risen; so that all this *Divination* must be as False, as it is without Ground.

But Dr. A. goes on: In the same Year a Constitution of *Simon Islep* is said to be made, "*de Consilio & Consensu Fratrum Nostrorum in Parlamento presentium, & procuratorum Absentium.*" Does this Gentleman consider what He writes? A Constitution of *Simon Islep* made in *Parliament*, 50 E. III. who died in the fortieth of that King, ten Years before that *Parliament* sate? That would be Extraordinary. But we will allow of his Mistake: It was made *Anno 1351*, and in haste he took the *Anno 51* for the Year of the King, which was a part of that of our *Lord*. What does he infer from it? Why, "this Decree, he says, we must believe pass'd in *Convocation*, and that Meeting therefore was then esteem'd *Parliamentary*; for why else should the *Bishops*, when Acting in their *Convocational Capacity*, be spoken of as present in *Parliament*?"

What a Company of *Inferences* are here to prove nothing but the perpetual Errors of him who made them? This Decree we must believe pass'd in *Convocation*? Why must we believe this? Did the *Archbishops* in those days make no Decrees, either with, or without, the Consent of his Brethren, but only in *Convocation*? Dr. A. will not for shame say so. But what if it had been done there? How would that have infer'd that the *Bishops* Acting in *Convocation*, must have been esteem'd to act *Parliamentarily*? The *Archbishop*, with the Consent of such of his *Bishops* as were come up to the *Parliament*, and of the *Proctors* of those who were absent, made the Decree of which we are speaking: This is all that the Words imply. They say nothing of what Capacity they Acted in; nor favour any such strange Notions as this Author advances. In short, to lay aside our Own Arguing, and come to plain Matter of Fact: No *Convocation* was then sitting; This order was made, *February* the 18th; on *March* the 1st following the King's Writ went forth for calling the *Convocation*. It sate not till *May* the 2d, almost *Three Months* after this Decree was made: And how they could act in their *Convocational Capacity* in *Parliament* in *February*, when no *Convocation* met till *May*, I shall leave it to Dr. A. himself, on Second Thoughts, to tell us.

And thus are we come to the End of this long Reign: Let us now stop a little, and take a short Review of the History of it, and see what the State of Affairs, as to the Points under Debate, was in it.

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1. Dr. A. affirms, that the Clergy broke off their Attendance on the *Parliament* intirely under this Reign, and absolutely Exchanged it for their own *Provincial Assemblies*. But, on the contrary, it appears, that this Attendance was not only still Exacted by the King, but was still paid by the Clergy; who apparently continued to come to, and Act with the *Prelates* in *Parliament*. And I cannot but wonder, what should move an Author, who would be thought to be an Advocate for our *Parliamentary Rights*, to add so much more time, than in truth he ought, to the otherwise too long Disuse of them.

2. Dr. A. cannot hear it said, without Indignation, that the Great Design of the King in calling the *Convocations* of the Clergy was to obtain a Supply of his Urgent Needs from them. Yet this both the King's Writs, and the *Archbishop's Mandates*, fully declare to be the Truth; and to them I appeal to determine this Point between us.

3. Dr. A. concludes that the *Convocations* of the Clergy were (in this Reign) perfectly *Parliamentary-Convocations*. That whenever a *New-Parliament* was Summon'd, a *Convocation* was Summon'd to meet with it: That both these sate Concurrently with one another: Whereas, upon enquiry it appears, that these two *Assemblies* had no manner of Relation to, or Dependance upon each other. Abundance of *New-Parliaments* were called, and no *Convocation* in either *Province* called with them. Sometimes *Convocation-Writs* were issued out the last Week, or Day; sometimes a Week, or Two, after the End, of the *Parliament*; as if it had been on purpose to Contradict this Hypothesis, and to shew that they were not to be Concurrent with, or Dependant the One upon the Other.

It could hardly have been thought, but that in Fact it appears so to be, how few *Convocations*, and *Parliaments*, in this long Reign did chance to

K. EDWARD meet together. ¹ Twice only in these fifty Years, did the Two Convocations sit at the same time with the Parliament. ² Even the Convocation of our Province met but six times in all this Reign, within any part of the Parliaments Session, and that of York in none of them Concur'd with it. Of those six, ³ Two, if not Three, are so Circumstantiated, as utterly to overthrow his Hypothesis; and make more against, than for, his Opinion. In short the History of this Reign, from one end to the other, plainly asserts the Prerogative of the Crown, as well as the Rights of the Clergy; and shews that as the one did still keep up their Parliamentary Interest, and come to those Great-Councils, and fill up the State of the Clergy there; so the other did Summon Convocations whenever he thought fit, either at the same time with his Parliaments, or at any Other, as it seem'd most for the Convenience of his Affairs to do it.

¹ Ann. 1339, ² Ann. 1344, ³ Ann. 1337, 1357, 1373, 1376. Twice. ⁴ Ann. 1342, 1373, 1376. the former.

Nor is Dr. A. at all more happy in his By-Points, than he is in his main Fundamental Assertions: Truth does equally Desert him in the One, and in the Other; for I am unwilling to say that he has equally Deserted the Truth in both.

4. The Province of York is represented by him as a kind of Subordinate Province, which has no Rights, or Authority of its Own, but is obliged almost Implicitly to follow whatever its Masters on this side Trent shall think fit to prescribe to it. But the History of this Reign shews that they were not such Slaves as he would make them. ⁴ That they did sometimes set an Example to Us, instead of taking it from Us. And sometimes when we went before them, yet, for all that, refused to follow our Pattern.

⁴ See Ann. 1339, 1344.

5. The Right of the Lower Clergy to a Place, and Voice in Ecclesiastical Councils, as well as in State-Convocations, is another considerable Point, asserted by Dr. A. A Great Canonist is Reviled, after no Ordinary manner, for contradicting this Notion; and not foreseeing at almost Three Hundred Years distance, what Paradoxes would come into this Author's Head to maintain, several Ages after he wrote. But here we see an abundant Conviction both of his Error, and his Uncharitableness. To Convocations we find the Lower-Clergy Summon'd, as proper and necessary Members of them. But to Councils, they were only Invited; Admonish'd to come, if they thought Good; Promised to be Admitted if they Petition'd for Admittance; but not Required to be present, nor threaten'd to be treated as Contumacious if they were not. Nay, and many times they were not so much as invited, but the Bishops met alone, and acted without them. This is plain in Opposition to Dr. A's Unjust Reflections upon that Great Man, only for his own Mistake: And may deserve to be consider'd by some Others, who have unawares espoused his Error, tho' not his Passions; and too implicitly followed him, both in his Notion, and in his Censure.

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But not to insist any farther upon these Remarks: Let us proceed to enquire how things stood in the next Reign, and whether that will afford us any Proofs of such Matters, as 'tis certain hitherto we have met with no Footsteps of.

¹ Dugd. Summonit. Parl. p. 293.
² Registr. penes Commissar. Richmond.

King RICHARD being come to the Crown, June the 21st, On the 4th of August following issued out his Writs for the Parliament to meet, a fortnight after Michaelmas, October the 13th. To this Parliament the Clergy were not only Summon'd by the Bishop's Parliament-Writ, but continued to come too. ⁶ Infomuch that at this very time the Archdeacon of Richmond, in the Other Province, being detain'd by his Affairs, so that he could not come in Person to this Parliament, was forced to send his Proxy to it, to appear there, and to Consent to what should be done, on his behalf.

⁷ A nostre tres Excellent Seigneur Roy suppliant humblement ses devotes Orateurs les Prelates & la Clergie de la Province de Cantorbirs, &c. Rot. Parl. 1. Rich. II. num. 112. &c.

In this Parliament a large Number of ¹ Petitions were presented by the Clergy to the King. They were tender'd in the Name of the Prelates and Clergy of the Provinces of Canterbury and York; that is to say, of the Clergy of the Realm Summon'd by the King to this Parliament. And tho' I cannot say with some, that this is a certain Proof that the Lower-Clergy were then in Parliament, (because ² 'tis certain Petitions were prefer'd in the Names of those who were no Members of that Great Council, nor yet Called to it) yet I think it is a fair Presumption; and being added to the two things before observ'd, that the Clergy were still

Called

Called to Parliament, and that we see the Archdeacon of Richmond, tho' out of the Province, and at so great a Distance, was yet forced to depute a Proctor to excuse his Personal Absence from it, will warrant us to conclude against Dr. A's Suggestion, that the Lower-Clergy had not yet exchanged their National Attendance in these Councils, for a Provincial Meeting in their Own Respective Convocations.

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The King having thus Summon'd his Parliament, upon August the 4th, on the 29th of September following, that is to say above Eight Weeks after, issued out two Provincial-Writs to the Archbishops for calling the Convocations of their Respective Provinces. And because we are now entring upon a Reign, in which these Assemblies of the Clergy came somewhat nearer together, than ever they did before; it may not be amiss to make some Remarks once for all here, to clear the Matters under Debate for the Twenty Years which are to follow in it.

First then, it must be consider'd, that by the Writs of August the 4th, the King Assembled his Parliament, and Commanded the Bishops of both Provinces, to order their Respective Clergy to come to it, at a determinate Time, and to a certain Place; at Westminster, October the 13th. Thus was the Parliament-Convention of the Clergy fix'd, about two Months before any Orders were given to Assemble the Provincial-Convocations.

On September the 29th. The Writs going out for the Convocations to meet; the King leaves both the Time, and Place, to the Archbishop's Direction: Only proposes thus much with Relation to both, that the Archbishops should cause their Clergy to meet at St. Pauls London, and at St. Peters York; after their usual manner, within as short a time, as they conveniently could. In these therefore a different Place is proposed from that of the Parliament, and no time at all Limited for their Meeting: Which sufficiently shews, that the National-Convention, and Provincial-Convocations of the Clergy, were intirely distinct Assemblies, both in the Eye of the Law, and even in Fact too.

Rot. Claus. Rich. II. m. 31. Dorso.

The design of these Convocations was purely to grant a Supply to the King: The Writ avows it to be the End for which they were Called, and I hope it will be no Crime in me to affirm what the publick Instruments of the Realm warrant me to say.

Unde in Salvationem Status Ecclesie Sancte & Regni ac populi

prædictæ necessariam defensionem, Sumptus, ac Censur, & Expensas inestimabiles—Effundere nos Oportet. Verum quia de Copia Thesauri vel Bonorum in primordiis nostri Regiminis, nec mirum, penitus alieni, ad ipsorum Onerum & Sumptuum Supportationem absq; juvamine fidelium nostrorum non sufficimus, sicut scitis, Vobis in fide, &c. To call his Convocation. Then it follows.—Et eis dictis Negotiis & periculis ibidem plenius expositis & declaratis, ipsos ad Subsidium in hoc casu Competens & Necessarium in Supportationem dictorum Onerum & Sumptuum nobis concedendi, eo specialius, & cum Efficacia quâ magis sciaveritis, vel poteritis, tanta Necessitate causante inductis, & partes Vestras ad hoc Effectualiter apponatis: Nos in Cancellaria nostra de quantitate subsidii illius, & de terminis Solutionis Ejusdem Certificantes.

The Convocations being thus Order'd by the King, were accordingly Summon'd by the Archbishops: That of our Province to meet on Munday, November the 9th, a Month after the Parliament began, and not three Weeks before it Ended: That of York, December the 1st, three days after the Parliament was risen.

Regist. Sudbury Cant. fol. 41. Regist. Alex. Nevell Ebor. fol. 6. b.

Here therefore it is plain, even to Demonstration, that three different Assemblies of the Clergy met this Year: A National Assembly, with the Parliament at Westminster, October the 13th: A Provincial Convocation of the Province of Canterbury at St. Pauls London, November the 9th: And another of the Clergy of the other Province at St. Peters York, December the 1st.

It appears by the Rolls of Parliament, that the Parliament rose, November the 28th; and that they had before their rising made their Grant to the King. And what that was, and after what manner it was pass'd, the same Rolls thus deliver to us. "The Lords and Commons grant to the King two Fifteenths

Seft. 68. Rot. Parl. 1. Ric. II. Num. 139. Ibid. num. 27.

"per dehors Cittees & Burghs, & deux Dismes deinz mesmes Cittees & Burghs, a leuer de leur Biens sibien cestassavoir des Seignors des Villes, come des Religious pur leur Biens provenants de leur Terres & Tenementz, purchasez, ou appropriiez, puis l'an Vintisme le Roy EDWARD fitz le Roy HENRY. And pray, that as well this, as the Money de les dismes ore a Granters par la Clergie d' Engleterre, should be assigned to certain Treasurers. So that the Parliament had plainly granted two Fifteenths and Tenths to the King, the 28th of November; and that before the Clergy in Convocation, had granted any thing.

KRICHARD

the Hd.

³ Rights, &c.
p. 334.

What therefore ¹ Dr. A. tells us, that the Clergy this Year gave a *Tenth*, on Condition that the Commons (so he reports it, but the Register speaks more properly, *Domini & Communes Temporales*) gave a *Fifteenth*, must needs be a Mistake, tho' the Register of Archbishop Sudbury does, I confess, speak to the same Purpose. The Error may perhaps arise from hence, that the date *iiii^o Non. Decembr.* should have been *iv. Kal.* This will reduce it to the very Day of the *Parliaments rising*, which was commonly the day of their *Grant* too; and on which we may suppose the Clergy did not certainly know, how much, or after what manner they would Grant their Supply to the King.

'Tis true, for some occasion or other, of which we can give no certain Account, the Commons were kept a Week after the End of the *Parliament*, before they had their *Writs of Expences* signed; and they were allow'd that time into their Attendance. But their Grant being made on the 28th of *November*, it can hardly be thought but that the Clergy must have known it before the 2^d of *December*: And therefore we cannot suppose that they should have made their Grant on such a Condition, as the very Terms of the *Parliaments Aid* had before prevented.

If in a Matter of this kind I may be allow'd to offer my Conjecture I should think, that the King kept the *Parliament* from separating till the Convocation of our *Province* had agreed, not only to the *Subsidy* which he desired, but to the Time which he propos'd of paying of it. The King's Affairs required a speedy Supply: The *Laity* were willing to comply with the Publick Needs; and, at their Instance, the Clergy of *Canterbury* agreed to pay in their *two Tenths* before the 1st of *March*. The Archbishop of *York* and his *Prelates*, who were at the *Parliament*, we are told, consented to do likewise. But the Clergy of that *Province* were not willing to comply with this Proposition. ² The King therefore wrote down *Letters*, not only to the Archbishop, but to the Chief of his Clergy also, to induce them to a Compliance, in this Particular. "He charged them "with what they had agreed to at the *Parliament*: He insinuated to them the "Memory of their former Actions; how they of the Province of *York*, in the "time of his Grandfather King *Edward the III^d*, had always used to be as ready, and forward to help the Crown, as the Clergy of *Canterbury*: And therefore pray'd and required them not to disappoint Him now. He urged them "with the Consideration of the Publick Good; and bade them take heed that "any Evils that might arrive for want of a speedy Supply, were not laid to "their Charge.

² See the Appendix ad
Ann. 1377.

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³ Rights, &c.
p. 339.

Dr. A. who never fails to make the most of his Proofs, infers Abundance of Conclusions from this Letter, in which I cannot agree with him. The ³ first thing which he would insinuate, and for which indeed he alledges it is to shew, that what the Clergy granted in *Convocation*, was look'd upon by the King to have been granted in *Parliament*. But this, in his Sense must be impossible: For the *Parliament* was dismiss'd, *November* the 28th: The Convocation of *Canterbury* did not grant till the 5th of *December*; nor that of *York* till about the same time in *January* following. Either therefore by the *Tenths*, and *Fifteenths* here spoken of, and said to have been granted in *Parliament* by the Clergy, and *Laity*, we must understand those which the *Parliament* did themselves Grant; or if we take in those of the Two *Convocations*, they must be said to have been granted in *Parliament*, not that they were absolutely given there (for that he himself will not say;) but as they were promised by the *Parliamentary Prelates* and Clergy; who often made their Grants, as far as concerned themselves in *Parliament*, of what was afterwards nevertheless to be passed in *Convocation*; and thereby the more easily carried what the King desired in that Assembly.

⁴ Walsingham.
p. 184. Anri-
quit. Britann.
p. 253.

This we are sure was the Case not long before, *Anno* 1369: And our ⁴ *Historians* therefore speak of what was granted in the Convocation in *February*, as given in *Parliament* the *May* before. And I make no doubt but that for this Reason what was solemnly pass'd in the Two *Convocations*, being promised before by the *Principal Members* of them in *Parliament*, is here said to have been granted there. This is plain that the Archbishop of *York*, and the *Prelates* of his *Province*, had agreed to Anticipate the usual time of Payment, whilst they were at the *Parliament*, before ever their Convocation met; and we need not doubt but that they had also agreed to the *Tenths* that were to be Granted, as well as to the Terms at which to pay them.

It

It is not therefore because that the Convocation was then accounted a Part ^{K. RICHARD the II. d.} of the *Parliament*, that what was done in the One, was sometimes said to be done in the Other: But because what was afterwards more fully agreed to, and pass'd in Convocation, had before been resolved on, by the *Prelates*, and *Clergy* in *Parliament*, (tho' it could not be totally concluded there) therefore in such Cases, the Grant was spoken of as made (for so indeed it was) in *Parliament*; notwithstanding that it was afterwards to be brought before the Convocation, and there be agreed upon by those, who had no *Place*, nor *Voice* in *Parliament*.

From that part of this Letter which says, "that the Archbishop of *York* and the other *Prelates* of his Province who were at the *Parliament*, agreed to the time of paying these *Tenths*; ' Dr. A. makes this *Second Inference*: " No ^{Rights, &c.} mention of the *Lower-Clergy* of *York* Province; because they at THAT TIME ^{P. 339.} were NOT PRESENT, but HOLDING a CONVOCATION at HOME, together with all the *Prelates* of their Province who were not *Barons* of *Parliament*. This is another Consequence forged purely out of his own Brain. The Convocation of *York* was not sitting at the time of this *Parliament*; and therefore the *Lower-Clergy* were not at THAT TIME holding a Convocation at home. On the contrary, the *Clergy* of that Province were present at this *Parliament*, as both their *Parliamentary-Petitions* shew; and the apparent Instance of the *Archdeacon* of *Richmond*, puts it out of all doubt.

Yet once more: Because to insinuate the more into them the King took notice of their wonted Readiness to assist the Government; How they had been accustomed to do in like manner, and as well, on such Occasions, as the Province of *Canterbury* had been; Dr. A. infers another Conclusion, as weak as either of the Preceding, that "the Convocation of *York*, was look'd upon as under some kind of OBLIGATION to FOLLOW the PATTERN SET by THAT of CANTERBURY. Let him draw Conclusions as he pleases: They are Innocent things, and will never much hurt the *Rights* and *Liberties* of the Province which he would enslave by them. But let him not mis-represent Matters of FACT to do it by. The Words of the Letter He thus renders; That he (the King) "had written to the Archbishop of *York*, praying and requiring him (in Consideration of that Agreement in *Parliament*, and ACCORDING TO THE CUSTOM ESTABLISH'D IN EDWARD THE III^d's TIME, FOR THE PROVINCE OF *YORK* TO DO ALWAYS AS THAT OF CANTERBURY DID) to take Effectual Care that all his *Clergy* did their Duty in this Respect.

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Here now is a Rule set out, on which to bring that Province into Subjection; and to oblige it to follow all the *Orders*, and *Practices*, of that of *Canterbury*. No Liberty is left them, of *Deliberating*, or *Dissenting*: Not so much as the Right of Disposing of their Own Money, the great Privilege and Birth-Right of every *English-man*, if Dr. A. may be believed. This is a great Hardship; and for which they are beholden to the Good-will of this *New-Antiquary*. But does Dr. A. think to blind Men's Eyes, that they should not see the Foulness of such a Translation? The Words of the Letter, except One, of which I doubt, are in *English*, these. Having taken notice of some among them who notwithstanding the Great Necessity, and apparent Peril of the *Realm*, would delay the paying of their *Tenths*; He tells the *Abbot*, to whom he wrote, That he had thereupon written to the Archbishop of *York*, "Praying and Requiring him, that considering the things above-said, and how the Province of *York* had been Accustomed (or wont) in the time of his Grandfather--- to do in like manner, and as well, as those of the Province of *Canterbury* had done, he would so manage, and agree Matters between Himself, and his *Clergy*, that the *Tenths* might be paid the 1st of *March*, or very soon after.

These are the Words of that Letter; and the Design of them was plainly this. The King to insinuate into the Affections of those of that Province, and to gain his Point upon them, after many other Reasons urged, takes notice of their past Readiness to promote the *Publick Good*. How in the time of his Predecessor, they had been wont to do in like sort, and as well, as the Other Province did; and therefore he hoped they would do so now, in the first Instance of his Reign. But for "a CUSTOM ESTABLISH'D in Edward the III^d's time for the Province of *York*, to do ALWAYS as that of *Canterbury* did, 'tis all Fiction; such a Misrepresentation of a Record, as nothing but a Charitable Supposition of his

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his being mistaken in the Understanding of the Old French, if that, can Excuse.

To clear this Matter yet farther, and shew how little it makes to any of his Purposes when truly Represented, I shall take the Liberty of pursuing more particularly the *History* of this *Grant*, in the Province of *York*, tho' otherwise of no Consequence to my main Design. The *Archbishop* called his Convocation, as I have before said, to meet at *York* before his *Commissaries*, on *Tuesday* the first of *December*. Being met, they refused to conclude upon any *Subsidy*, notwithstanding all the Arguments that the *Commissioners* could use to induce them to it. Hereupon they Prorogued the Convocation to *Munday*, *January* the 4th; when the *Archbishop* himself being present, urged all the several Considerations specified in the *King's Writs*, and all other Reasons that he himself could think of, to induce them to such a *Grant* as was desired.

Had the *Archbishop*, or *Clergy* been acquainted with that *Notable Agreement* of which *Dr. A.* speaks, made in *King Edward* the III^d's time; all this Trouble on both sides might have been spared. One short Word had done the Business; "Thus much, the *Clergy* of *Canterbury* have granted, to be paid at such a time; and you know the *Obligation* which you lie under to follow their *Example*. But these were Notions which our Forefathers knew nothing of; and therefore we ought not to wonder, if they did not act by them.

After long Debates, and much arguing, they at last agreed to a *Two Years Tenth*, and so far follow'd (with much ado) the Pattern of the *Other Province*. But in the Terms of Payment they widely differ'd. They agreed to pay One whole *Tenth* upon the 3^d of *May* next following: The other at Two Payments on the last of *November*, and the 25th of *March*, after. It was upon the Occasion of this delay that the *King* wrote to the *Archbishop* of *York*, and to the chief *Prelates* of the *Province*, those *Letters* of which *Dr. A.* Cites One, which was sent to the *Abbot* of *Selby*. In what Terms that to the *Archbishop* of *York* was composed, I cannot tell: But by the Report which the *Archbishop* made of it, none of those things upon which *Dr. A.* the most insists, are to be found in it. He tells the *King*, in his Answer, that He had received his *Letter* by which He press'd him in Consideration of the *Duke of Lancaster's Voyage*, and of the *Other Nobles*, agreed upon in the last *Parliament*, to procure the hastning of the *Two Years Tenth*; and in order thereunto to call his *Clergy* again together, and Labour this Affair with all Dilligence. That accordingly on the 22^d of *March* (Three Weeks after the time of Payment set by those of the other *Province*) he had held another Convocation; and caused the *King's Letters* to be publickly read to them, and press'd them with the Consideration of the present *Dangers* to which the *Kingdom* was exposed; and with such *Other Arguments* as might be likely to move them to conform themselves to the *Grants* of the *Prelates*, and *Clergy*, of the *Province* of *Canterbury*. That the Result was, that considering the necessary Defence of the *Church*, *Kingdom*, and *People*; and being willing to please the *King* by complying with his Desires in the Beginning of his *Reign*; they did agree to pay their *Two Tenths*, sooner than they had before proposed; the One upon *May-day*, the Other on the Feast of *St. Margaret*, the 20th of *July* following.

This is the plain Account of this Affair, from the *Archbishop's Certificate*, which, for the Confirmation of my Report, I have placed intire in the *Appendix*. And now let any Man of Conscience judge, what is there in all this that looks like that Slavish *Obligation*, which *Dr. A.* would so injuriously lay upon our Neighbour *Province*? Where are there any Arguments drawn from his pretended *Agreement* to induce them to comply with the *King's Desires*? Any the least hint given, that ever any such thing was thought of on either side? The *King* urges them with the Consideration of the *Duke of Lancaster's Voyage*, which called for a more speedy Supply, than they had designed. To this the *Archbishop* added, the *Dangers* to which the *Realm* was exposed; but of their *Obligation* to do as the *Other Province* had done, not a Word does appear. The *Clergy* themselves comply'd, out of regard to the *Publick Safety*, and the desire they had to Gratify the *King* in his Demands, at his first coming to the *Crown*. But neither do they give us the least Cause to think, that they had any Apprehension of an *Obligation* lying upon them, servilely to follow the steps of the *Other Province*. The more Thanks ought we of this *Province* to pay to him for the Discovery;

Discovery! And the less Reason have we to wonder at his making the *Convocation* of *Canterbury* to be the *Parliaments Attendant*; it being of no great Moment when such a little *Depending Province* met, as had nothing to do, but to take its *Measures* from the *Other*; and humbly to submit to whatever that should think fit to impose upon it.

This Useful Letter to the *Abbot of Selby*, as *Dr. A.* has managed it, He places under the Second of King *Richard the II.* For what reason I cannot imagine. The Circumstances of the *Grants* made both by the *Parliament* and *Convocation*; The Month in which it was written; The Great Circumstance of it, concerning the Duke of *Lancaster's Expedition*; All shew that it belongs to his first Year: And there is no date in the *Register*, by which to justify his placing it in the Second.

The next Year the King held his *Parliament* at *Gloucester*, the *Wednesday* next after the Feast of *St. Luke the Evangelist*, *October* the 20th. To it the *Clergy* were called by the *Premunitory Clause*, and by the *Proxies* return'd from the *Dean and Chapter of York* to it, we may reasonably suppose that that *Clause* was not only Executed, but Obey'd too, by the *Clergy* who were at the greatest Distance, and might therefore the most easily have been Excused. It sate a whole Month; and much Business was done by it. On the *Munday* after the *Purification*, a Great Council was also held; and of the *Clergy*, almost all the *Prelates*, as well *Abbots* as *Others*, were present. Yet during this whole Year, no *Convocation* was Assembled in either *Province*, so that the *Doctrine of Attendance*, here again, notoriously fail'd.

latz siben Abbees come Autres, Ducs, Contees, Barons, Bannerets, & autres Sages du Roiaume.

But one thing there was done during the *Parliament* of *Gloucester*, which will deserve to be taken notice of. On the 16th of *November*, the *Parliament* rose: The same day, the *Archbishop of Canterbury* went apart with his *Suffragan Bishops* into one of the *Chambers* of the *Abbey*; and there holding a *Provincial Synod* with them, made an Order concerning the *Salaries of Priests*; which from his *Register* is Published in the Second Volume of our *Councils*. This was another Remarkable *Transaction*; and from both together I shall leave these two Observations to every indifferent Persons Consideration; * That here was a long and a busy *Parliament*, held, and no *Convocation* with it: * And at the Close of this *Parliament* an *Ecclesiastical Synod* of *Bishops* only; no *Presbyters*, no *Regular Prelates*, called into a part of it.

The next Year begins with a *Parliament*, which was Summon'd to meet a Fortnight after *Easter*, and accordingly was held on *Munday*, *April* the 25th. To this *Parliament* the *Dean and Chapter of York* deputed their *Proxies*: The *Prior of Worcester*, provided for one to excuse Him, if need should be, for that the King's Writ, however it came to pass, was not Executed upon him. In the Diocese of *Lincoln*, a *Tax* was laid upon the *Clergy* for the Wages of their *Proctors*, as well for their Attendance on the *Parliament*, as in the *Convocation*. All which being put together, does in my Apprehension sufficiently shew, against *Dr. A's* Assertion, that the *Clergy* still continued to come to *Parliament*, as well as to *Convocation*; and did not think the One, any Excuse, or Exemption, to free them from going to the Other.

Insuper vestram Amicitiam imploramus, si nunc in instanti Parlamento—aliquid de Persona nostra sit tractatum, —Nos meliori modo quo Vobis placeat excusare—scientes quod Comparere in hoc Parlamento non fuimus Premuniti: Sed Comparend. personaliter nunc in Convocatione Cleri 9 Maij prox. futur. Dominus noster Episcopus per quoddam Mandatum nos Premunivit. Had *Dr. A.* been by this *Prior*, he would have taught him better, than to make such a difference between one of these Assemblies and the other; and have told him that being in Reality both but One, One Premonition was enough for him.

Four days after this *Parliament* began, the *Convocation* of *York* was opened. The King by *Writs* of the 16th of *March* had order'd each *Archbishop* to call his *Provincial Clergy* together, at a Time, and Place to be appointed by them. The *Archbishop of York*, fix'd *April* the 29th. The *Archbishop of Canterbury*, *May* the 9th; both within the time of the *Parliamentary Session*. How long the *Convocation* of *York* continued, I cannot tell. By the *Archbishops Certificatory* of their *Grant* dated *June* the 20th, it should seem to have sate late in that Month, and so to have continued a pretty while after the *Parliament* was ended. But ours of *Canterbury* tho' it began so late, yet rose before the *Parliament*; The

K. RICHARD the II.

Sect. 79. 1378. Dugd. Sum. monit. Parl. p. 296.

2 Rot. Parl. 2 Rich. II. Westmonast. num. 5. There were at it, says the Roll. bñ. touz les Pre-

3 Concil. Anglic. Vol. II. p. 626.

1379. 4 Dugd. Sum. monit. Parl. p. 299. 5 Rot. Parl. 2 Rich. II. n. 1. 6 Regist. Dec. & Capit. Ebor. ab Ann. 1352. fol. 137. a. 7 Registr. Magn. Prior. & Capit. Wigorn. fol. 297.

9 Rot. Claus. 2 Rich. II. m. 15. Dorso. Appendix ad Ann. 1379. 10 Regist. N. vel: Arch. Ebor. fol. 7. b. 11 Regist. Sudbury, fol. 53, 55.

Convo-

RICHARD the II. Convocation concluding *May* the 25th; the Parliament not till *May* the 27th. The End of these Convocations was ¹ expressly declared to be for *Aid*: This is a Remark that continually Recurs, and may in time Convince even Dr. A. himself of the Injustice of his Anger against me on this Account. Both the Parliament and Convocation gave a like *Subsidy*, a kind of *Poll-Tax*; to be paid according to the Quality, and Condition, of the several degrees of the Clergy and Laity.

¹ See the Writ of Summons; as in 1377.

² Dugd. Summonit. Parl. p. 301.

³ Rot. Clauf. 3 Rich. III. m. 27. Dorfo. ⁴ Regist. Sudbury fol. 58, 59.

Sect. 72. 1380. ⁵ Regist. Hatfield Dunelm. fol. 171. b.

⁶ In the Form of 1379. See the Appendix. ⁷ Dugd. Summonit. Parl. p. 303.

⁸ Rot. Parl. 4 Rich. II. n. 13.

⁹ Rot. Clauf. 4 Rich. II. m. 35. Dorfo. ¹⁰ Regist. Sudbury, fol. 70. b.

¹¹ Append. ad Ann. 1380.

¹² Die Jovis prox. post. festum Epiphaniæ Regist. Nevel. fol. 10.

¹³ In the form of 1379. Appendix.

In Act. Convoc. Regist. Sudbury fol. 72. 'Et quia pro tunc

'Dom. Arch. erat Cancel-

'larius Angliæ non com-

'paruit Alius pro parte

'Domini Regis qui ex-

'poneret Clero Negotia

'Regni, sicut fieri consue-

'vis in aliis Convocatio-

'nibus.

About the ² middle of *January* following a *Second Parliament* was Summon'd, and held. It continued to the Beginning of *March*; and by way of Loan, granted a farther *Subsidy* to the King. By *Writs* dated *December* the 2^d, the King Summon'd the two Convocations, after the same manner that he had done before. The ⁴ Archbishop of *Canterbury* Cited his Province to *St. Pauls London*, the *Saturday* after the *Purification*: It sate till the End of *February*, and so began almost Three Weeks after the *Parliament*, and was Dissolved a few days before it. But in the *Other Province*, this *State Attendance*, which else had been most Current this Year, unfortunately fail'd. For ⁵ that Archbishop Assembled not his Convocation till the 4th of *April*; above a Month after the *Parliament* had been risen. Both these Convocations were called expressly for ⁶ *Aid*: And I cannot find by the best Accounts I can get of them, that any thing else was done by them.

On *Munday* after *All-Saints day*, *November* the 5th, 1380. another ⁷ *Parliament* was held at *Northampton*. It sate till about a Week in *December*; and was then Dissolved. In this *Parliament*, a considerable Sum of Money being demanded of the *Commons*, they ⁸ came into the *Parliament*, and made this Offer, that if the *Clergy* would bear the Third Part of the *Charge*, they would grant to the King a 100000*l.* in the way of the a *Poll-Tax*: So that the *Laity* should pay 100000 Marks, and the *Clergy*, who Occupied a Third Part of the *Kingdom*, 50000. And therefore pray'd the King and his *Lords*, that they would desire the *Clergy* to hasten the Term of their *Council*, and *Assembly*; and for this time take upon them the *Charge* of the 50000 Marks. To this the *Clergy* reply'd, that their *Grant* was not ever made in *Parliament*, nor ought to be: That the *Laity*, neither ought, nor could Constrain the *Clergy*; nor the *Clergy* them. That therefore the *Commons* should be charged to do their Part; and they might be sure the *Clergy* would not be wanting in theirs.

The *Parliament* had almost sate out its time, before the Archbishop of *Canterbury* thought fit to call the *Clergy* to Attend upon it. His Convocation, order'd by the King's ⁹ *Writ* of *September* the 28th, to meet either at *Northampton*, or at any other Place, and at such Time as the Archbishop should think fit, came not together till the ¹⁰ 1st of *December*. The Business of it, being to grant a *Subsidy*, the *Clergy* dispatch'd it in a very little while. They agreed upon it *December* the 5th. And so rose after all, a day before the *Parliament* ended.

If it be needful to prove the *Parliamentary Convention* of the *Clergy* which began *November* the 5th, and held till *December* the 6th, to have been in *FACT*, as well as *LAW*, a different Assembly from the *Provincial-Convocation* which met not till the 1st of *December*, and, as I take it, rose upon the 5th; the different Proxies of the *Prior*, and *Convent* of *Worcester*, may, I think, supersede the Need of any other Arguments in this Case. Which were not only signed at different times; the One *October* the 14th, the other *November* the 25th; but expressly the former for them to appear in *Parliament*, the latter in *Convocation*. But because there is something particular in that of the *Prior*, dated *October* the 4th, which in One Instrument contains a *Proxy* for both these Assemblies, I will give it a place in the ¹¹ Appendix; and thither refer those who yet need to be convinced of the *Distinction* of these two Meetings from each other, to take a View of it.

The Convocation of our Province, met but a few days before the end of the *Parliament*; yet still it met within the time of its Session; and that is enough to give Dr. A. a handle to assert the *Attendance*, how short soever it were, of the One upon the Other. But here again, the dilatory Proceedings of the Archbishop of *York*, quite spoil'd the Hypothesis: His Province met not till ¹² *January* the 10th; that is, not till five Weeks after the *Parliament* was ended. These Convocations, like all the rest, were called expressly for ¹³ *Subsidies*: If Dr. A. can tell us any other Ground for which they were Summon'd, let him take his time to favour Us with the Discovery of it.

If

If not let him once for all ingeniously confess, that this was the End, and the only End the King had in calling of them.

In the Year following, 1381, a Parliament was Summon'd to meet at ¹Westminster on the Munday next after the Exaltation of the Holy Cross, September the 16th; but by new Writs dated ²August the 22d, was Prorogued till Sunday, November the 3d, the Morrow after All-Souls day. Being met at the Time appointed, it ³continued sitting till the 13th of December following, when it was Adjourn'd to the Fryday before the Conversion of St. Paul, January the 24th; and from thence sate till February the 25th.

This was the State of the Parliament of this Year: Of which tho' there were two such Sessions as I have now observed, yet I cannot meet with any Convocation that was held in either Province with them. It is true, that a few days before the Resumption of this Parliament after its Adjournment; the King issued out his ⁴Convocation-Writs to the Archbishops, dated January the 14th, to call their Provincial Clergy to their Respective Convocations. But neither in Archbishop Courtney's Register, nor yet in Archbishop Nevills, nor in the many Others which Record the Affairs of these Times with great Exactness, can I find any Execution of them, or that any Process was made upon them. It may be Archbishop Courtney, who scrupled so much as to have his Cross carried before him, or to do almost any thing that belong'd to his Archiepiscopal Jurisdiction, before he had received his Pall from Rome, (which was not till May following) excused himself to the King as to the holding of a Convocation for the present, which till they had received their Pall, we know the Archbishops in those days accounted it unlawful to do; and the Meeting of the Clergy being thus put off in One Province, the King suspended their Assembling in the Other also.

No sooner was the Pall deliver'd to the Archbishop, and all things now removed that might give any scruple to his tender Conscience, in the Point of Duty and Obedience to his Spiritual Father and Patron, the Pope; but he immediately set himself upon the Great Work of proceeding against Hereticks, who now began, under the Conduct of Wickliffe, to infest the Church. For this he appointed a Court, I cannot properly call it a Council, of certain Select Bishops; of Doctors, and Batchellors of Divinity; and of the Canon, and Civil Laws; to meet the 17th of May in the Monastery of the Preaching Fryars, London; and there Published certain Conclusions the 21st of the same Month, and proceeded against certain Persons, who were suspected, or otherwise charged with the defence of, what they called Heresy. The Process of what was here done being Publish'd in our Councils from the Archbishop's own Register, I shall not need to insist any longer upon it.

It is not impossible, but that Dr. A. who knows so well how to turn every thing to his Advantage, may be willing to make the happy Concurrence of this Meeting with the ⁶Parliament, which began about ten days before at Westminster, a Convocation-Attendant upon it. But indeed it was so far from that, that it was not so much as an Ecclesiastical Provincial Council; but only a Select Consistory of Bishops, and Doctors, Learned Men chosen by the Archbishop to be his Assessors, and Counsel, in his proceeding against Heresy; and was continued by him in several Places and Sessions, till the 1st of July: As by a ⁷Copy, yet unpublished, of their Proceedings in the Cotton Library, may more fully appear.

I shall therefore take the Liberty notwithstanding this small Convention, to affirm that we have here another Parliament held, and no Convocation at all Assembled in either Province with it. The next which met was upon the ⁸Octaves of Michaelmas the sixth of October following. It continued sitting nineteen days; and that again without any Convocation, in either Province, to Attend upon it. Yet before the meeting of this Parliament, the King by his ⁹Writs to the Archbishops, dated September the 14th, required them to Assemble their several Convocations, and they both of them did Summon them according to his Command.

The first which met, was that of our Province: The King, according to the usual Form, had left the Archbishop to his Liberty to Summon his Clergy to St. Pauls London, or to any other Place, as well as on such a Day, as he should think fit. The Archbishop having at the same time a Design to make a strict Enquiry into, and Process against Heresy, in the University of Oxford, resolved at once to answer both the King's purpose, and his Own; and accordingly required his ¹⁰Clergy to meet in the Monastery of St. Frydeswide there, November the 18th, about a Month after the Parliament was risen.

RICHARD
the 11d.

Sect. 72.
1381.

Dugd. Sum-
monit. Parl.
p. 305.

² Ibid. p. 307,
308.

³ Rot. Parl. 5
Rich. II. num.

64, 65, 67.

⁴ Rot. Claus.

⁵ Rich. II. m.
33. dorso.

1382.

Concil. Spel-
mann. Tom.
II. p. 629.

⁶ Craffino S.
Jo. ante Por-
tam Latinam.
Dugd. Sum-
monit. Parl.
p. 309, 310.

⁷ Appendix
ad Ann. 1382.

⁸ Dugd. Sum-
monit. Parl.
p. 312.

⁹ Rot. Claus.
6. Rich. II.
par. 1. m. 28.

Dorso.

¹⁰ Registrum
Courtneii:
fol. 33. a.

S f

Will

K. RICHARD
the 11d.

Will Dr. A. give me leave, before I proceed, to Ask him only in this Case: Was not the Parliamentary Convention of the Clergy, which met at London October the 6th, and sat there till October the 23d, and was then Dissolved; both in Law and FACT, a different Assembly, from the Convocation which met November 18th at St. Frydeswides Oxon: and Sat there till the 26th of the same Month, and was then Adjourn'd to London in the Octaves of Epiphany following? Yet these both met in the same Province, and were Summon'd by the same Writs, in point of Form; that all the Other Convocations of those times were. But I proceed:

¹ In the form
of 1379. Ap-
pendix.

The Convocation being Called by the King Expressly for a ¹ subsidy; (which runs thro' the whole Body of the Kings Writ,) did accordingly grant him an Aid, tho' but a small One, of half a Tenth. But the Archbishop had Other Work to do; and I must beg leave to give a distinct Account of it, to Prevent any mistake that may otherwise be made about it.

I have often before Observed, that tho the Lower Clergy were Proper and Necessary Members of our State Convocations, yet they were not so of our Provincial Church Councils. To keep up the Distinction of these Meetings from One another, it was the Prudence, as well as Custom, of former Archbishops, when they were minded to transact any Ecclesiastical Affairs, at the same time that they were Called to Do the King's Business, to Issue out separate Mandates of a Different Form; the One in Execution of the King's Writs to hold a Convocation; the Other by their own Metropolitocal Authority, to Convene a Church Synod.

This Method of proceeding, kept up a sensible Distinction between the One and the Other, tho' both sat perhaps in the same Week, and Consisted in good measure of the same Persons, only called after a different manner, to be present in both. But Archbishop Courtney thought such a Summons to be Needless: He looked upon it to be enough, that having his Suffragans present with him (by whatsoever Means) he Authorized them by his Command to Act as a Synod with Him, Exclusive of the other Members of the State-Convocations; and so made them as Effectually a Provincial Council by his Order, and Direction, as if he had sent a Previous Mandate to them to that Purpose.

² Registrum
Courtneii. fol.
34. a.

Here therefore we must observe how this Same Meeting treated of Different Matters, and Proceeded after a different Manner upon them. ² Being Assembled in the Chapter-house of St. Frideswide Oxon, November the 18th, the Certificate of the Bishop of London for Summoning the Convocation was read. Then the King's Treasurer presented his Letters of Credence from his Master; which being Read, he Declared the Dangers of the Kingdom, and Demanded a Subsidy in the King's Name, of them. When this was done, the Archbishop Proposed to Them the Two General Causes of their Assembling, namely for Correcting of Excesses, and Reforming of the Injuries done to the Church; and for Granting a Competent Subsidy to the King.

This was the Business of the 1st Day: On the 2d, the whole Convocation being Come together, the Archbishop Commanded the Proctors of the Clergy that they should meet in some decent, and fitting Place, and there Treat of those Things. The Lower Clergy being thus Set to work upon their Convocation Business; ³ the Archbishop committed his Place with Authority of Compelling by Ecclesiastical Censures, to the Bishops of Sarum, Hereford, &c. to Enquire into such as Taught, or Maintain'd, the Heretical Opinions which he had before Condemn'd, and to CERTIFY HIM of what they should discover in the Premises.

³ Ex Act. Con-
vocat. fol. 34.
a.

"Et quia

"divulgatum

"fuit quasi per

"totum Reg-

"num quod

"quidam de

"Universitate

"OXON plu-

"ras Conclu-

"siones, quas-

"dam Hære-

"reticas, quasdam vero Erroneas, alias per ipsum R. Patrem & quosdam Confratres suos, & certos alios S. Theol.

"Doctores Damnasas, tenuerunt, docuerunt, & Prædicarunt, dictus R. Pater commisit Vicos suos, cum potestate

"Compellendi per Censuras Ecclesiasticas, Ven. Patribus Sarum, Hereford, &c. ut ipsi de hujusmodi conclusionibus

"Hereticas & Erroneas — tenentibus & docentibus tam in Scholis, quam extra, & Eis faventibus & adha-

"rentibus, a Doctoribus, Baccalaureis, & Scholaribus, Universitatis prædictæ melioribus Vijs & Modis quibus

"Sciunt, diligenter inquirerent, & sibi de Præmissis Ea quæ inveniri poterint clare & distincte Certi-

"ficarent.

They Enquired accordingly, and several being brought before the Archbishop, in Synod, Abjured their Heresies. Thus they Proceeded till the last day of the Convocation: The Lower Clergy Acted in their Convocation-Capacity upon their Subsidies, and Grievances: The Archbishop, and Bishops, Proceeded in a Synodical Manner; upon Heretical Enquiries. On the last day of the Assembly (they are the Words of the Register, and must be the more diligently Observed, because

indeed

indeed they speak with great *Exactness*, and *Propriety* in this *Case*)¹ A Certain **RICHARD** *the III.*
Constitution being made by the REVEREND FATHER (the Archbishop) AND HIS
 SUFFRAGANS; and Publickly Read against *Hereticks*, and the *Heretical* and *Erro-*
neous Conclusions before mention'd: " — (There was the work of the Synod, ^{xxvi. Maij.}
 and the Persons by Whom it was Done:) ---- " And a Half Tenth being ^{Receptis di-}
 " Granted to the King by the PRELATES and CLERGY of the PROVINCE of CANT. ^{versis Die-}
 (that was the Business of the Convocation; It Concerned them All, and was ^{bus, & Vici-}
 therefore Agreed to by All:) the Convocation was Adjourned to the Octaves of ^{bus, Certifi-}
 the Epiphany. ^{cationibus &}
^{" Informatio-}
^{" nibus Ven.}

" Patrum Sarum. Hereford, &c. de quibus Supra 2do Die Convocationis fit mentio, super Inquisitis & Inventis per
 " Eos; Facta per Dictum R. PATREM & Ejus Suffraganeos quadam Constitutione, & publice lecta, contra Hæ-
 " reticos, & Conclusions Hæreticas & Erroneas de quibus Supra fit mentio: A C. concessa per PRELATOS &
 " CLERUM Cant. Provinciae Domino nostro Regi — medietate Unius Decimæ. — The Convocation was Pro-
 rogued to London; ad Octab. Epiphaniæ.

Thus were the Affairs of this Assembly Carried on; and it being the First In-
 stance in which I find any Church-business to have been done by the Bishops in Con-
 vocation after a Synodical Manner, without the Previous Authority of a Synodical
 Mandate, meerly by the Direction and Command of the Metropolitan after they
 were met in Convocation, I thought it the more needful to give this distinct Ac-
 count of it. Archbishop Sudbury, not long before, had done something of the
 same kind in the Parliament at Gloucester; and what he did with his Bishops when
 Called by the King to Parliament, without any Mandate at all from him; Arch-
 bishop Courtney now, more Regularly, did with the same his Suffragan Bishops,
 Assembled, not only by the King's Writ, but his own Mandate, in Convocation.
 In the mean time what was done by Them both in the One, and the Other, was
 not only a Synodical Act, but was done in a Synodical Assembly: The Archbishop,
 and Bishops, were the only Persons, who passed the Decree about the Salaries
 of Priests in the One, and for the Condemnation of Heretical Propositions, in the
 Other.

It was this (as I conceive) made one of our Antient² Historians in his Ac-³ Jo. Malvern.
 count of this Meeting, Pass this just Reflection upon it; that this Congregation of MS. p. 135.
 the Clergy, was QUASI SYNODUS. The Original Design of it was a Congregatio, Circa festum S.
 only; A Convocation for State Ends: But the Archbishop, and Bishops, took the Edmundi Re-
 Opportunity of Acting by themselves, after a Synodical Manner; and so made gis congregatis
 what should have been a Congregatio only, to be, by this means, a QUASI SY- Episcopis &
 NODUS. cleri multitu-
 dine apud Ox-
 on. per Archie-

piscopum Cant. pro Heresis Examinatione, concessa fuit Regi dimidia xma. — Et ista CONGREGATIO fuit QUASI
 SYNODUS. In the Bishop of Lincoln's Register, 'tis called, in like manner, by both names, Convocatio & Concili-
 um Provinciale. Lib. Jo. Bokingham fol. 248.

The Convocation of York tho' Commanded by the King's Writ to be Summon'd
 at the same Time that the Other of Canterbury was, yet met not till after ours was
 Risen; ³ December the 15th. I cannot find that any thing was done by it more⁴ Restrum
 than to give the Subsidy for which it met; and which it did after the same Rate Alex. Nevel
 Arch. Ebor.
 fol. 12. in
 Schedula.
 4 Dugdall.

Upon ⁴ Monday, the 11th Week in Lent, the King called the third Parlia-
 ment of this Year. It met, in obedience to his Summons, at the day appointed,
 at Westminster, ⁵ February xxiiij, and continued to March the 10th. But the
 Convocation of our Province met by Adjournment, from Oxford, at London, on the
 Octaves of Epiphany: ⁶ It rose about the 21st of the same Month; and so was
 dissolved almost Five Weeks before the Parliament Assembled. Parl. p. 314.
⁵ Rot. Parl. 6.
⁶ Ric. ii. Num. 1.
 Registr.

The Clergy of our Province having in this Last Meeting Granted another half Courtney, fol.
 Tenth, and so made up a whole Tenth, in their Two Assemblies; the King about 35. b.
 a Week after, Jan. xxviii. issued out a ⁷ New Writ to the Archbishop of York, to
 Call a Second Convocation of his Clergy, and to prevail with them to do likewise. 7 Rot. Claus. 6.
 This Writ being thus Timed, about a Month before the Parliament was to meet; Ric. ii. par. 1.
 might have passed with Dr. A. for an Attending Convocation, regularly Summon'd m. 3. Appen-
 in order to that End; but that all the Circumstances of it plainly shew, that dix. Ad Ann.
 the sole Reason which the King had to call it, was that the Other Province
 had granted him a Second Subsidy, and therefore he hoped, by this new
 Assembling of them, to Get the like of the Clergy of York. The Writ has ma-
 ny things remarkable in it, and this among the Rest; That the Archbishop hav-

RICHARD ing Assembled his Clergy, "*ut est Moris*, after the usual Manner, and Declared
the II. "to them as well the *Dangers* before mention'd, as the *Grant* of *One Tenth* made
 "by the *Clergy* of the *Province* of *Cant.* as aforesaid; should induce them to Grant
 "the like *Tenth*, or some Other *Competent*, and *Equivalent Subsidy*, for the Sup-
 "port of his *Expences*, with all the *Care* that he could.

It is not impossible but that *Dr. A.* may from hence infer that the Clergy of *York* were under some kind of Obligation to do as those of *Canterbury* had done before them. But I believe, all Indifferent Persons will Conculde the Quite contrary; that tho' the King did indeed Expect that one Part of the Clergy of the *Realm* should be as ready to Assist him as the Other, yet their Example was only a *Motive* to *Induce*, not a *Law* to *Compel* them, in such Cases: Like the *King's Dangers* before spoken of, it was to be used by the *Archbishop* as an Argument to perswade them to Grant the *Same*, or some other *Equivalent Aid*, to that which Those of the Other *Province* before had Granted; but not as a Declaration of what in Duty, not only to the King, but to the Clergy of *Canterbury*, their *Superiors* and *Directors*, they were bound to do.

When this *Convocation* met; how long it *sate*; and what it *Granted*; I am not able to say. Most probably it is that it *Assembled* the beginning of *February*; and *Granted* the Other *Half Tenth* which was design'd: But in this I speak by Conjecture only, having no Authority to Guide me in these Particulars.

Seft. 73. The next Year following, the *Parliament* was called to meet at *Westminster*, on
 1383. the *Monday* before *All Saints Day*, *October* the 26th. It continued sitting till
 *Dugd. Sum- November the 26th, and ² Granted to the King a *xvth* on this Condition, that the
 monit. Parl. Clergy should make a *Proportionable Grant*, at the same *Days* and *Terms* of Pay-
 pag. 317. ment, for their Own, and the *Public Safety*.
 *Rot. Parl. 7

Rich. ii. Num. 13. *De L'Estat de Clergie emportent et grantent a leur offerant Sibien pur la Salvation de Ceux, come de Nous, as mesmes les jours et termes, come devant est dit.*

*Prynnes Re- About Three Weeks before this *Parliament* met, the King issued out his ³ *Writts*
 gister. Vol. 1. of *October* the 8th to the *Archbishops* to Assemble their *Convocations*. He assign-
 pag. 76, 77. ed the time on which they should sit, the *Morrow* after *St. Martin*, *November*
 the 19th; which being a full Week before the *Parliament* happened to Rise; one
 might here, at least, have hoped to find somewhat in Favour of *Dr. A's Hypo-*
 thesis; and that this should certainly have Proved a *Convocation-Attendant*;
 such as he tells us they now constantly were. But the *Archbishop* understood not this
 *Registrum *Servile Doctrine*; and therefore delay'd their Meeting till the ⁴ *Second* of *December*;
 Courtney Arch. when they met, and made a Grant of two half *Tenths*, the One *Absolute*, and
 Cant. fol. 78. a. the Other *Conditional*; which, with a *Deliberation* upon another Grant demanded
 on behalf of the *Pope*, was all that was done in this *Congregation*.

1384. The very beginning of the Next Year, on ⁵ *Friday* after *St. Mark*, *April* the 29th
 *Dugd. Sum- another *Parliament* was held at *New-Sarum*. It followed the Example of the last
 monit. Parl. p. Parliament before, and ⁶ Granted a *Subsidy* with this Condition, that the Clergy
 319. should do likewise. With this *Parliament* a ⁷ *Convocation* was called to meet
 *Rot. Parl. 7 in our *Province* on the Feast of *St. John ante Portam Latinam*, *May* the 6th, and
 Ric. ii. par. 2. so to have sat concurrently both in *Time*, and *Place* with it. And tho' the ⁸
 num. 11. *Archbishop* here again took a little more *Liberty* to delay his *Convocation*, than
 *Rot. Claus. 7 *Dr. A's Cause* can well allow of; yet he held it at the *Place* of the *Parliament*;
 Ric. ii. m. 12. In the Church of *St. Mary Sarum*; and that on the xxth of *May*, a Week before
 dorso. the *Parliament Rose*. But was this done as a matter of Right, to pay *Attendance*
 *Registrum on the *Parliament*? Or was it for the Convenience of the *Bishops* and Clergy
 Courtney fol. who were to meet there? Let the *Summons* of the other *Convocation* made by the
 79. a. King at the same time inform us; which was appointed by ⁹ *Writ* to meet upon
 *Rot. Claus. the *Morrow* after the *Translation* of *St. Thomas the Martyr*; *July* the 8th, Six
 Supr. cit. Weeks after ther *Parliament* was *Risen*. The *Proceedure* was *Rational*, and
 carries its own Evidence along with it: The Clergy of our *Province* being
 to meet at the *Parliament*, no time could be so proper to save their *Trouble*,
 and *Expences*, no *Place* so Convenient, as about the time, and near the *Place* of
 the *Parliaments Sessions*. But the Clergy of the Other *Province* being to come so
 far to *Parliament*, could not with any Convenience hold their *Provincial Convo-*
 cation, till after their *Return*; and therefore their *Session* was to be *Adjourned*
 till such a time as they might be supposed to have been got back to their own
Province, in which they were to meet.

What the Business of these *Convocations* was, for which the King called them, His *Writs* speak. He wanted *Money*, of them, and for that he Assembled them. They drew up their *Grievances*, and gave a *half Tenth*; and this is all that I can find was done by them.

On the Morrow after St. Martin, November the 12th, the *Parliament* sat again: and the *King* Summon'd our *Convocation* to meet within a few days of it, November the 17th. The Archbishop put it off to the 1st of December: and yet even so they sat for several Days together. The Great Transaction of this *Convocation* was the *Protestation* of Archbishop Courtney in full *Parliament*, against the Condition which the *Commons* had now the Third time been putting in to their *Grants*, in Derogation of the *Rights* and *Liberties* of the *Clergy*; namely, "that they would give such a *Subsidy* to the King, Provided that *Convocation* granted so much, or after such a manner, as they thought fit to prescribe. Against this the *Archbishop* Remonstrated in a very remarkable Manner; and because I do not find any Entry of it in the *Rolls* of this *Parliament*, I shall the rather give it a place in my *Appendix*, as I find it Recorded in the *Archbishops Register*, among the *Acts* of this *Convocation*.

The Archbishop being Gratified in what he desired as to this matter; the *Convocation* Granted two half *Tenths*; the One *Absolute*, the Other on Condition that the King himself went on the *Expedition* against the *French*. But the King's Necessities were not thus satisfied; and therefore a *New Convocation* was called about the middle of January, for a farther supply of them, to meet before *Midlent*. The Archbishop being concerned at this, used all Possible Endeavours to divert the King from Calling another *Convocation* so soon after the foregoing. He wrote to Him with Great Earnestness to With-draw his *Writ*: He acquainted him how they had been forced to Refuse any Contribution to the Pope, till after the time of their *Grant* to himself should be Expired. He shew'd him that nothing New was offered to induce the *Clergy* to any farther *Grant* which had not been Consider'd by them before. He wrote, in like manner, to the *Chancellor*, and *Treasurer*; to the King's Confessor, the Bishop of Landaff; and to the Bishops of London, Winchester, and Exeter, who were then at Court; Exhorting them to do what they could to perswade the King off from this *Convocation*.

But the King Persisted in his Resolution; and as I conceive, by *New Writs* dated February the 24th, Required the two *Archbishops* to Assemble their *Clergy* the One at London, the Other at York, the Monday before the Feast of St. George, April the 17th. The *Archbishop* Obey'd; and called his *Convocation* accordingly to meet at St. Pauls the Morrow after the Invention of the Holy Cross, May the 4th. But in Testimony of his Dissatisfaction he came not to it, but Commissioned the Bishops of London, and Winchester, to Preside in his stead in it. They Continued the *Convocation* to the Monday after Corpus Christi day, and then, by order of the *Archbishop*, it was Dissolved by them.

About the beginning of June, the King held a Great Council of his Lords at Reading. But the *Archbishop* of Cant. being upon several Accounts displeased at the Kings's Proceedings, appeared not at that, any more than he had done at the *Convocation* before.

dam Dominos stimulatus et inductus, ut dicebatur, Dom. Regem de suis insolentiis et mala Gubernatione increpavit. — Postea in Congregatione Cleri London, nec in quodam Concilio Dominorum & Prælatorum apud Radyngham Congregatorum, ad finem quod aliquod Subsidium Regi concederent, non Comparuit. Continuat. Polychron. MS.

With these last *Convocations* no *Parliament* was Called, but they were Assembled by themselves, for the King's Occasions; and thereby shew Us, that when they met with the *Parliament*, it was only because the King thought fit that they should do so. The Fryday before St. Luke. October the 20th a New *Parliament* was held: And to the Comfort of Dr. A. the King's Needs, (which in this whole Reign were very pressing) prompted him to issue out his *Writs* on the same Day, to Call a *Convocation* with it. Dr. A. has been pleased to affirm, concerning these *Assemblies*, that even when the King left the Time wholly to the Archbishop, so that by the Tenor of the Royal *Writ*, He might Summon his *Convocation* when he pleased, yet still it was understood that the Archbishop was to be concluded to the Time of the *Parliament* sitting; or as near to it as might be. This was the Result of his own Fancy; and not founded either upon Law, or History. For indeed so far was the Archbishop from accounting himself confined

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In form of

1379. Ap-

pendix.

Dugdal.

Summonit.

Parl. pag. 321.

Regist.

Courtney. fol.

79.

Appendix

ad Ann. 1384.

Regist.

Courtney. fol.

82. a. Teste

Reg. 15. die

Januarii.

Ibid. fol. 82.

83.

Sect. 74.

1385.

Rot. Claus.

8 Ric. ii. m.

20. Dorso.

Regist. Wick-

ham Par. ii.

fol. 68. Regist.

Wakefield Wi-

gorn. fol. 110.

In xla. — W.

Courtney Ar-

chiepiscopus

Cant. per quos-

dam Dominos

stimulatus et in-

ductus. —

Postea in Con-

gregatione Cleri

London, nec in

quodam Concilio

Dominorum &

Prælatorum apud

Radyngham

Congregatorum,

ad finem quod

aliquod Subsidium

Regi concederent,

non Comparuit.

Continuat. Poly-

chron. MS.

Dugdal.

Summonit.

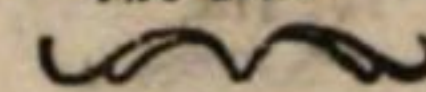
Parl. p. 323.

Rot. Claus.

9 Ric. ii. m.

43. Dorso.

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the II^d.



¹ Registrum
Courtney, fol.
83. b.

² Registr. ii.
Dec. & Capit.
Dunelm. Par.
ii. fol. 60. a.

Sect. 75.
1386.

³ Dugdall.
Summonit.
Parl. pag. 325.

⁴ Rot. Claus.
10 Ric. ii. m.
43 Dorso. In
festo Transla-
tionis S. Ed-
wardi Reg. &
Confessoris.

⁵ Registr.
Courtney fol.
84. b.

⁶ Ibid. Nihilominus tamen pensato quod ut Vos Patres RR. asseritis, defensionis Regni necessitas tanta subest quod ad Eam Res Exigit, ut de bonis suis conferat idem Clerus; Considerato etiam quod Dom. noster Rex cum maturitate sui Nobilis Concilii, in Parlamento ultimo jam Elapso, ad instantiam Communitatis Regni Angliæ, per Eundem Dom. nostrum Regem pro suo, & Regni sui Regimine meliori specialiter deputati, Summam, sibi nomine Subsidii concedendam, in Usus pro defensione Regni & Ecclesiæ Angliæ magis Necessarios & Utiles converti faciet & Expendi—Concedit idem Clerus, &c.

ned in the Time of his Summons when the King left him at Liberty, that even when he fix'd a Day to him, he did not think himself obliged by it, but took any Other Day that he thought more Convenient for his Assembly.

I might have offer'd several Instances of this before; but it is not too late to do it now; and we have here a Sufficient Evidence to confute his Notion, and confirm my Assertion, in this particular. The King by his Writs assigned the Eve of St. Simon and Jude, October the 27th for the Day on which both the Convocations should meet; the one at London, the other at York. But the ¹ Archbishop of Cant. deferr'd his till the Sixth of November; which being within the Session of Parliament, Dr. A. will not perhaps be very Angry at it. That which is more Cross to his Purpose, was the ² Archbishop of York's Delay; who went beyond the King's Day almost Three Months; and held not his Convocation till the Morrow after Hilary, January the 14th, above five Weeks after the Parliament had been Dissolved. I will only add that these Convocations were wholly called for Subsidies; and I know of no Other Business that they did besides Granting of Them.

On the ³ 1st of October the next Year, a Parliament was held, which sate long; and did much; Not being Dissolved till the 27th of November following. About three Weeks after the Writs were sent out for this Parliament, ⁴ the Convocation Writs were dispatched to the two Archbishops to Assemble the Clergy of their Respective Provinces at London, and York, upon the xiiith of October following. What the Archbishop of York did in pursuance hereof, I am not able to say. But the Archbishop of Canterbury, enlarg'd the time to the 5th of November; so that his Convocation met not till above five Weeks after the Parliament was Assembled; and the Parliamentary Convention, by Consequence, begun. But 'tis enough for Dr. A. that it sate, however, within the time that the Parliament sate; let us see therefore how diligently it pay'd its Attendance, tho' late, upon it.

From the ⁵ 5th of November the Archbishop, after a little treating about the Business for which they were call'd, Prorogued them to the 8th. From thence by Commission, to the 10th; And from the 10th of November, to the 3d of December, a Week after the Parliament was Risen. So that in all this long Parliament of almost threescore Days, the Convocation met but three times, and that chiefly in Order to its being Prorogued to a farther Session. On the third of December they made their Grant to the King of a Tenth: One half absolute, the other with Conditions. And in the form of their Grant, having complain'd that the Clergy were more than ordinarily Oppress'd with these kinds of Exactions, they added; ⁶ "That nevertheless considering that they were assur'd by their Bishops that there was a pressing Necessity which required their Granting what they now gave, and withal, that the King upon the Mature Advice of his Noble Council in PARLIAMENT lately ENDED, at the Instance of the COMMUNITY OF THE REALM OF ENGLAND, specially deputed by the said King for the better Government of himself and his Kingdom, would employ what they gave, to the Publick Use, the said Clergy, do Grant, &c.

in Parlamento ultimo jam Elapso, ad instantiam Communitatis Regni Angliæ, per Eundem Dom. nostrum Regem pro suo, & Regni sui Regimine meliori specialiter deputati, Summam, sibi nomine Subsidii concedendam, in Usus pro defensione Regni & Ecclesiæ Angliæ magis Necessarios & Utiles converti faciet & Expendi—Concedit idem Clerus, &c.

These are the Words, of the Clergy's Grant in this Convocation: and two things may I conceive be fairly inferr'd from them; That if the Parliament were now Over, notwithstanding the Convocation was still sitting, then the Convocation is no part of the Parliament, nor was so accounted by them: And 2dly, That if the Commons in Parliament be the Community of the Realm of England, then the Convocation Clergy are no part of it; but at most the Community of the Clergy of that Province by whom they are deputed, and for whom they Act.

On ⁷ Munday the day after the Purification, a Long and Violent Parliament began: which continued by Sessions, and Adjournments, from thence to the 4th of June. ⁸ Its first Session held till Fryday March the 20th. From thence it was adjourn'd to a Fortnight after Easter: and so continued on (with another Adjournment, as I conceive, for Whitsuntide) till the beginning of June. It is not my concern to Enquire what was done, in all this time there. One thing only

Sect. 76.
1387.
⁷ Dugdall.
Summonit.
Parl. pag. 327.
⁸ Rot. Parl. 11
Ric. ii. Num.
12, & 50.

only I must Observe, because it will help to Clear a *Matter of Fact*, wherein the Clergy of the Other Province ought to have right done them.

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The Convocation of the Province of Canterbury had the last Year granted two half Tenths to the King; but that of York, had, as I apprehend, refus'd to grant any thing at all. There was now a kind of Proportion Observ'd between the Clergy and Laity in these Matters; so that the One gave (tho' freely, and of their own accord yet) in such a Measure as was answerable to what had been granted by the Other. I have before observed, at the beginning of this Reign, How the Commons endeavour'd to draw the Clergy by an express Agreement thereunto. They put it as a Condition into their Grants, that they gave so much upon Condition that the Clergy should give so much, as they thought proportionable to it. And tho' Archbishop Courtney justly Excepted, and protested against this, as an undue Imposition upon the Clergy, and contrary to their Liberty which they had always enjoy'd of Giving as they thought fit; yet by a kind of tacit Consent the Clergy did observe the Rate which the Laity set, and make their Concessions, in some measure, suitable thereunto.

In the Parliament of the last Year the Laity had granted one half *Disne*, and one Fifteenth to the King; and another half Fifteenth, upon certain Conditions. The Clergy of Canterbury Gave two half Tenths, One Absolute, the other Conditional. But the Clergy of York seem to have given nothing, notwithstanding what both the Parliament, and the other Convocation had done. Upon this the Commons prefer'd a Petition to the King against them in Parliament; Praying that two half Tenths might be Levy'd upon them to the King's Use; and that if they refus'd to pay them, the King would please to Command Proclamation to be made, that none of his Liege Subjects should do Service to them, on pain of being put out of the King's Protection.

Rot. Parl. i. f.
Ric. ii. num.
27.

The Petition was severe, and took a sure way to oblige them to a Compliance: But yet Rigorous as it was, it does not once hint at any Obligation which lay upon them to do as the Province of Canterbury did before them; Or move for any formal Punishment to be inflicted upon them, for not Obeying the Direction of their Masters on this side Trent. In short; they went upon the Principle of Common Equity, that the Burden of the Government ought to fall equally on all parts of the Kingdom, and that One should not refuse to do, what the Others found it needful to Comply with, for the Publick Good.

But let us hear the King's Answer, "One half Tenth, says he, is already Granted: And the King has wrote for the Grant of the Other: And in Case that they Refuse to give it, the King will order Remedy by the Advice of his Council. The Province, it seems, understood its own Freedom: First, it Gave nothing, notwithstanding what the Other had done. Then being pressed again, it gave but half a Tenth: And tho' the King had Written to them, yet the Other half Tenth was not given by them, when the Clergy of the Other Province made their New Grant this Year, as by the Declaration of that Convocation, we shall presently see.

To pass therefore from the Parliament, to the Convocation: By 2 Writs Dated January 12th. The Convocations of Canterbury and York were Summon'd to sit the 10th of February following. The Archbishop of Canterbury enlarg'd the time to the 26th of that Month: How that of York was held, or whether it was held at all, I cannot tell. The Archbishop could hardly Assemble it before he Came to the Parliament. In this Parliament he was Challenged, and Convicted of High Treason. That any Other Writ was issued out for a Convocation to the Guardians of the Spiritualities, do's not appear, neither by the Rolls of the Tower, nor by the Registers of that Province: And upon all these Accounts I am apt to think that the Summons fell, and the Convocation met not at all in pursuance of it.

Rot. Clauif.
11 Ric. ii. m.
22. Dorso.
3 Registrum
Courtney fol.
73. a.

As for the Convocation of our Province, It met, as I have before said, February the 26th, Three Weeks after the Parliament began. It sate but till the Fourteenth of March; and so Ended almost a Week before the first Session of the Parliament: And I think by both shew'd its self to be an Assembly utterly Independent upon it. That it Resumed its Session again after Easter, or Sate any of that time from the Middle of April, to the beginning of June, in which the Parliament again sate; I cannot find: Tho' not only the Archbishop's Own Register has preserved the Minutes of this Convocation, but the Extracts of those

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of five Other Churches are now before me, which All make Mention of the Session of it which I have now been accounting for.

Here therefore I must again implore Dr. A's Assistance; Either to shew me that some Convocation Met, and Acted, with the Resumption of this Parliament, for about two Months; Or to Acknowledge, which is the truth, that there was no such dependance of, or Connexion between, the One and the Other, as he has Asserted; but is yet (and I doubt will always be) to prove by any sufficient Argument either of Law, or Fact in this Particular.

The Clergy in this Convocation gave the King a half Tenth; but upon this Condition, among Others, which may further help to satisfy Dr. A. that the Clergy of York had no such Servile Dependance as he pretends, or that of Canterbury;

¹ Ex Act. Conv.
voc. Registr.
Courtney fol.

73. a. "Quod
"Clerus Ebo-
"racensis Pro-
"vinciæ, tam

² "That the Clergy of the Province of York should contribute in like manner, as well for the Year past, as for the present: Or otherwise that the said Clergy should be as FREE as the CLERGY of the PROVINCE of YORK, lest the sparing of them should turn to the Grievance of the Clergy of the Province of Can-
³ "terbury.
⁴ "pro Anno præterito, quam præsentis, simili modo contribuat. — Alioquin idem Clerus sit ITA LIBER SICUT
⁵ "CLERUS Provinciæ Eboracensis: Ne Relevamen Eorum cedat Clero Cant. Provinciæ in Gravamen.

Señ. 77.
1388.

¹ Dugdale
Summonit.

Parl. pag. 331.

Where he puts
Westminster for
Cantebrigge, by
an Oversight.

² Rot. Claus.

12 Ric. ii. m.

42 Dorso.

³ Rot. Claus.

12 Ric. ii. m.

48. Dorso.

⁴ Registrum

Courtney, fol.

73. b. 74. a.

Comp. Registr.

Dunham Epif.

Sarum. fol. 27.

Registr. Mag.

Prior. & Capit.

Wigorn. fol.

340. I put all

these together,

to shew the

mistake of the

Antiq. Brit.

which say,

that it was

held at the

same time

with

the Parliam.

at Cambridge.

Such Authorities,

without some

Corroborating

Proofs are

not to be

Rely'd upon

in the Best

Authors. pag.

268.

On the Morrow after the Nativity of the Blessed Virgin, September the 9th, 1388 the next Parliament was held at ² Cambridge. It sate to the 17th of October, and gave the King a xvth for the support of his Wars. The Scots were at this time entred in a Hostile Manner into England: To Oppose whom the Presence of the Bishops of the Other Province being thought necessary; the King by his Writs dated at ³ Northampton August the 20th, expressly excus'd their coming to it.

The same Day that this Parliament was Summon'd, ⁴ Other Writs were issued out to the Archbishop of Canterbury, and the Guardian of the Spiritualities of the Archbishoprick of York, for holding a Convocation in either Province. The Day appointed was the Munday after the Nativity of the Blessed Virgin, September the 14th. The Place, the Church of St. Mary in Cambridge, or any other which the Archbishop should chuse. The ⁵ Archbishop appointed it to meet at London October the 12. almost five Weeks after the Parliament began, and but five Days before it rose. Whether it be probable that he would have thus Exceeded not only the Term prescribed by the King's Writ, but, as he might reasonably have thought, the whole Session of the Parliament too, had he been of Dr. A's Opinion, and accounted the one to be a Necessary Attendant upon the Other; and which, for that Reason, ought to be held Concurrently with it; I shall submit it to any Indifferent Person to judge.

to shew the mistake of the Antiq. Brit. which say, that it was held at the same time with the Parliament, at Cambridge. Such Authorities, without some Corroborating Proofs are not to be Rely'd upon in the Best Authors. pag. 268.

The Archiepiscopal See of the Other Province was, tho' not properly Vacant, yet under a present Suspension, Equal to a Vacancy. The Translation of Arundel Bishop of Eli, by the Popes Authority, to it, soon removed all Difficulties in that Particular. He was translated thither in September this Year: and so prevented the Convocation of that Province sitting by the Writ, directed to the Guardian of the Spiritualities, at the same time that the Other was sent to the Archbishop of Cant. A ⁶ New Writ therefore was sent to the Archbishop himself, Dated December the 18th, and in Vertue thereof, a Convocation was Called to meet at York, ⁷ January the 24th, more than twelve Weeks after the Parliament was risen.

On the 20th of October, three Days after the Session of Parliament, the Clergy of our Province granted the King a Tenth. For this they were ⁸ Expressly Called by the King; and this was the main, if not only, Business that they did, being met in Convocation. The Clergy here having made such a Grant, the Archbishop of York thought himself concerned to take Care that his Province which had shewn its self but too backward before, under its late Archbishop, should not fail to Act to the Kings Satisfaction now. For this End his Official (the Archbishop himself being not at leisure to attend upon it) prefaced his Mandate for the Convocation which was called to meet there in January, as I have said, to this Effect, which for the better Asserting of the just Rights of that Province against

⁶ Rot. Claus.

supr. Teste R.

apud Westm.

18. die Decem.

⁷ Registr. Arun-

del Arch.

Ebor. fol. 8.

⁸ In the form

of 1379. See

the Appendix.

against Dr. A's bye Attaques, I shall particularly Recite. "Whereas our Venerable Father and Lord, the Archbishop, has long since intimated to Us by his Letters, that the Prelates, and Clergy of the Province of Canterbury, presently after the Parliament held at Cambridge, did freely Grant a Tenth to the Illustrious Prince, our Lord the King, out of their Ecclesiastical Benefices, and also of their Temporalties annexed to their Spiritualties, for the Support of the manifold Burdens which lie upon himself and his Kingdom, and that he was troubled with daily Clamours upon the Concessions of this Tenth; and considering how the said Clergy of Canterbury did also EXCEED the Province of York in the Payment of a Half Tenth, which has not YET BEEN GRANTED in ANY Wise in the SAID PROVINCE; least any Perverseness of delay in the Granting of this Tenth to our Lord the King, should hereafter redound to the Fault or Injury of the said venerable Father (which God forbid) he has particularly Order'd Us, who are his Vice-gerent, tho' unworthy, to Call together the Prelates and Clergy of the said Province, in Order to the making of such a Grant, that an Equality of the Gratitude of his Clergy, and especially in the first beginning of the said Venerable Fathers administration, may be accounted to make a full Recompence to our Lord the King,

Temporalibus Spiritualibus annexis, illustrissimo Principi & Domino nostro Regi ad [Onerum] Supportationem sibi, & Regno Suo multipliciter incumbendum, Unam Decimam liberè concesserunt, quod super hujusmodi Concessione Decimæ in sua Provincia concedenda Clamoribus turbatus Cotidianis; attendens qualiter dictus Clerus Cantuariens. in Solutione Medietatis unius Decimæ Provinciam Ebor. Præcesserunt, quæ nedum in Provincia prædicta adhuc quovis modo est Concessa; Ne hujusmodi Decimæ concedendæ dicto Domino nostro Regi Retardationis Protervitas in dicti Ven. Patris culpam seu injuriam, quod absit, redundari poterit in futurum; Nos, qui Ejus Vices, licet immerito, gerimus, specialiter Ordinavit ad Convocandum Prælatos & Clerum dictæ Provinciæ super hujusmodi Concessione faciend. ut Equipollentia Gratitude Provincial' & præcipue in dicti Ven. Patris primordiis ipsi Domino nostro Regi plenarie Recompensari Censeatur.

This is the Sense, and almost the very Words of the Archbishop's *Mandate*; and they clearly shew the Case of the Two Provinces, as to the matter of *Subsidies*, to have been this; That the Clergy of both were wont to *Act* upon *Equal Terms*, and to *Give alike* to the Government: And that either Province thought it had a just Reason to complain of the Other, if being alike concerned in the Welfare of the Realm, and alike obliged to Promote its Peace, and Security; the one should Refuse to give its Share, or go about to Ease it Self, by casting a greater Burden upon the Other. But for any *Obligation of Right*; for any *Custom* fixed, or established in the time of King Edward the III^d, that the Province of York should be bound, in any wise, to follow the *Example* of that of Canterbury, any more than that of Canterbury the Example of the Other, 'tis a piece of Dr. A's Kindness and Civility to that Province, for which they Owe him their particular thanks. No *Author*, that I know of, ever pretended any such thing before; nor will any *Antiquary* that understands the true *History* of these Matters, ever pretend to do it hereafter.

The next Year the 2^d Parliament met on Munday after the Feast of Hilary, about the Middle of January. It sate till the 3^d Second of March, and made among others, two *Brisk Laws* in Derogation to the Popes Authority: The One against *Provisions*; the Other against bringing over of any *Summons, Sentences, or Excommunications*, upon the Account of the Making or Executing the said *Statute*. To cover themselves against the Proceedings of the Court of Rome, or else in Secret Compliance with its Excesses, the Archbishops in their Own, their Prelates, and Clergies Name, made *Protestation* in open Parliament against all such *Statutes* as were pass'd in Restraint of the Papal Power, or contrary to the *Liberties* of the Church. 4 Their Protestation was *Admitted, Read, and Enrolled* by the King's Command; notwithstanding it was made in direct Opposition to the Authority of the Crown, and the *Acts* of that Parliament.

Here now we have a Long, and a bold Parliament; but where shall we find the Concurrent *Convocations* of Canterbury and York? Let Dr. A. point them out to us; for tho' we have here as full and exact Entries both upon the *Rolls* of the Tower, and in the Registers of our Archbishops and Bishops, and their Cathedral Churches, as in any part of our *History*, yet I have not met with the least intimation of any.

The same was the Case the Year following: The 5th Parliament met of the 12th of November 1390. It continued till Saturday December the 3^d. Yet in all this Year, any more than in the last, I can meet with no *Convocation* in either Province; and do therefore conclude, that none at all was held either with this, or the fore-

K. RICHARD the III.

Cum dudum Ven. Pater & Dominus noster Dominus Archiepiscopus per suas Literas nobis intimavit quod Prælati & Clerus Cant. Statim post Parliamentum Cantabrigie celebratum, de suis Beneficiis Ecclesiasticis, & etiam

Sect. 78.

1389.

Dugdal.

Summonit.

Parl. p. 333,

334.

3 Rot. Parl. 13

Ric. ii. Num.

20. & Ulc.

4 Ibid. Num.

24.

1390.

5 Dugd Sam.

monit. Parl.

p. 336.

K. RICHARD
the II^d.

¹ XII. Feb. te-
nuit Rex suum
Concilium a-
pud Westm.
duravitq; usq;
in xv. Eiusdem
Mensis. pag.
205.

Sect. 79.
1391.
² Regist. Court-
ney fol. 75. In
Marg. Absq;
Brevi Regio,
tantum ex
Monitione
Domini.

³ Regist. Court-
ney, Ibid.

⁴ Apud Spelm.
Concil. Tom.
ii. pag. 640.
Ibid. 641. ali-
ud decretum.
q. v.

⁵ Dugd. Sum-
monit. Parl.
p. 337.

⁶ Lun. prox.
post festum S.
Martin. Brev.
Reg. dat. apud
Westm. vii.
die Octob.

Regni. xv. Re-
gist. Braybrook,
Lond. fol. 24. b.
⁷ Regist. Arun-
del Arch. Ebor.
fol. 33.

^{*} Regist. ii.
Dec. & Cap.
Dun. par. 2.
fol. 125.

⁸ Craft. Con-
cept. S. Mariae
Virg. prox
fut. Reg.
Braybrook. l. c.

⁹ Quia Sicut clare Scitis ad Subeund. & Supportand. Sumptuosa & Immensa Onera quae Nos pro defensione ac Salvatione Regni nostri & Ecclesiae Sanctae post praesentes treugas & Guerrarum abstinentias inter Nos & Adversarios nostros nunquam initas & firmatas facere Opporerebit, de Bonis nostris absq; fidelium Ligeorum nostrorum adminiculo non sufficimus nec Valemus, Vobis in Fide, &c. — Convocari faciatis, & ipsos in hac parte ex Causa praedicta ad Subsidium in hoc Casu Competens & Necessarium, in Supportationem dictorum Onerum nobis Concedend, &c. — Brev. Reg.

Sect. 80.
1392.

¹ Dugd. Sum-
monit. Parl.
p. 341.
² Ibid. pag.

343.
³ Ibid. p. 339.
⁴ Rot. Parl. 16
Ric. II. num. 35.

going Parliament in either. On the 12th of February ¹ Jo. de Malvern, a diligent Observer of these kind of Assemblies, tells us a Great Council was held at Westminster, and continued to the 15th of the same Month, which being not elsewhere taken notice of, that I know of, I thought it not amiss to give this short hint of it here.

We have now pass'd two Years without any Provincial Assembly of the Clergy to meet either Concurrently with the Parliament, or upon any Other Occasion. We must begin this with a Provincial Council: And that ² tho' call'd without any Writ from the King, or upon any State Designs, yet consisting of the same Members that our Convocations were wont to consist of. This Dr. A. ought to be pleased with; it being one of the First plain Instances of this kind of Summons that I have met with. But the Reason of it is obvious: The main Business of this Council was to deliberate upon a Subsidy for the Pope, which being to come out of the Revenues of the Lower Clergy, they were therefore to be called to Assent to it, as well as to be Obliged to the Payment of it. That therefore the Lower Clergy were cited to this Council, we are not to ascribe it to any Right they had of being present in such Assemblies, or rather to any Obligation (for so they accounted it) that lay upon them to be Constrained to Come to them; but to the particular Business which was here to be done in favour of the Pope; which could not be done without their Consent, nor their Consent be any where so Effectually Given as in a Provincial Synod.

This Council the Archbishop Summon'd to Assemble at St. Pauls London, ³ April the 17th: A Subsidy was Granted to the Pope by it; and a Constitution Renewed against ⁴ Stipendiary Priests, by the Archbishop, with the Consent of his Synod.

On the ⁵ Morrow after All-Souls the King held his Parliament at Westminster, and ordered the Convocations of both Provinces to meet about the same time with it. Had the Archbishops duly observed the day which the ⁶ King appointed, the Clergy had met in Convocation within Ten Days after the Laity in Parliament; and so might have sate almost Three Weeks concurrently with them. But all went Cross in this Particular, to the utter Ruine of the Doctrine of Attendance. ⁷ The Archbishop of York, being Lord Chancellor of England, and not in a Condition of Presiding in his Convocation, Ordered it to meet, by his Vicar-General the Munday after St. Clement, November the 27th; but by the ^{*} Proxy of the Church of Durham dated November the 28th, it seems not to have been held, before the 4th of the next Month. The ⁸ Archbishop of Canterbury delay'd his yet longer; till the 9th of December; a Week after the Parliament was Dissolved. So little Regard had either the One, or the Other, of these Great Primates, to the Session of the Parliament, in their Execution of the King's Writs, and the Issuing out of their Own Mandates thereupon.

The Cause of these Convocations was meerly to Grant an Aid to the King: ⁹ So the Writ of Summons declares, let Dr. A. be never so angry at it. Accordingly being met, they gave, in Each Province, a half Tenth to him; and did nothing else that I know of in them. When these Grants pass'd, I cannot precisely tell; but the Convocation of York being held Thirteen Days before that of Canterbury, I may venture to Say that here the Lesser Province set the Example, which the Greater (without any Derogation to its Rights, or Liberties let me speak it) as much followed, as at Other times that of York was wont to do.

The Convocation of our Province sate not the Last Year, till some Days after the Parliament was Dissolved: This Year the Doctrine of Parliamentary Concurrence and Attendance fail'd in both Provinces, and that more Eminently than it did in that One, on our Side, the Year before. ¹ On the 23d of July, the King issued out his Writs for a Parliament to meet at York the day after the Translation of St. Edward the King, October the 14th. This by ² Second Writs of September the 8th, was put off till a New-Summons: Which accordingly the King not long after sent out for a ³ Parliament to meet at Winchester on the Octaves of Hilary, January the 20th. This Met, and continued till ⁴ February the 10th. and then was Dissolved.

About

About a Month after these *Writs* went out for this *Parliament*, two ¹ *Provincial Writs* were sent; To the *Archbishop* of *Canterbury*, to Assemble his *Convocation* at *Winchester*, or elsewhere, on the *Morrow* after the *Purification*: To the *Archbishop* of *York* to hold his at *St. Peters York*, the *Munday* before the *Feast* of *St. Peter* in *Cathedra*, *February* the 17th. The Purport of these ² *Writs* was for *Aid* to the *King*; The *Constant* avow'd *Cause* of his *Assembling* of them.

Upon the Receipt of these *Writs*, the ³ *Archbishop* of *Canterbury* according to his usual Custom Summon'd his *Convocation* to meet, not at *WESTMINSTER*, but at *London*; Not the *Day* after the *Purification*, *February* the 3d; But on *St. Matthias's Day*, *February* the 24th. But before the *Sitting* of this *Convocation*, He seems to have *Adjourned* it yet farther: For by the ⁴ *Proxy* of the *Chapter* of *Worcester*, Signed there, *February* the 23d; it appears that the *Convocation* was not to sit till *March* the 3d, a *Week* Later still.

If this Account be true, we must then conclude that the *Convocation* of our *Province* met not till three *Weeks* after the *Parliament* was *Risen*. But the *Convocation* of *York* sat yet Later: It was called by the *King's Writ* to meet, *February* the 17th; a *Week* after the *Session* of *Parliament* was ended. And the ⁵ *Archbishop* appointed it, the *Munday* after the *Feast* of *St. Gregory*, *March* the 17th, and so put no less then five *Weeks* distance between them.

Here therefore what ever *Attendance* *Dr. A.* may fancy there was in this *Case*, to be sure there was no *Concurrence*: The One *Convocation* was not called to sit by the *King* till a *Week* after the *Parliament* was dissolved, and the *Archbishops* so order'd *Matters*, that they both sate at a much *Greater Distance* from it.

Nor was the *Case* much different the next *Year*: when the ⁶ *Parliament* met a *Fortnight* after *Hilary*, and continued till about the *Sixth* of *March*: The ⁷ *Convocation* of our *Province*, sate not till the *Middle* of *May* 1394. above two *Months* after: And that ⁸ of *York*, ordered by the *King's Writ* to meet on the 1st of *March*; the *Week* that the *Parliament* *Rose*; I suppose, came not together at all before it.

The *Year* following the *Fortunes* of *Dr. A.* are somewhat bettered: The *Archbishops* who commonly delayed the time of holding their *Convocations*, and by that means brake their *Concurrence* with the *Sessions* of *Parliament*, now conspired to bring them All together; and that after a very unusual manner. A ⁹ *Fortnight* after *Hilary* the *Parliament* sate this *Year*, as it had done the last. It continued till about the *Middle* of *February*, and was then *Dismiss'd*. The ¹⁰ *Convocation* of our *Province* called by the *King's Writ* to meet on the 5th of *February*, on the *Feast* of *St. Agatha*, met precisely on the day appointed; above a *Week* before the *Parliament* *Rose*. It out-sate it but three *Days*; and, so was in a very great *Measure* *Concurrent* with it. That of *York* was called by the *King* to meet the day after *Matthias*; and had it met accordingly, would have been altogether held after the *Parliament* was *Risen*. But the *Archbishop*, this *Year*, by an extraordinary *Conduct*, ¹¹ anticipated the day which the *King* Appointed, and Ordered it to meet the *Tuesday* after the *Purification*, in the middle of the *Parliamentary Session*.

Which of these *Convocations*, this time, set the Example to the Other, 'tis not hard to Guess: The *Convocation* of *York* as it met first, so it undoubtedly concluded soonest. The *Clergy* on our side not finishing their *Grant* till the 17th of the *Month*, two days after the *Parliament* was ended. I shall not need to observe that the ¹² *King* called the *Convocations*, both of this and the last *Year*, solely for *Aid*: That had been the *Course* throughout this whole *Reign*; without any one Instance that I know of to the *Contrary*. But from the *Acts* of our *Convocation* *Dr. A.* will give me leave to transcribe this short *Minute*: ¹³ That "being assembled in the *Chapter House* at *Pauls*, the second *Day* of their Meeting, they treated together *super* *PRINCIPALI CAUSA* *hujus Synodi*; of the *PRINCIPAL CAUSE* of their *SYNOD*; and at length dismissing the *Clergy* to the *Cloyster* under the *Chapter-house*, the *Clergy* caused a *Schedule* to be written concerning the *Manner* and *Form* of *Granting* *One Tenth* to the *King*.

habuerunt: "Et deinceps sepe rato Clero ad Clausstrum subtus eandem Domum Capitularem, idem Clerus quamdam Cedulam de Modo & Forma concedendi Domino Regi Unam Decimam scribi fecerant. Arch. fol. 196.

K. RICHARD the 11d.

Rot. Claus.

16 Ric. ii. m.

23 Dorso.

See Append.

ad Ann. 1392.

Registrum.

Braybrook Lon.

Episc. fol. 243.

b.

4 Regist. Mag.

Wygorn. fol.

365. Dat. Wy-

gorn. Febr. 23.

1392.

Regist. Decan.

& Capit. Du-

nelm. ii. fol.

122. par. ii.

1393.

Dugd. Sum-

monit. Parl.

P. 344.

Registrum

Braybrook Lon-

don. 245.

8 Rot. Claus.

17 Ric. ii. m.

21 Dorso.

Sect. 81.

1394.

9 Dugd. Sum-

monit. Parl.

P. 346.

10 Rot. Claus.

18 Ric. ii. m.

20 Dorso.

In festo S. A-

gathe Virginis.

Comp. Regist.

iv. Archi. fol.

195. a.

11 Regist. Arun-

del. fol. 49.

12 The Writs

of both Years

are in the form

of 1392. See

the Appendix.

13 Febr. 6.

Super PRIN-

CIPALICAU.

SA hujus Sy-

nodi tracta-

tum invicem

Registrum iv.

RICHARD
the II. d.

This was the Language of the *Convocation*, as well as of the *King*, in those days. The *Granting* of a *Tenth* was allow'd by them to be the *Principal Cause* of their *Assembling*, even when they had another, which no doubt they thought a very Great Affair, before them; Namely, a *Petition* to the *Archbishop* of *Canterbury* their *Primate*, and to the *Archbishop* of *York*, at that time *Lord Chancellor* of *England*, for the effectual *Prosecution*, and *Punishment*, of the *Lollards*; the chief Objects of the Clergies hatred in those Days. When *Kings*, and *Convocations*, speak after this Manner: When the One in their *Writs* Call the *Clergy* together purely for *Aid*; and the Others Own That to be the *Principal Cause* of their *Assembling*; under the Shelter of such *Authority*, I may hope to cover my self from *Dr. A's Passions*; or if I cannot, yet at least may be allow'd to put no more *Value* than they deserve upon them.

* Registr. Dec.
& Cap. Du-
nelm ii. par. 2.
fol. 125. a.

But I must not conclude this Year, without taking notice of some other * Meetings of the *Convocation* of *York*; antecedent to that which sate with the *Parliament*, and has been already Mentioned. On *May* the 23^d a *Proxy* was issued out from the *Church* of *Durham* to Three Persons to appear for the *Convent* in the *Convocation*, to be held at *York* *June* the 1st. On the 11th of *July*, another was Granted for the *Prior* and *Convent*, in another *Convocation* to be held there, the 20th of the same Month. And again on *Michaelmas* day, *September* the 29th, a 3^d went out to the same Effect; for a *Convocation* of the *Clergy* to be held at *York*, the 1st of *October* following. What these Assemblies were held for, or what they did; I am not able to say. But having this, tho' but a short Account of them, I could not proceed without making some Mention of them.

Sect. 82.
1396.

The next Year, we have nothing to stop us; Neither *Parliament* nor *Convocation*, that I can find, being called within the compass of it. It was towards the End of the Year 1396 that the *King* Summon'd his *Parliament* to meet on the

* Dugdal. Sum.
monit. Parl.

Feast of *St. Vincent*, *January* the 22^d, which held till about the 11th of *February* following.

P. 348.

* Registr. Eccles.

Xci. Cant. E.

Mandat. Epif.

Lond. Dat. 5.

die Januarii.

* Rot. Claus.

20 Ric. ii. p. 1.

m. 13. Dorso.

Brev. dat. xi.

Januarii.

By *Writs* directed to² the *Dean* and *Chapter* of *Canterbury* first, and afterwards to the³ *New Archbishop* of *Canterbury*, and by *Mandates* issued out from both of them; The *Convocation* of the *Province* of *Canterbury* met at *London*, *February* the 19th, about a *Week* after the *Parliament* ended. But it did but barely meet that day: For the *Archbishop* being now to be Enthroned, *Prorogued* the *Convocation* another *Week* by the *Bishop* of *Exeter* his *Commissioner*, and at the same time Lord *Chancellor* of *England*, till the 26th of the same Month. In this *Convocation*, the *University* of *Oxford* presented its *Grievances* to the *Archbishop*: Some *Conclusions* of *Wickliffe* were also tender'd by its *Doctors*, and the sense of the *Synod* desir'd upon them.

How these Matters proceeded, the *Acts* of the *Convocation* breaking off here, I am not able to say. Half a *Tenth* was granted to the *King* by the *Clergy*; as by the *Writs* for *Collecting* of it does appear. The *Convocation* of the Other *Province* was Summon'd by the *King* to Assemble at *York*, on *Munday* after the *Feast* of *St. Matthias* the *Apostle*, *February* the 26th, a *Fortnight* after the *End* of the *Parliament*; tho' we should suppose it to have sate on the very day that the *King* prescribed; so that neither this Year were the *Parliament*, and *Convocations* at all Concurrent with one Author. If *Dr. A.* shall pretend, that however they had a Relation to the *Parliament* which met the Month before, he will give me leave to say, that not a Word of this appears in the *King's Writ*: And the *Archbishop's* *Mandate* speaks quite contrary to it. He tells the⁴ *Clergy* that

* Licet in no-

stris Primord

is affectamus

attente Præla-

tos & Clerum

nostræ Cant.

Provinciæ d

Sumptuosis Laboribus Præservare,

Arduis tamen Negotiis Ecclesiam & Regnum tangentibus de Novo Emergentibus,

Prælatos & Clerum hujusmodi Convocare impellimur ALITER quam VELLE MUS: Ad hoc etiam Breve Regium

Recepimus in hac Verba.

“tho' he earnestly desired at his first coming among them to keep the *Prelates* and *Clergy* of his *Province* from Chargeable Labours, yet he was forc'd by the Difficult Affairs which concern'd the *Church* and *Realm*, now newly arising, to Call them together against his Will; and that to this End he had also received the *King's Writ*.

What a strange sort of Preface would this have been upon *Dr. A's Principles*? Did not the *Archbishop* know that a *Parliament* being Summon'd in *November* before, and almost ready to meet e're his *Mandate* went out, the *Convocation* was, of Course, to ATTEND upon it; and therefore that no *Apologies* were to be made for

for a Matter which both *Custom*, and the *Constitution* of our *Government*, had before this rendred *Sacred*, and *Unalterable*? Or could he think that his *Clergy* should read without *Smiling*, such an *Affected*, and *Unseasonable Declaration* of his *Tenderness* to them, in a *Point* in which their *CHIEFEST RIGHTS* were at *Stake*; and when *not* to have been *Call'd* to *Convocation*, would have been *One* of the *GREATEST CRIMES* that a *New Archbishop* could have *Committed* against them? This I think must be allow'd to have been reasonable upon *Dr. A's Principles*. Yet the *Archbishop* we see declared his *Unwillingness* to *hold* his *Convocation*, even when a *Parliament* was to *Sit*. He made an *Apology* for it; and shew'd the *Necessity* he was under, not for *Attending* on the *Parliament* (that never entred into his *Thoughts*) but for the necessary *Affairs* of the *Church* and *Realm*, and in *Obedience* to the *King's Writ*, of doing of it: And by all this has sufficiently intimated that this *Necessary Conjunction* of *Parliaments* and *Convocations*, was a *Mystery* yet unknown to him. The late *Practice* had indeed brought them oftentimes very near to one another in *Fact*; but He was not aware of any *Law*, or *Obligation*, that lay, either upon upon the *King*, or *Himself*, so to *Continue* this *Practice* for the time to *Come*.

K. RICHARD

the 11d.

But to return to what *Remains* of the *History* of this *Reign*: The Year following the *King* Summon'd his *Parliament* to meet at *Westminster* on *Munday* September the 17th. There it continued to sit till *Saturday*, September the 29th and then adjourn'd to *Shrewsbury*, on the *Quindene* of *Hilary* following. There it proceeded till the last of that *Month*, and so was finally *Dissolv'd*. About a *Month* after this *Parliament* was first *Summon'd*, the *King* by his *Writs* commanded the *Archbishops* to *Call* the *Convocations*, tho' not at any *Great Distance* from it, yet neither at all *Concurrently* (as *Dr. A.* would have us believe) with it. For that of *Canterbury* he assign'd *St. Pauls London*, *October* the 1st. For that of *York*, *St. Peters York*, *October* the 10th. Both after the *Rising* of the *Parliament*; which was on *Michaelmas Day*, *September* the 29th, as I have before observ'd.

S. R. 83.

1397.

Dugdal. Sum-

monit. Parl.

p. 349.

Rot. Parl. 21

Ric. ii. Num.

35, 36.

Rot. Claus.

21 Ric. ii. p. 1.

m. 22. Dorso.

Rot. Parl. 21

Rich. ii. par. 2.

Num. 54, 79.

By the *Procuratorial Letters* of the *Church* of *Durham* it appears that the *Convocation* of *York* met upon the same day that the *King* had appointed for it. There was another *Convention* of the *Clergy* held in the same place, five days before, as appears by the same *Proxy*; which enabled the same *Persons* to serve for the *Convent* in both. It is probable that the *One* was a *Provincial Council* for *Church Affairs*; as the other was certainly a *State Convocation*, called by the *Authority* of the *King's Writ*, for *Aid* and *Assistance*. That of our *Province* the *Archbishop* put off till the 8th of *October*: before which time his *Troubles* in the *Parliament* coming on, and his *Banishment* closely following thereupon, I suppose the *Convocation* fell with him, and did not meet at that time at all.

Regist. Dec.

& Cap. Duncl.

ii. par. 2. fol.

127. b.

Regist. Bray-

brook fol. 250.

The *Clergy* of *York*, had in their *Convocation* granted half a *Tenth* to the *King*. To get the like or a greater *Supply* of our *Province*, the *King* by a *New Writ* (as I conceive) to his *New Archbishop*, caused the *Convocation* of the *Province* of *Cant.* to be held *March* the 2d, and obtained a *Tenth* and a *Half Tenth* of it. In none of these *Sessions* was any *Regard* had to those of the *Parliament*; which at its first *Assembling* rose *Eight days* before Our *Convocation*; *Ten* before that of *York* were to meet. In its second had no *Convocation* at all to sit near it in *One Province*; nor did any in the *Other*, meet, till above a *Month* after its *Session* was at an *End*.

Regist. Scroop

Ebor. Arch.

fol. 149.

Rot. Claus.

22 Ric. ii. p. 1.

m. 1. Dorso.

See the Ap-

pendix ad

Ann. 1398.

It was necessary for me to observe with some *Exactness* the times of this *Parliament*, and these *Convocations* *Sitting*, not only for the better settling of the point in hand, but to shew withal the *Disingenuity* of an *Instance*, which after many *Others* as little to the purpose, *Dr. A.* has alledg'd to prove this Proposition

“That (in our antient *Rolls*) the *CONVOCATION CLERGY* are represented as *Of* the *Parliament*, and *ACTING* in it. On these he lays great *Weight*: and tells us that “the very *STRESS* OF THE *DEBATE* lies here. Let us see therefore what his present *Instance* speaks to this purpose. “21 Ric. 2. the *Clergy* of both *Pro-*vinces appoint a *Common Lay-Proctor* to *Consent* for them to some matters done in *Parliament*, which they could not lawfully be present at.— This *In-*strument is by *Order* *Enroll'd*; and the *Right* therefore which the *PRELATES* and *INFERIOR CLERGY* there *Claim*, of being of *Every Parliament*, and *Acting* in it, is by the *King*, and his *Great Council*, who order'd this *Enrollment*, *Ad-*mitted and *Affirmed*.

Rights, &c.

P. 335.

Ibid. pag.

340, 341.

This

K. RICHARD
the 11d.

This is Dr. A's Proof; now to make it Pertinent to his Purpose, we must thus Explain it from the *Terms* of the *Proposition* which was to be prov'd, and which we have seen was this; "that the *Clergy* here meant, and Spoken of, in "this *Roll* were the CONVOCATION-CLERGY: And therefore the *Right* of the *Convocation* to be OF the PARLIAMENT, and to ACT IN IT, is hereby *Admitted*, and "Affirmed. This Dr. A. must allow to be the only way to make this Passage any thing to his Purpose; For as to the *Bishops* and *Clergy* called by the *King's Writs* to *Parliament*, He well knows that I am so far from denying them a Right to be OF that *Great Body*, and to ACT IN IT; that I contend against him, that they still continued both to be Summon'd, and to Come to it; and had not yet exchang'd their Right of *meeting Nationally* with the *Temporality* in *Parliament*, for a *Solitary Provincial Assembling* by Themselves, in their own several *Convocations*.

Rot. Parl. 21
Ric. ii.

But now this the Circumstance of the time when this *Proxy* was made, compared with that of the *Convocations Assembling*, shews to be impossible. ¹ On *Munday, September* the 17th the *Parliament* met: On *Tuesday* the 18th, the *Speaker* required that the *Clergy* should constitute a *Proctor*, and the *Prelates* agreed to it. This being done, they immediately impeach'd the *Archbishop* of *Canterbury*, and made such dispatch in it; that on the 25th of the same Month, They demanded Judgment against him. This *Proxy* then was made the 18th of *September*. But the *Convocation* was not Summon'd to meet till the 8th of *October* following; that is, till *Twenty days* after this *Proxy* was Agreed to. And how the *Convocation-Clergy* should be OF the PARLIAMENT, and ACT IN IT, *twenty days* before they came together, I shall leave it to Dr. A. upon farther Consideration to tell us.

To add yet more: The *Convocation-Clergy* by the *Nature* of their *Summons*, and Dr. A's own Confession, met *Provincially*: That of *Canterbury* at *St. Pauls London*; That of *York*, at *St. Peters York*. But this *Proxy* was made by the *Clergy* in a *National Assembly*; the *Archbishops*, *Prelates*, and *Clergy* of both *Provinces* joyn'd in it; and therefore the *Clergy* who made it could not have been the *Convocational*, as he pretends, but must have been the *Parliament Clergy*, as I affirm.

Will Dr. A. give me leave to add but One thing more in Contradiction to the Use he makes of this Instance, and I shall trouble him no farther at this time about it. I do not doubt but that the *Inferior Clergy* have at this day a *Right* to be Called to *Parliament*: I am perswaded that at the time of which we are now speaking, they did *Actually Come* to it; but yet, for all that, I very much Doubt, whether they had any thing to Do in the Business of this *Proxy*, to which Dr. A. makes bold to Intitule them, and that for these following Reasons.

Rot. Parl. 21
Ric. ii. Par. 1.
num. 9.

1st. The Ground on which the *Speaker* Required that the *Prelates*, and *Clergy*, should constitute a *Proctor* to Act for them, was this, ² "That *Divers Judgments*, and *Ordinances*, had been *Repeal'd*, and *Annull'd*, for this Reason that "the *State* of the *Clergy* was not Present in *Parliament* at the making of them. Now the only Case in which the *State* of the *Clergy* were wont to leave the *Parliament*, was in the Case of *Judicial Proceedings*: Where any thing was to be try'd that might reach to *Life*, or *Blood*; and at which they alledged that by the *Law* of the *Church* they could not be present. Such therefore of the *Clergy* only can here be reasonably understood, as by the *Nature* of our *Constitution* ought to have been present in such Cases, and had a Right to Judge in *Parliament* in such matters. But now this, I am sure, Dr. A. will not say the *Lower-Clergy* ever had: And therefore he must allow that they could not be meant by the *Clergy* spoken of in this *Roll*, who were to constitute a *Proctor* for that End.

Now to this, 2dly, The whole Process of this Matter agrees: For the *Speaker* having, upon the Ground before mentioned, Pray'd that "the *King* would "Command the *Prelates* and *Clergy* to make a *Proctor*, with sufficient Power to "Consent in their Name to All Things, and *Ordinances* to be Justified in this "Parliament, the *Roll* adds; that thereupon ever *Spiritual Lord* should fully "declare his Opinion: Upon which the LORDS SPIRITUAL being severally Examined, did Generally Agree to Commit their full Power to One Lay Person; "Namely, Sir Thomas Piercy Knight, and Delivered a *Schedule* to the *King* containing their said Powers. Here we see who the *Prelates* and *Clergy* before spoken of were; They were the *Lords Spiritual*; No Others are once mention'd, or hinted at on this Occasion. But it may be they acted for the *Lower Clergy*,
as

as well as in their *own Right*? At Other times they often did so; but upon this Occasion, I think, they did not: Let us go on with the *Roll*, and see in what *Quality* they now *Acted*, and upon what they founded their *Right* of making such a *Proctor*, as they were here Allow'd to do. "We *Thomas Archbishop* of *Canterbury*; and *Robert Archbishop* of *York*, and the *Prelates*, and *Clergy* of both *Provinces*, "having, a *Right* by *Virtue* of our *Churches*, and the *Temporalities* thereof, to be "Present in *Singular* the *Parliaments* of our *Lord the King*, and *Realm* of *England*, and of *Treating*, and *Acting* in the *same*, do Give full *Power*, &c. This I take to be a *Plain Declaration* of the *Ground* on which they founded their *Right*: That it was by *Virtue* of their *Temporal Baronies*, annexed to their *Churches*, that they Claim'd a *Common Power* of *Judicature* with the *Other Lords* in *Parliament*, and thereupon now appointed *Sir Thomas Percy* to *Act* for them, in such a *Judicial Capacity* in which their *Dignity* in the *State*, gave them a *Right* to *Act*; but the *Canons* of the *Church* forbad them to *Exercise* that *Right*.

But tho I do therefore doubt, upon the *Grounds* before mention'd, whether *Sir Thomas Percy* were *Designed* in this *Case* to *Act* for the *Lower Clergy*, at all, yet I will not deny but that the *Words* of His *Proxy* may have been so framed as to reach to the *Lower Clergy* too; so that should he have done any thing, on that Occasion, in which they might have had a *Right* to *Consent*, He should have been *Empower'd* to *Consent* for them. It has been always usual in such kind of *Instruments*, to *Grant Powers* in a much *larger Manner*, than the immediate Occasion of them perhaps required. The *Bishops Commission'd* him in the *Name* of the *Clergy*, as well as of the *Prelates*: And the *Commons* Required a *Proctor* for the *Estate* of the *Clergy*; of which *Estate*, it cannot be doubted, but that the *Lower-Clergy* were a *Part*. And if he did consent not only to *Judgments* but *Ordinances* too, (as the *Roll* Speaks) in which the *Consent* of the *Clergy* was to be given, I shall not deny but that he therein *Acted* for them as well as for the *Prelates*. All that I affirm is this, that in *Voting* in such *Judicial Cases*, as were transacted in that *Parliament*, and for which this *Proxy* was made to Him, He *Acted* for the *Bishops*, and *Prelates*, only, not for the *Parliament-Clergy*; and yet much less for the *Convocational Clergy*, who had nothing to do with such *Matters*.

Upon the whole then; these two things may, I conceive, be justly Replied to this Instance of *Dr. A*. First that it is at least a *Disputable Question*, whether the *Inferior Clergy* were Really at all concerned in the *Proxy* to which he Refers. But should that be Otherwise (for I prescribe to no *Mans* Judgment in these *Matters*) yet that, Secondly, It is out of all doubt, that the *Clergy* there spoken of must have been the *Parliamentary*, not the *Convocation-Clergy*: The *National Convention* of the *Clergy* of the whole *Realm*, Summon'd by the *Premunitory Clause* to *Parliament*; not the *Provincial Assembly*, of either part of it, which met not till about *Three Weeks* after this *Proxy* was *Granted*.

The next Year we find no *Parliament* summon'd, nor any *Convocation* of the *Province* of *Canterbury*: Yet on the ¹ *Second* of *January*, the *King* by special *Writs* called a *Select Ecclesiastical Council* to meet at *Oxford*, the *Munday* after *St. Paul's day*, to debate of some things which touch'd the *State* of the *Church*, and to give the *King* their *Advice*, together with the *University*, Concerning them.

But to leave this *Council*, and consider the *Convocation* of the *Other Province*, which was *Summon'd* not long after it. The *Clergy* of those parts, had (as I before Observed) *Granted* to the *King* a *Half Tenth* in their last *Convocation*; but thro' the death of the *Archbishop*, and some Other *Interruptions*, the *King* it seems had not yet been *Legally* certified of it. And therefore on the ² *1st* of *August*, He *Issued* out a *Writ* to the *New Archbishop*, Reciting his former *Order* for a *Convocation*, and Requiring him, if the *Convocation* had met, and *Granted* any thing to him, to make *Certificate* of it; Or, if not, to call one to meet on the *1st* of *September*, and to induce them to *Agree* to a *Competent Supply* for him.

³ The *Archbishop* made his *Return* as *Commanded*; and upon the *Receipt* of it, a new *Writ* was *issued* out to him dated *January* the *27th*, to cause the said *Subsidy* to be speedily *Collected*, and *Paid*, according to the *Tenour* of their *Grant* in that behalf.

On the same day another ⁴ *Writ* was made out for a *New Convocation* to be held at *York*, on *Munday* in the *3d Week* in *Lent*. The *Archbishop* deferr'd it a *Week* later, and *Order'd* it to meet at *Beverley*, *March* the *11th*. The *Business*

RICHARD
the II.

Sect. 84.
1398.
MS. Cotton
Cleopatra E.
2. fol. 224.
Appendix ad
Ann. 1398.

Rot. Claus. 22
Ric. ii. p. 1.
m. 30. Dorf.
Append. ad
Ann. 1398.

Regist. Scrop
Ebor. Arch.
fol. 149.

Rot. Claus.
ib. m. 1. Dorf.
Appendix ad
Ann. 1398.
of

K. RICHARD
the III.

of This, as of all the Rest, was for more Money. Those of our Province had at their last Meeting Given a Tenth and Half, to the Half Tenth only of the Clergy of York. They were therefore a Tenth behind in their Grants; and tho' the King did not charge them, as if Dr. A. had been of his Council he would not have faild to have done, to Consider their Duty, and the Custom Establish'd in the time of his Grandfather King Edward the III. for those of York to do always whatever the Clergy of Canterbury should think fit to do before them; Yet they knew that both the King, and the Clergy of Canterbury, did Expect that they should bear an Equal Share of the Publick Burdens, and not Ease themselves, at the Expence of their Brethren. This was the true Reason why the Convocation of the Other Province was now Assembled, at a time when neither any Parliament met, nor were the Clergy, on this Side, Called together: And it shews withal the Freedom of the King in Assembling of these Conventions; that he had a Legal Right to do it whenever he thought Convenient, whether at the time of the Parliament, or at any Other; And that again, The Convocations either of Both the Provinces together; Or only of One by its self; as he should judge it most Expedient for him to do.

But I must not close up this Year without Observing that there was another Convocation of the Clergy of that Province held at York, antecedent to any which I have yet mention'd, and of which all the Account I can give is this: That by Procuratory Letters dated June the 16th 1398, the Prior of Durham empowered one of the Residentiaries of the Church of York, with Others, to appear in his stead the 20th of the same Month, before the Honourable Mr. Richard Clifford Dean of York, and Keeper of the Privy Seal, who was to be sent thither by the King, to treat of certain Matters and Affairs which concerned the State of the King, the Realm, and Church of England; together with the Other Prelates called and Premonished to come thither by the King's Letters under his Privy Seal. This is all that I know of this Meeting; and the Instrument from which I took this, the Reader will find in the * Appendix; being the only Information I have met

* Appendix
ad Ann. 1398.

¹ Dugdal
Summonit.
Parl. pag. 353.
² Mandat. Dat.
Lond. 3 Sept.
Regist. Bray-
brook. fol. 253.

To draw to an End of this unfortunate Reign: All was now in Confusion, and the King himself but an Honourable Prisoner; Subject to the Direction of those who had him in their Hands. In this State, ¹ Writs were Issued out for a Parliament to meet on the last of September 1399, in which he was to Resign his Crown. ² A Fortnight after this Parliament was Called, the Convocation of our Province was Summon'd to meet, tho' I do not find that there was so much as any Pretence of a Royal Mandate for it. Archbishop Arundell tho' he were returned with Lancaster into England, and had the chief Menagement of the Great Work which was then to be done; yet being not put into Possession of the Administration of his Archbishoprick, which the Pope, as well as King, had Given to another; the Mandates for it went out in the Names of the Prior and Chapter of Canterbury. The pretence of Summons was "*pro utilitate Reipub. & tuitione jurium & libertatum Ecclesie atq; Regni.*" And the Order to the Clergy ran, to appear before Themselves, or before the most Reverend Father in God, the Archbishop of Canterbury, who was then in their Eye, and gave the Secret Directions for this Assembly. What the Design of this Convocation was, it is not hard to Guess: And I shall hereafter give a more particular Account of it. I shall only now observe that it was Summon'd to meet on the 6th of October, The very day on which King Henry the IVth's First Parliament was to be held: And we need not doubt but that it was from the first design'd, in Dr. A's New-Phrase to ATTEND upon the Parliament of the Rising Prince, not to accompany that of an Unhappy King, who was in one Day both to Open his Parliament, and to be Deposed by it.

To come therefore to that Great Council, with which I shall close up this Chapter: It met, as appointed, the Morrow after Michaelmas, and sate but One day; but in that Day it did a great deal of Business: It Deposed One King, and Made Another; and by a New Summons was Ordered to meet again, under its new Prince, the 6th of October, the very same day to which the Convocation had at first been Called. Here therefore was a most exact Concurrence between the State, and the Church Assembly: Tho' the latter being summon'd so long before, it may be questioned to which of these Parliaments its Attendance ought Legally to be ascribed; whether to that for which it was Called; or to that with which

which it Sate and was, I believe, designed from the beginning to Sit? But we will Suspend these Speculations till we come to the Survey of these Matters: And, at present, take only a short Review of what pass'd in this Reign, and so conclude this Chapter.

K. RICHARD
the 1st.

And 1st. From the History of this Reign, it plainly appears that the Lower Clergy still continued to come to Parliament, and had not, as Dr. A. is pleased to tell us, exchanged their Right of Sitting Nationally in that Great Council, for his imaginary Attendance in two Provincial Convocations. This is clear from the Parliaments of 1377, and 1379; (to say nothing of that of 1397) and to them I refer for the truth of it.

Sec. 85.

'Tis true, their Business was now reduced to a meer matter of Consent. Their Writs which heretofore cited them to Do as well as to CONSENT to what should be DONE by Others, from the 5th Year of this King, Ran only in the form of CONSENTING, without any allowance of a Power to ACT as before. But still for this Consent, they were not only Summon'd to Parliament, but they Came too; and, by their Bishops, did Consent to what was done there.

2^{dly}. Tho' Dr. A. be certainly deceived Himself, or I am sure would Impose upon Others, in what he advances concerning the strict Concurrence in point of Time between the Parliaments and Convocations of these Reigns: Yet thus far he must be allow'd to be in the Right, that under this Weak, and Necessitous Prince, they came nearer to One another, than ever they had before been wont to do. Great were the Wants of this King; and Constant his Demands both upon the Clergy and Laity for the Supply of them. For this Parliaments, and Convocations were frequently Assembled; and often times very near to, tho' not intirely at the same Time with, One Another. But still even under this Government, Weak as it was, the Rights of the Crown were preserved; and, the Independency of the One of these Assemblies upon the Other, to the Confusion of D. A's Hypothesis, abundantly demonstrated.

To Recapitulate this Matter in short, as it stands in the History before delivered, and as I do conceive it truly pass'd, during this Reign.

1. In the Two Twenty Years of this Prince, SEVEN Parliaments there were with only One Convocation Concurrent; and that oftentimes but in a very little Part of the Sessions too; In the Years, 1377, 1379, 1380, 1384, 1385, 1388, 1391.

2. With NINE Other Parliaments there was no Concurrent Convocation at all, in Either Province: Namely in the Years 1381, 1382, (Two Parliaments) 1383, 1392, 1393, 1396, 1397, (Two Parliaments.)

3. FIVE Parliaments were held, and No Convocation held in the same Years with them: Viz. Ann. 1378, 1381, 1389, 1390, 1393.

4. FOUR times Convocations were held, and No Parliaments called with, or near them: Ann. 1377, 1385, 1394, 1398.

In the Two and TWENTY Years therefore of this Prince, Dr. A's Hypothesis fails FIVE and TWENTY times; And that I think is abundantly Sufficient to Shew, that it was no Rule in this Reign, much less the settled Establishment of our Constitution, for the Parliament, and Convocation to Sit Concurrently with One Another.

But 3^{dly}. That the Design of this King in Calling these Convocations was wholly, and purely, on the Account of Money, to get Supplies from the Clergy, is so Evident, that let Dr. A. turn himself into whatsoever Forms he pleases, 'tis not in his Power either to Mistake, or Mis-represent it. The King's Writs speak it fully and openly to Us: The Acts of our Convocations shew it: And both demonstrate the intemperate Revilings of this Un-christian Writer against me for affirming of this Certain, and Evident Truth, to have as little of Justice, as they have of a Spirit either of Charity, or Integrity, in Them. This therefore I do here Once more Affirm, and I Affirm it with all that Assurance, that Truth and Innocence oblige me to do; That this was the main End for which our Kings were wont to Call these Convocations; and this was the main Business, that was generally done by the Clergy at these Meetings.

See the Appendix
throughout
this Reign.

And these are such Assertions as are directly Opposite to the Scope, and Tendency of his Hypothesis: I add, in Opposition to One of his Bye-Points as he calls it; 4^{thly}. That from what has been before observed in this Reign it appears, That the Convocation of York, is not at all Dependiant either in its Assembling

K. HENRY the IVth. *bling or Acting, upon that of Canterbury; so that it should be Obligated to Do, whatsoever our Province, thinks fit to Do before it. This is a Servitude which no Writer, that I know of, ever before pretended to impose upon that Venerable Body; and the Grounds of it are so Weak, that I am confident no Writer hereafter will ever Joyn with him in the like Attempt. And this very Reign affords us three Instances at least, to Confute his Pretences; Ann. 1377, 1387, 1388: And to them I refer for the Confirmation of what I here Assert on their behalf.*

To conclude this whole Chapter: We have now Examined the State of our Parliaments, and Convocations for above a Hundred Years. We have Seen at what times they have Both been held; and tho' I dare not say that no Sessions of Either have escaped me; yet as I have not been wanting in my Diligence to discover them, so I do hope, that but few have. However, from what has been Observed, this Conclusion I will be bold to draw, let Dr. A. Refute it, if he can; "That, in all this time, there was no manner of Dependence of our Convocations upon the Parliament; but the King was at Liberty to Call Both whenever he pleased; and lay under no Obligation either of Law, or Custom, to Assemble the One, as Often as he should think it fitting to Call the Other."

C H A P. VIII.

The History of the Assemblies of the Clergy pursu'd, from the first of King HENRY the IVth, to the 25th of King HENRY the VIIIth. That neither during this Period did the Convocation ATTEND upon the Parliament, as Dr. Atterbury affirms: Whose farther Arguments in Proof of it, which fall within the present Period, are Examined and Answer'd.

SECT. I.

Hitherto we have enquir'd into that part of this Period in which Dr. Atterbury tells us the Two Convocations were the Closest Attendants upon our Parliaments; and in which indeed, according to his Principles, we had Reason to have expected that so they should have been. For if this were the Ground of their Attendance, as he pretends it was, ¹ that the Clergy desir'd to Exchange their coming Nationally to Parliament, according to the Premunitory Summons, for a distinct Assembling of themselves, in each Province, at the same time; and the King Accepted the One in lieu of the Other: If in Consequence hereof, they were accounted, even when they met in their own several Convocations, to sit no less by the ² Kings Parliamentary Writs, than by the Archbishops Provincial Mandates; and to be tho' not a ³ STATE of the PARLIAMENT, yet an ESTATE of the REALM ASSEMBLING with the PARLIAMENT: What could we Conclude less than that we should have seen them as Constantly, and Closely, Attending upon the Body to which they were thus nearly related, as these Principles require; and as indeed the very Notion of a PARLIAMENTARY ATTENDANCE does of its self imply. And accordingly all the Other Principles which Dr. A. so industriously advances, and so often inculcates, lead to the same Opinion. * That the Clergy mention'd in the Parliament Rolls, are to be understood of the Clergy in Convocation. * That the same Rolls speak of the Convocation Clergy as Of the PARLIAMENT, and ACTING IN IT. * That the Convocation is a Word of Art signifying a MEETING of the CLERGY in TIME of PARLIAMENT. * That as such it has been held to be an Assembly ⁸ ESSENTIAL to our CONSTITUTION. * That, at first, it met very near at the same Time with the Parliament: And tho afterwards ¹⁰ (about the time of King Henry the IVth) a greater Liberty was indulged, and taken; yet in Henry the VIIIth's time, things came about again into their ORIGINAL COURSE; which therefore must have been at first, as we know it has been since, for the PARLIAMENT and CONVOCATION WRITS, to Go out TOGETHER; and for both to Sit within a few Days of, and so continue to sit in Concurrence, with one Another.

¹ Rights, &c. pag. 42, 43, 44.

² Ibid. pag. 18, 75, 251, 259.

³ Ib. p. 62, 64, 75.

⁴ Rights, &c. pag. 57, 58, 60, 332, 333.

⁵ Ib. 60, 335.

⁶ Ib. 65, 75.

⁷ Ib. 214, 276, 457.

⁸ Ib. 353.

⁹ Ib. 75, 259.

¹⁰ Ib. 48.

Nor is this any more than what Dr. A. himself elsewhere in plain Terms tells ^{K. HENRY} us; when speaking of the first beginning of the *Convocation Writ*s, he has ^{the IVth.} these most remarkable Words to this purpose: "This gave birth to the ^{Rights p. 44.} Custom of issuing out Two CONVOCATION WRITS when a NEW PARLIAMENT ^{Compare pag.} was to be chosen: Which tho' set on foot before, yet SETTLED NOT INTO A ^{258. "These} RULE till some Years after *Edward the IIIrd* was in the Throne; and then it was ^{"Writs for a} PRACTISED AS DULY and REGULARLY, and in much the same manner, As It Is ^{"full Convo-} AT THIS DAY. The Consequence which, if true, must I am sure be this, ^{"cation Grew} that from King *Edward the IIIrd's* time, to King *Henry the IVth's*, whenever ^{"now the Com-} a Parliament was Summon'd, the Convocation was duly, and regularly, Called with ^{"mon firm; it} it; and met, as it now does, either exactly at, or at least very near, the same ^{"being a mat-} Time that the Parliament Assembled. ^{"ter of Ordi-} ^{"nary Prac-} ^{"tice to send}

"them out CONCURRENTLY with Those for a Parliament; in *Edward the Third*, and *Richard the Second's* ^{"Reigns: And still [Addit. p. 56. Whenever they went out] the Convocation was (as in the Preceding Instances)} ^{"Generally order'd to ATTEND a FEW DAYS SOONER, or LATER than the Parliament did, and not Precise-} ly on the Spot, where the Parliament Open'd, but at some Church, or Chapter House near it. Thus Dr. A. But ^{"least his new Addition of (whenever they went out) should be extended farther than we may suppose he design'd it; take his own Interpretation of that, Rights, &c. p. 250. Where speaking of the same Writs, he tells us, "That they} have been Regularly issued out, as often as a New-Parliament was Called, from the Latter End of *Edward the IIIrd* till Now, with FEW EXCEPTIONS to the Contrary; and with NONE from the first dawn of the Reformation in *Henry the VIIIth's* Reign down to this Present. And from THIS ANTIENT CUSTOM (as antient ^{"as the Compleat Settlement of our Constitution) the Clergy think themselves intitled to be Summon'd to As-} semble, and to SIT PROVINCIALLY, WHENEVER a NEW PARLIAMENT MEETS.

How truly Dr. A. has herein represented the Custom of the Preceding ^{Sect. 2.} Reigns as to these Matters, the plain Deduction which I have made of these Two Assemblies from Year to Year; and the short Table wherein I shall at one View present the Reader with a Prospect of this whole Period, when I have gone thro' those which yet remain to be considered, may suffice to shew. In the mean time to the Confusion of this bold Pretender, let me once more repeat here what I have before abundantly prov'd, That after the best Enquiry I have been able to make, but twice only can I find that in the long Reign of that very *Edward* of which he speaks, the two Convocations met at the same time with the Parliament; and in the Reign of his Successor *King Richard the second*, not many more. So DULY, and REGULARLY were these two Assemblies call'd together, during those Seventy Years! And such a Wonderful CONCURRENCE was there in the Meeting of them; "with FEW EXCEPTIONS to the Contrary.

I now proceed to the latter part of this Period, in which Dr. A. tells us, ^{Sect. 3.} that these Conventions were held "WITH A LATITUDE: pag. 75. And again; ^{"Rights, &c.} "That a greater Liberty was indulged and taken, p. 259. The meaning of which he ^{pag. 75. 259.} thus elsewhere discovers to us, with the Time from which he dates this change: ^{p. 48. "This was the usual distance (between the Meeting of the Parlia-} ^{"ment and Convocation) throughout Edward the IIIrd, and Richard the IIrd's} ^{"Reigns; till Henry the IVth began to Enlarge it: In, and After whose time,} ^{"the Clergy held their Assemblies DURING, and (he would have said, Or) NEAR} ^{"the Sessions of Parliament, but not Thoroughly Concurrent with Them: The} ^{"Archbishop, it seems, affecting Independency, and the King, who above all things} ^{"desir'd to stand well with the Clergy, favouring Him, and Them, in that respect;} ^{"and giving way to their being CALL'D LATER, or DISMISS'D SOONER, than the} ^{"Laity. This is the Account which Dr. A. Gives us of the Remainder of this} Period. Many are the Remarks which might justly be made upon it, but I shall content my self with this One; that if this be true, then we must conclude, that Archbishop *Arundell*, and his Clergy, were so far from thinking this Doctrine of Attendance to be a Right or a Privilege, that they us'd all their Interest to break off from it; and even Dr. A. himself is so far from Censuring them therein, that, as if he were of the same Mind, He tells us, that the King FAVOUR'D Him, and Them, in that respect: That is, He gave them leave to depart from their Great Right, and Privilege, of Parliamentary Attendance. A Royal Condescension, which I never thought Dr. A. would have Esteem'd, or Call'd a FAVOUR!

But to leave the Reflection, and come to the Thing its self, which we are to examine: The Convocations, He tells us, from henceforth met, tho' not Concurrently with the Parliament, as before; Yet DURING, or NEAR the SESSIONS of it. The Former of these Limitations carries no difficulty with it; For we gene-

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rally know when the *Parliament Rose*, as well as when it began; and so shall easily discover how far the *Matter of Fact* is true, in that respect. But what shall we say as to the *Latter* of them? Or how shall we determine when a *Convocation* sits near the *Session* of *Parliament*? That I dare not undertake to determine; but must leave it to every One to judge of it as He thinks fit. Only I would ask Dr. A. if he please, Whether when the *Convocation* sate not at the SAME TIME with the *Parliament*, but only NEAR it; (Perhaps a *Month*, *Two*, or *Three*, before, or after it;) It still, nevertheless, continued to ATTEND UPON IT? And to what *Ends*, *Purposes*, or *Advantages*, to the *Church* or *Realm*, it did so ATTEND? Here therefore Dr. A. and I shall more easily agree; than we have yet done. I affirm that the *Convocation* in these times, was no ATTENDANT upon the PARLIAMENT; nor did either constantly, or necessarily sit at the same time with it. That the *King* and the *Archbishops* had an undetermin'd Power over both; and might, as they thought fit, either Summon both together; Or call the One, without being Oblig'd, by the Nature of our *Constitution*, to Assemble the Other. Dr. A. agrees that this is so far true, that from *Henry the IVth's* time, the *Convocation* met sometimes, DURING the SESSIONS of PARLIAMENT, and sometimes only NEAR it, that is to say, at ANOTHER TIME, and NOT DURING the SESSIONS OF PARLIAMENT: So that as far then as 130 Years Desuetude can break a *Custom*; supposing that there had been such a *Custom* before (which yet I have prov'd there was not) this *Custom* must have been destroy'd: And what a *Custom* disused for above a 100 Years is Good for in *Law*, I shall humbly submit it to the Learned in our *Laws* to determine.

But however this Dr. A. stands to, that there was still tho' not a strict Attendance paid by the *Convocations* upon the *Parliament*, yet such a near Relation kept up between them; that whenever a *New-Parliament* was Call'd, a *Convocation* was to meet, either precisely at the same time with it; or, at least, within a little Distance of it: And that by the very Nature and Terms of our Constitution. Here therefore I take to be the point wherein Dr. A. and I shall still continue unfortunately to disagree: For he, unless he will give up his *New Principle*, must affirm that at every *Session* of *Parliament* a *Convocation* was Necessary to be held, either Concurrently with it, or at least very Near to it; so that without breaking in upon the *Constitution* of our *Government*, the One could not be called without the Other: And I, on the other side, must be permitted to Assert, till I shall be better Instructed, That our *Kings* were no more confin'd in their *Prerogative* on this side, than 'tis at last, I conceive, agreed, they were on the Other; but that they might, and did often hold their *Parliaments*, without calling any *Convocation* at all either with them, or near Them; as well as 'tis Allow'd they might, and did often Summon the the *Convocation*, without Assembling any *Parliament* to sit with it.

Sect. 4.

' Rights, &c.
p. 18.

This therefore is the great Point, which I am here to pursue: And for the better clearing of which, there is yet one thing in which I should be glad that Dr. A. would a little further enlighten me. It is his own Observation, 'p. 18. that "till *Archbishop Chicheley's* time, *Convocations* were frequently held even "while *Parliaments* were sitting, without any Other *Writ* from the *King* but what "was contained in the *Bishop's Summons*, with the Clause *Premunientes*. Which Clause being a *Summons* to the Time, Place, and Assembly of *Parliament*; Dr. A. may as well say the *Clergy* were called to their *Bishop's Visitation* in Virtue of it; as to their *Archbishop's Convocation*. But to let that pass; and take what is, or I am sure ought to be his meaning; That in *Arundel's*, and *Chicheley's* time (to look no farther) *Convocations* were often held by the sole Authority of our *Metropolitans*, without any *Writ* from the *King* for the holding of them. The Question which I would ask, upon this Supposition, is this: Whether in such Cases where the *Metropolitan*, of his own accord, Summon'd his *Convocation*, without any *Writ* from the *King*, He did it by Authority of any *Law*, or in pursuance of any *Obligation*; which, by the Nature of our *Constitution*, lay upon him, to hold his *Convocation*, as often as the *King* Called his *Parliament*? Or whether He freely Summon'd it at his Own Pleasure, because he thought it Expedient so to Do?

If Dr. A. shall say that He held it freely, when he might have Omitted it; because he thought it Expedient, not because he was bound to do it; Then I conceive it will follow, that All those *Convocations* which we shall hereafter meet with, (whether of those Two *Archbishops*, or any Others) which were Summon'd

mon'd by the *Metropolitan alone*, without the *King's Writ*, are not to be computed among those *Parliamentary Convocations* of which we are now discoursing; Which he tells us are *Essential* to our *Constitution*; necessary to be held in time of *Parliament*, or near to it; and to the *Calling* of which therefore, at such times, either the *King*, or the *Archbishop*, or *some body*, should be Oblig'd.

If to avoid this Inconvenience Dr. A. shall think fit to affirm that in Case the *King* did not issue out his *Writs* for *Summoning* the *Convocations*, whenever he *Called* a *Parliament*, the *Archbishop* of each *Province* was, by our *Constitution*, Oblig'd to *Summon* them without it; then I would beg leave to Enquire farther; How our *Archbishops* came to be so forgetful of their Duty in this Particular, as in all the *Preceding Reigns*, it is evident that they were? When nothing was more common than to see *Parliaments* held, without any *Convocations* Called either by the *King*, or by the *Archbishops*, to *Attend* upon them? How One *Archbishop* came oftentimes to *Call* his *Convocation*, and the Other at the same time, not to *Assemble* his; since both lay under the same *Legal Obligation*? Nay, which is yet worse, How when the *King* appointed the proper time for its *Assembling*; sometimes *within* the *Session* of *Parliament*, at others *very near* it; The *Archbishops*, as if they had resolved to be perverse, on purpose, to break in upon our *Constitution*, put off their several *Convocations* at their own Pleasure, till the *Session* was over; it may for some *Weeks*, or *Months* after it; of all which I have given several Instances already, and shall add many more in the Prosecution of this Period.

Till therefore it shall be shewn that our *Archbishops* lay under a *Legal Obligation* to *Assemble* their *Convocations* by their *Own Authority*, as often as the *Parliament* met, if the *King* fail'd to issue out his *Writ* to them for that End; I must be allow'd to conclude, that whenever they did *Assemble* them, at their *Own Motion*, and not by the *King's Writ*; They did it *Freely*, and *Voluntarily*; not because they were Obliged, but because they thought it *Convenient* so to do: And that all such *Convocations* therefore are to pass for nothing in this dispute, as not meeting to *Attend* upon the *Parliament*, but in *Obedience* to the *Archbishop's Authority*; because their *Primates* thought fit, of their own Choice, to *Assemble* them, when it was in their Power, without any *Offence* against our *Laws*, or *Government*, either in *Church* or *State*, to have let it alone.

Having said thus much both to shew what the *Great Point* which I am here to consider is, and to prepare the way for the Prosecution of it; I shall need add very little with Relation to those *Secondary*, and *Subordinate Questions*, which I have before said, are no less in dispute between Us. These continue in great measure the same still, that they were before; and therefore what I have before observ'd, may suffice for the *Stating* of them.

Dr. A. affirms that the *Clergy* left off to come *Nationally* to *Parliament* about the beginning of *King Edward* the III^d's Reign: I have Proved already that they continu'd to come to it till the End of *King Richard* the 2^d: And shall go on to prove that they came in like manner, (tho' in lesser Numbers every Year than Other) to the time of *King Henry* the VIth. How much longer, if at all longer, I shall hereafter Enquire.

Dr. A. denies that the chief End which our Kings had in *Calling* these *Convocations*, was for their *Aid*; so the *Writs* speak; that is to get *Mony* of Them, as well as of their *Lay Subjects*. He puts himself into the highest Indecency of Passion that it was possible for him to do, upon the very Mention of it: And Excels even his Own self in a way, of which tho' I may hereafter give some *Specimen* to my Reader, I shall forbear to call by its proper Name. Yet this I have before shewn to be undoubtedly true; and I must beg leave still to Continue in the Assertion of it.

Dr. A. in his Zeal, not for the *Church* of *England*, but the *Church* of *Canterbury*, Labours to bring the Other *Province* into a *Servile Subordination* to, and dependance upon Our *Convocation*; for what Reason I cannot Imagine more than for this One, that ours is Bigger than theirs. But this I have already proved to be an Unwarrantable Invasion of their *Provincial Rights*; and shall, as I proceed, still continue to shew by more and more Arguments that it is so.

But these are only our lesser Differences: The *Main Points* on which the Cause between us turn, are; Whether the *Two Convocations*, are by our *Constitution* a *Necessary Attendant* upon our *Parliaments*, and have for these Four Hundred

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dred Years past been so accounted? Whether in Consequence hereof, whenever a *Parliament* has been *Summon'd*, the *Convocations* have been constantly *Call'd* at the *same time*; and fate either *during* the *Session* of the *Parliament* (as in *Edward* the III^d, and *Richard* the II^d's *Reign*, He affirms that they did) or *Near* it; which is all that he will venture to affirm of the following times, to King *Henry* the VIIth, or VIIIth; for he does not very well know, which of the two to pitch upon. In Opposition to both, I affirm, that there never was any such *necessary* Relation between the *Parliament* and *Convocation* by the *Rules* of our *Constitution*: That they were *Assemblies* not only intirely *Distinct* from, but *Independent* upon *One Another*: Which our Kings *Called* at their own *Pleasure*, either *at the same Time* with, or *at a different Season* from, *Each Other*, as *Themselves* thought fit; and as the *Urgency* of their *Affairs* prompted them to do. Let us see which of these *Opinions* the *History* of the *Times*, which we are now about to *Pursue*, will best *Agree* withal.

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I before took notice how the last *Parliament* of that *Unfortunate Prince* to whom King *Henry* the IVth succeeded, was held at *Westminster* the day after *Michaelmas*; and a *Convocation* called, by the *Authority* of the *Church* of *Canterbury*, to meet at *St. Pauls London* the *Week* following. The *Parliament* being met and all the *Estates* of it having agreed to the *Deposition* of that *Prince*, the day of their *Meeting*; they resolved upon certain *Commissioners*, as their *Proctors*, to be sent to Him to the *Tower*, in the *Name* of *All the Estates*, to acquaint him with what they had done, and to give back their *Homage* and *Fealty* to him. On the part of the *Clergy* two *Persons* were appointed; and that, as *Sir William Thyrning* told the King when he was come with the *Other Commissioners* to Him, in this manner; "The *Bishop* of *Seint Asse* for *Archbishops* and *Byshops*; "and the *Abbot* of *Glastenbury* for *Abbots* and *Priours*, and *All Other Men* of *Holy Church*, *Seculers*, and *Rewelers*. That these *Other Men* of *Holy Church* must have been the *Clergy* ² *Summon'd* by the *King's Writs* to that *Parliament*, and together with the *Bishops*, and the *Parliamentary Abbots* and *Priors*, constituting the *Estate* of the *Clergy* of the whole *Realm* there; is too plain to need any *Proof*. For as for the *Convocation* of this *Province*, that was not yet *Assembled*; but was to meet a *Week* after: And it does not appear that any *Convocation* at all was *call'd* at this time in the *Other*. The *Persons* then whose *Proctor*, upon this *solemn* *Occasion*, the *Abbot* of *Glastenbury* was, must have been the *Parliamentary Abbots* and *Priors*; the *Deans* and *Priors* of the *Cathedral Churches*, the *Archdeacons*, and *Capitular*, and *Diocesan Proctors*: Who by the *King's Writ* were *call'd* to this *Parliament*; and either *Actually* were, or were *look'd* upon to have been *Legally* present at it.

¹ Rot. Parl. i
Hen. iv. num.
59.

² Dugd. Sum-
monit. Parl.
pag. 353.

³ Rights, &c.
pag. 62.

⁴ Ibid. pag. 64.

And yet as plain as this is, *Dr. A.* has not doubted to bring this very *Instance* to prove this *rash* and *dangerous Assertion*; "That the *Convocation* *Attended* the *Parliament* as *One* of the *Three Estates* of the *Realm*. An *Assertion* which *Himself* thought it necessary in the next *Leaf* to qualify; yet still leaves it as bold as it is false: "That the *Inferior Clergy* tho' *Meeting* and *Consulting* apart from the *Parliament* (in *Convocation*) yet were still reckon'd to belong to it; "and to be (in *some Sense*, and to *some Purposes*) a *Member* of it: And together with the *Prelates* of the *Upper House* to compose (not indeed *One* of the *Three Estates* of *Parliament*; but however) an *Estate* of the *Realm* *Assembling* *Joyntly* with the *Parliament*, and *Oblig'd* by the *Rules* of our *Constitution*, to *Attend* *Always* upon it. This is a *Notion* intirely *New*; such as, I believe, neither our *Antiquaries*, nor our *Lawyers*, ever met with before: And according whereunto that *Great Council* is *Composed*, of the *Three Estates* of *Parliament*, the *Lords*, *Clergy*, and *Commons*; and of the *two Convocations*, as *Another Estate*, not indeed of *Parliament*, but of the *Realm*, *Assembling* *joyntly* with the *Parliament*; and *Oblig'd*, by the *Rules* of our *Constitution*, to *Attend* *always* upon it.

What strange *Extravagances* would this *Author* put upon *Us* for *History* and *Law*? That the *Clergy* are a *State*, the *Chiefest Estate*, of *Parliament*, and properly a *Member* of it, we have hitherto been told; nor does this *Author* himself (altogether) deny it. For what *End* or *Purpose* should the same *Clergy* be another *Estate*, not of the *Parliament* but *Attending* upon it? Let us hear how he else-

elsewhere Expounds, and Comments upon this Jargon. "The Words *Mem-ber of Parliament* may be taken differently, as they signify either an *Essential* part of the *Legislature*, whose *Consent* and *Authority* is necessary to *All Laws*: Or a part of the *Great Body of Parliament Assembled* by the *same Writs*, at the *same* time with it; but to some *Special Intents* and *Purposes* prescrib'd by our *Con-stitution*. In the former *Sense* the *Clergy* are not, nor for some *Hundreds of Years* have been; In the latter, as they *Always were*, so they still, I presume, are, a *Member of Parliament*.

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Rights, &c.
pag. 273.

O worthy *Defender* of the *Rights*, *Liberties*, and *Priviledges* of the *English Clergy*! Thus at once to Give up the *Greatest* of all their *Civil Rights*, and pronounce them neither *now to be*, nor for some *Hundred of Years* to have been, an *Essential Part* of the *Legislature*. But will this Author then tell me, to what purpose Our *Statutes* are still said to be Enacted by the *Lords Spiritual*, as well as *Temporal*, and *Commons*, in *Parliament Assembl'd*? Do not They *Sit*, and *Vote*, and *make Laws*, in their *Ecclesiastical Capacity*; and as the great Remainder of the *State of the Clergy*, still more fully *Call'd*, tho' not still *Assembling*, and *Acting* in *Parliament*? Now this was the *Common Stile* even when the *Lower Clergy* continued to come thither. The *Bishops* consulted with them apart, and in *Their Votes*, the *Suffrages* of the *whole State* were look'd upon to be included. And either there are not now *Three Estates* in *Parliament*; or I am sure if there be, the *Clergy* must be allow'd to be still, as they ever were, *One of Them*. The *whole Body*, by the *King's Writs*, have a *Continu'd Right* to be there. The *Bishops*, by their constant Exercise of it, have *practice* as well as *Right*, on their side; and, as *Bishops*, do both *Sit* and *Act* there. But some Men think that the *whole Estate* of the *Clergy* is included in *Lower Dignitaries*, and *Proctors*: And that because the *Bishops* alone *Sit* in *Parliament*, the *Clergy* cannot be said to be so much as a *State* of it.

Well! to admit of this *Treacherous Stab* from the *Pen* of a *true Churchman*; How stood the *Case* heretofore? Then, at least, I hope the *Inferior Clergy*, were an *Essential part* of the *Legislature*. So his words imply; and so I presume he would be understood. But how then does he tell us, that the *same Clergy Always were* a *Member of the Parliament* in his *Other Sense*, in which they still are so? Was the *State of the Clergy* at once both an *Essential Member* of the *Parliament*, and no *Essential Member*? A part of the *Legislature*, whose *Consent*, and *Authority*, was *Necessary to All Laws*; and at the same time, no such part, but only *Assembled*, at the same time with it, to some *special Intents* and *Purposes* prescrib'd by our *Constitution*? This is his *Scheme*; but I am pretty sure could never be the *Model of Ours*, or of any other *wisely Establish'd Constitution*.

But we will proceed with his Account of this Matter; for indeed it is very Entertaing. "In the *Former Sense* the *Clergy* are not, nor for some *Hundred of Years* have been; In the latter, as they *Always were*, so they still, I presume, are a *Member of Parliament*: Not an *Intrinsick Member*, if I may be allow'd so to speak, or an *Estate of Parliament*; but only an *Extrinsick part* of it; or an *Estate of the Realm*, Call'd with the *Parliament Always*, and *Attending upon* it. Now this, supposing the *Clergy* not to be (as he kindly supposes, or rather affirms that they are not) a proper *Estate* of the *Parliament*, I can make a shift to understand. But what shall we do with it again in the *Elder Times* of our *Constitution*; when the *Clergy* were an *Intrinsick Member* of *Parliament* by his own *Confession*: How were they then, only an *Extrinsick part* of it? Yet this he Asserts; For, as they now are, so they *Always were* (they are his own Words) in *this Sense*, a *Member of Parliament*. Let him interpret this Riddle that can: For my own part I look upon it to be nothing but meer Banter; a Heap of Words, without either *truth* or *meaning*.

In the mean time tho' we cannot decypher his *Notions*, we can easily see thro' his *Aims*; and what it is he would be at. He told us before, p. 64. That the *Clergy in Convocation* were not only in some *Sense*, but to some *Purposes* too, a *Member of Parliament*. And what those *Purposes* are we are elsewhere more fully informed. "They have a *Particular right of Petitioning*, and *Ad- vising*, within their *Proper Sphere*. With them *Decrees* about *Matters Spiritual* (and who can tell what *Matters* some Men may account *Spiritual*? Or how far that Pretence may be Carried?) "ought regularly to begin. And thus the *Clergy* tho' no part of the *Legislature* (for in his good Affections to them on that

Rights, &c.
p. 273.

Rights, &c.
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side

K. HENRY side He is most religiously constant) “ nor concern’d *Directly* in the *Great Affairs* of State transacted in *Parliament* (in *Ordine ad Spiritualia* I suppose they may have a *Concern*, in his Opinion, in them also) “ may yet in *Other Respects*, and to *Other Purposes*, be properly reputed, and stiled, a *Member of Parliament*.

Shall we take his meaning yet more plainly from another place? It is then this: ‘ That “ the *Parliamentary Interest* of the *Lower Clergy* is now reduc’d (as to say the truth he tells us, it was fit it should be) to *Matters Ecclesiastical*; “ and such things as concern either *Religion*, or their *Order*. This if *Dr. A.* will give me leave to use a *Philosophical Term*, as he before did in the same case; is the *Object* of the *Clergies* still remaining *Parliamentary Power*; and is large enough, as it may be menaged. Let us see how far their *Interest* goes in these *Matters*? “ And, in this *Sphere*, I conceive, they still move, and are still “ a *Parliamentary Assembly*; whose *Consent* is *Regularly* to be had to *All Laws Relating to Faith or Church-Discipline*, whenever the *Parliament* shall please to “ *Enact* Any. *Dr. A.* goes on with *Other Rights* of a lesser Rank; but I shall leave the *Reader* himself to peruse them. It is enough that we are told thus much plainly, that without the *Consent* of the *Lower House of Convocation*, the *two Houses of Parliament* cannot, *Regularly*, pass any *Laws* which have any *Relation to Faith, or Church Discipline*: A *Privilege* which I shall then believe we have a *Right to*, by our *Constitution*, when I shall see my *Lords the Judges*, or rather the *Lords and Commons in Parliament*, *Authoritatively Affirm*, what, I doubt, this *Writer* had no *Commission* from them to *Declare*.

But I have been led too far, with these *Notions*; and must return to the *Fact* that gave Occasion to the Pursuit of them. *Dr. A.* at large reciting the Speech of the Chief Justice *Thyrning* to King *Richard*, which I before mention’d, wherein he takes Notice of the *Commissioners*, which together with himself were deputed from the *Parliament* to him; ² pretends that the *Abbot of Glasfenbury* was *Proctor*, not for the *Clergy* Summon’d by the *King’s Writ* to *Parliament*, but for the *Convocation Clergy*; and from thence Infers that the *Convocation* Attended the *Parliament*, as One of the *Three Estates* of the *Realm*; and that this is the Language of our *Publick Records* as to this Matter. Now this I affirm, in the present Instance, to be utterly false, whether we consider the *Record* its self which he here Alledges, or his Own *Notion* in this particular.

³ Rot. Parl. i Hen. iv. num. 10. ³ King *Richard* the II^d having at *Convey* in *North-Wales*, promis’d to Resign the *Crown*; and this *Parliament* being Summon’d in Order to his so doing, the day before it was to Assemble, prepar’d to settle all things against the next day. ⁴ On the *Morrow* after *Michaelmas* the *Parliament* being met in the *Great Hall at Westminster*, and the *Three Estates* of the *Realm* there together Assembled; the *Archbishop of York*, and *Bishop of Hereford*, the *King’s Commissioners* for that purpose, declar’d to the *Parliament* in the *King’s Name*, the *Cession*, and *Renunciation* which he had made, and of which he had sign’d the *Instrument* the day before.

⁵ Ib. num. 16. The *Archbishop of Canterbury*, ⁵ “ *Cui Ratione Dignitatis & Prærogative Ecclesiæ sue Cantuar. Metropolitica, in ea parte competit Primam Vocem habere inter Cæteros Prælatos & Procures Regni*, demanded of the *States* whether they thought good to admit of this *Renuntiation*? They Accepted of it, and farther agreed that for avoiding of all *Scruples*, and *Sinister Suspicions*, the chief *Articles* against the *King*, should be publickly read at large, in open *Parliament*. ⁶ Which being done, and the *Crimes*, and *Defects*, therein contain’d seeming to *All the States*, who were generally, and particularly, interrogated thereupon, to be a sufficient Ground for the *Deprivation* of the *King*; *Omnes Status prædicti, All the States aforesaid*, unanimously Agreed to proceed to his *Deprivation*.

In order hereunto, *Status & Communitates prædicti*, the same *States of Parliament*, unanimously constituted, and Deputed, certain *Commissioners* to pronounce the *Sentence of Deposition* against him. ⁷ This being also done; the said *States* (*dicti Status*) being willing that nothing should be wanting that might, or ought to be required, in this Case; Unanimously Nominated the same Persons, whom they had made their *Commissioners* before, now their *Proctors*, to Go to the *King*, and to Resign up their *Homage*, and *Fealty*, to him.

Upon this Occasion, the day following, (the *Parliament* being now Dissolv’d, and a New One Summon’d the same day) those *Commissioners* went to the late *King*

King in the Power; and in the Name of them All, the Lord Chief Justice made ^{K. HENRY the IV.} that Speech, the beginning of which Dr. A. has recited, to Him.

"Sire: It is wele knowe to zowe, that there was a *Parliament* Somond of
 "All the *Estates* of the *Reaume* for to be at *Westmynster*, and to begynn on
 "the *Tuesday* in the Morne of the Felt of Seint Michel the *Archaungell*, that
 "was Yesterday; bycause of the which Somons All the *Estates* of this Lond
 "were there *Gadyr'd*.

Will Dr. A. give me leave before we go farther to observe: that the *States* of the *Realm*, and the *States* of the *Parliament*, in the Opinion of this Grave Judge were all One: All the *Estates* of the *Reaume* were *Summon'd* to *Parliament*; and, by virtu of that Summons, All the *Estates* of this Lond were there *Gadyr'd*. 'The Rights, &c. distinction of an *Estate* of *Parliament*, and an *Estate* of the *Realm* Call'd with the pag. 273. *Parliament*, but not *Part* of the *Parliament*; was it seems not yet made, or at least not yet understood by the Greatest Sages of the Law. But I proceed.

"The *whiche States* hole made thos same Persones that comen here to zowe
 "Nowe her *Procuratores*.

What can be more plain than this Declaration? The *Estates* of the *Realm* *Summon'd* to *Parliament*; The *Estates* of this Land Coming to *Parliament* by virtue of this Summons; Those *Estates* who in *Parliament*, the day before, *Deposed* the King, by these very Persons, whom they made their *Commissioners* for that End; now sent them, as their *Proctors*, to the King to acquaint him with what they had done, and to give back their Fealty to Him.

But where all this while are our *Convocation Clergy*? The King Call'd no such Meeting to Assemble with this *Parliament*. In the Province of *York* there was none at all Assembl'd. In that of *Canterbury*, a *Convocation* was indeed Summon'd by the Church of *Canterbury*; but it was Summon'd to meet October the 6th. And all this was done at *Westminster*, September the 30th, Six Days before the Clergy of this Province were appointed to Assemble in their Synod at *Pauls*, and where they cou'd not have assembled then, by Virtue of their First Summons, had that depended on the concurrent Summons of the *Parliament*, that *Parliament* being Dissolv'd.

It is plain then that the Record is against Dr. A's new Pretensions: Nor are his own Principles any less. The *Convocation Clergy* were not (he tells us) a proper *Estate* of *Parliament*. But the *Estates* which Commission'd these Men, were certainly, in the utmost Sense, a proper *Estate* of it. The *Convocation Clergy* were only an *Extrinsical Member*: ('Tis a New Term found out to Express a New Notion by;) but the Clergy here spoken of were an *Intrinsical One*; or they could never have met with the Other *Estates* at *Westminster*, and there have done, what in that *Parliament* was done by them. The *Parliamentary Power* of the *Convocation Clergy*, is limited by him to *Things Spiritual*; to such as concern Religion, or their Order. Whether the *Deposing* of Kings comes within the Compass of either of these, I must leave it to him who set the Bounds, to Interpret; as one that best knows the true Extent of Them: But I should think that to be a Matter, if not beyond the skill of a *Convocation* to advise in, Yet certainly of too high a Nature for their Jurisdiction to Extend to it.

But to leave this Melancholly ungrateful Subject; and proceed to the Affairs of the New King. ^{Sect. 9.} On the 6th of October the *Parliament* met; but the King being not yet Crown'd, it was, on the same day, adjourn'd to the Tuesday seven-^{Dugd. Sum-} night following; the day after the Coronation. Then it Re-Assembl'd, and con-^{monit. Parl.} tinu'd to sit till the 19th of November; the last day that I find mention'd in the ^{pag. 357.} *Rolles*, and which the *Writs* of Expences shew to have been the last of the *Parliament*.

The same day on which the *Parliament* began,^{Pryn. Regist.} the *Convocation* met according to ^{Par. 4. p. 455.} its Summons; but the Archbishop being Employ'd in the former, the latter was continued by the Prior of *Canterbury* till the Morrow after. Being then Assem-^{Regist. Arun-} bled, the Earls of *Northumberland* and *Westmorland*, with Sir Thomas Erpingham ^{d. l. 1. Par. fol.} the Kings Chamberlain, came to them; "not (say they) as Other Commis-^{51. a.} sioners have been wont to do, to Demand a Subsidy for the King; but to thank them for their Prayers on his Behalf: To promise them that he would not Ask any Aid of them but in Case of an Evident Necessity; and then, he hoped, they would shew themselves liberal, and kind to him. And that for himself he should endeavour so to behave himself towards the Clergy, as to give them Cause to love him still more, and to pray more devoutly for him.

K. RICHARD the III. of This, as of all the Rest, was for more Money. Those of our Province had at their last Meeting Given a Tenth and Half, to the Half Tenth only of the Clergy of York. They were therefore a Tenth behind in their Grants; and tho' the King did not charge them, as if Dr. A. had been of his Council he would not have faild to have done, to Consider their Duty, and the Custom Establish'd in the time of his Grandfather King Edward the III. for those of York to do always whatever the Clergy of Canterbury should think fit to do before them; Yet they knew that both the King, and the Clergy of Canterbury, did Expect that they should bear an Equal Share of the Publick Burdens, and not Ease themselves, at the Expence of their Brethren. This was the true Reason why the Convocation of the Other Province was now Assembled, at a time when neither any Parliament met, nor were the Clergy, on this Side, Called together: And it shews withal the Freedom of the King in Assembling of these Conventions; that he had a Legal Right to do it whenever he thought Convenient, whether at the time of the Parliament, or at any Other; And that again, The Convocations either of Both the Provinces together; Or only of One by its self; as he should judge it most Expedient for him to do.

But I must not close up this Year without Observing that there was another Convocation of the Clergy of that Province held at York, antecedent to any which I have yet mention'd, and of which all the Account I can give is this: That by Procuratory Letters dated June the 16th 1398, the Prior of Durham empowered one of the Residentiaries of the Church of York, with Others, to appear in his stead the 20th of the same Month, before the Honourable Mr. Richard Clifford Dean of York, and Keeper of the Privy Seal, who was to be sent thither by the King, to treat of certain Matters and Affairs which concerned the State of the King, the Realm, and Church of England; together with the Other Prelates called and Premonished to come thither by the King's Letters under his Privy Seal. This is all that I know of this Meeting; and the Instrument from which I took this, the Reader will find in the * Appendix; being the only Information I have met with for this Convocation.

* Appendix
ad Ann. 1398.

¹ Dugdal
Summonit.
Parl. pag. 353.
² Mandat. Dat.
Lond. 3 Sept.
Regist. Bray-
brook. fol. 253.

To draw to an End of this unfortunate Reign: All was now in Confusion, and the King himself but an Honourable Prisoner; Subject to the Direction of those who had him in their Hands. In this State, ¹ Writs were Issued out for a Parliament to meet on the last of September 1399, in which he was to Resign his Crown. ² A Fortnight after this Parliament was Called, the Convocation of our Province was Summon'd to meet, tho' I do not find that there was so much as any Pretence of a Royal Mandate for it. Archbishop Arundell tho' he were returned with Lancaster into England, and had the chief Menagement of the Great Work which was then to be done; yet being not put into Possession of the Administration of his Archbishoprick, which the Pope, as well as King, had Given to another; the Mandates for it went out in the Names of the Prior and Chapter of Canterbury. The pretence of Summons was "*pro utilitate Reipub. & tuitione jurium & libertatum Ecclesie atq; Regni*". And the Order to the Clergy ran, to appear before Themselves, or before the most Reverend Father in God, the Archbishop of Canterbury, who was then in their Eye, and gave the Secret Directions for this Assembly. What the Design of this Convocation was, it is not hard to Guess: And I shall hereafter give a more particular Account of it. I shall only now observe that it was Summon'd to meet on the 6th of October, The very day on which King Henry the IVth's First Parliament was to be held: And we need not doubt but that it was from the first design'd, in Dr. A's New-Phrase to ATTEND upon the Parliament of the Rising Prince, not to accompany that of an Unhappy King, who was in one Day both to Open his Parliament, and to be Deposed by it.

To come therefore to that Great Council, with which I shall close up this Chapter: It met, as appointed, the Morrow after Michaelmas, and sate but One day; but in that Day it did a great deal of Business: It Deposed One King, and Made Another; and by a New Summons was Ordered to meet again, under its new Prince, the 6th of October, the very same day to which the Convocation had at first been Called. Here therefore was a most exact Concurrence between the State, and the Church Assembly: Tho' the latter being summon'd so long before, it may be questioned to which of these Parliaments its Attendance ought Legally to be ascribed; whether to that for which it was Called; or to that with which

which it *Sate* and was, I believe, designed from the beginning to Sit? But we will Suspend these Speculations till we come to the Survey of these Matters: And, at present, take only a short Review of what pass'd in this Reign, and so conclude this Chapter.

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the 1st.

And 1st. From the *History* of this *Reign*, it plainly appears that the *Lower Clergy* still continued to come to *Parliament*, and had not, as Dr. A. is pleased to tell us, exchanged their *Right of Sitting Nationally* in that *Great Council*, for his imaginary *Attendance* in two *Provincial Convocations*. This is clear from the *Parliaments* of 1377, and 1379; (to say nothing of that of 1397) and to them I refer for the truth of it.

Scct. 85.

'Tis true, their *Business* was now reduced to a meer matter of *Consent*. Their *Writs* which heretofore cited them to Do as well as to CONSENT to what should be DONE by Others, from the 5th Year of this King, Ran only in the form of CONSENTING, without any allowance of a *Power* to ACT as before. But still for this *Consent*, they were not only *Summon'd* to *Parliament*, but they Came too; and, by their *Bishops*, did *Consent* to what was done there.

2^{dly}. Tho' Dr. A. be certainly deceived Himself, or I am sure would Impose upon Others, in what he advances concerning the strict *Concurrence* in point of Time between the *Parliaments* and *Convocations* of these *Reigns*: Yet thus far he must be allow'd to be in the Right, that under this *Weak*, and *Necessitous Prince*, they came nearer to One another, than ever they had before been wont to do. Great were the Wants of this King; and Constant his Demands both upon the *Clergy* and *Laity* for the Supply of them. For this *Parliaments*, and *Convocations* were frequently *Assembled*; and often times very near to, tho' not intirely at the same Time with, One Another. But still even under this *Government*, Weak as it was, the *Rights* of the *Crown* were preserved; and, the *Independency* of the One of these *Assemblies* upon the Other, to the Confusion of Dr. A's Hypothesis, abundantly demonstrated.

To Recapitulate this Matter in short, as it stands in the *History* before delivered, and as I do conceive it truly pass'd, during this *Reign*.

1. In the Two Twenty Years of this *Prince*, SEVEN *Parliaments* there were with only One *Convocation Concurrent*; and that oftentimes but in a very little Part of the *Sessions* too; In the Years, 1377, 1379, 1380, 1384, 1385, 1388, 1391.

2. With NINE Other *Parliaments* there was no *Concurrent Convocation* at all, in Either *Province*: Namely in the Years 1381, 1382, (Two *Parliaments*) 1383, 1392, 1393, 1396, 1397, (Two *Parliaments*.)

3. FIVE *Parliaments* were held, and No *Convocation* held in the same Years with them: *Viz.* Ann. 1378, 1381, 1389, 1390, 1393.

4. FOUR times *Convocations* were held, and No *Parliaments* called with, or near them: Ann. 1377, 1385, 1394, 1398.

In the Two and TWENTY Years therefore of this *Prince*, Dr. A's Hypothesis fails FIVE and TWENTY times; And that I think is abundantly Sufficient to Shew, that it was no *Rule* in this *Reign*, much less the settled *Establishment* of our *Constitution*, for the *Parliament*, and *Convocation* to Sit Concurrently with One Another.

But 3^{dly}. That the Design of this King in Calling these *Convocations* was wholly, and purely, on the Account of Money, to get Supplies from the *Clergy*, is so Evident, that let Dr. A. turn himself into whatsoever Forms he pleases, 'tis not in his Power either to Mistake, or Mis-represent it. The King's *Writs* speak it fully and openly to Us: The *Acts* of our *Convocations* shew it: And both demonstrate the intemperate Revilings of this Un-christian Writer against me for affirming of this Certain, and Evident Truth, to have as little of Justice, as they have of a Spirit either of Charity, or Integrity, in Them. This therefore I do here Once more Affirm, and I Affirm it with all that Assurance, that Truth and Innocence oblige me to do; That this was the main End for which our Kings were wont to Call these *Convocations*; and this was the main Business, that was generally done by the *Clergy* at these Meetings.

See the Appendix
throughout
this Reign.

And these are such Assertions as are directly Opposite to the Scope, and Tendency of his Hypothesis: I add, in Opposition to One of his Bye-Points as he calls it; 4^{thly}. That from what has been before observed in this *Reign* it appears, That the *Convocation* of *York*, is not at all Dependiant either in its Assembling

K. HENRY *the IVth.* *bling or Acting*, upon that of *Canterbury*; so that it should be Obligated to Do, whatsoever our *Province*, thinks fit to Do before it. This is a *Servitude* which no *Writer*, that I know of, ever before pretended to impose upon that *Venerable Body*; and the Grounds of it are so Weak, that I am confident no *Writer* hereafter will ever Joyn with him in the like Attempt. And this very Reign affords us three *Instances* at least, to Confute his Pretences; *Ann.* 1377, 1387, 1388: And to them I refer for the Confirmation of what I here Assert on their behalf.

To conclude this whole *Chapter*: We have now Examined the State of our *Parliaments*, and *Convocations* for above a *Hundred Years*. We have Seen at what *times* they have Both been held; and tho' I dare not say that no *Sessions* of Either have escaped me; yet as I have not been wanting in my Diligence to discover them, so I do hope, that but few have. However, from what has been Observed, this *Conclusion* I will be bold to draw, let Dr. A. Refute it, if he can; "That, in all this time, there was no manner of *Dependance* of our *Convocations* upon the *Parliament*; but the King was at Liberty to Call Both "whenever he pleased; and lay under no Obligation either of *Law*, or *Custom*, "to Assemble the One, as Often as he should think it fitting to Call the Other.

CHAP. VIII.

The History of the Assemblies of the Clergy pursu'd, from the first of King HENRY the IVth, to the 25th of King HENRY the VIIIth. That neither during this Period did the Convocation ATTEND upon the Parliament, as Dr. Atterbury affirms: Whose farther Arguments in Proof of it, which fall within the present Period, are Examin'd and Answer'd.

Sect. 1.

Hitherto we have enquir'd into that part of this *Period* in which Dr. Atterbury tells us the *Two Convocations* were the Closest *Attendants* upon our *Parliaments*; and in which indeed, according to his Principles, we had Reason to have expected that so they should have been. For if this were the Ground of their *Attendance*, as he pretends it was, 'that the *Clergy* desir'd to Exchange their coming *Nationally* to *Parliament*, according to the *Premunitory Summons*, for a distinct *Assembling* of themselves, in each *Province*, at the same time; and the King Accepted the One in lieu of the Other: If in Consequence hereof, they were accounted, even when they met in their own several *Convocations*, to sit no less by the *Kings Parliamentary Writs*, than by the *Archbishops Provincial Mandates*; and to be tho' not a *STATE* of the *PARLIAMENT*, yet an *ESTATE* of the *REALM ASSEMBLING with the PARLIAMENT*: What could we Conclude less than that we should have seen them as *Constantly*, and *Closely*, *Attending* upon the *Body* to which they were thus nearly related, as these Principles require; and as indeed the very Notion of a *PARLIAMENTARY ATTENDANCE* does of its self imply.

And accordingly all the Other Principles which Dr. A. so industriously advances, and so often inculcates, lead to the same Opinion. * That the *Clergy* mention'd in the *Parliament Rolls*, are to be understood of the *Clergy in Convocation*. * That the same *Rolls* speak of the *Convocation Clergy* as Of the *PARLIAMENT*, and *ACTING IN IT*. * That the *Convocation* is a *Word of Art* signifying a *MEETING* of the *CLERGY* in *TIME* of *PARLIAMENT*. * That as such it has been held to be an *Assembly* *ESSENTIAL* to our *CONSTITUTION*. * That, at first, it met *very near at the same Time with the Parliament*: And tho afterwards ¹⁰ (about the time of King *Henry the IVth*) a greater Liberty was indulged, and taken; yet in *Henry the VIIIth's* time, things came about again into their *ORIGINAL COURSE*; which therefore must have been at first, as we know it has been since, for the *PARLIAMENT* and *CONVOCAION WRITS*, to Go out *TOGETHER*; and for both to Sit within a few Days of, and so continue to sit in *Concurrence*, with one Another.

¹ Rights, &c. pag. 42, 43, 44.

² Ibid. pag. 18,

75, 251, 259.

³ Ib. p. 62, 64, 75.

⁴ Rights, &c. pag. 57, 58, 60,

332, 333.

⁵ Ib. 60, 335.

⁶ Ib. 65, 75.

⁷ Ib. 214, 276,

457.

⁸ Ib. 353.

⁹ Ib. 75, 259.

¹⁰ Ib. 48.

Nor is this any more than what Dr. A. himself elsewhere in plain Terms tells K. HENRY us; when speaking of the first beginning of the *Convocation Writs*, he has the IVth. these most remarkable Words to this purpose: "This gave birth to the *Custom of issuing out Two CONVOCATION WRITS when a New PARLIAMENT was to be chosen: Which tho' set on foot before, yet SETTLED NOT INTO A RULE till some Years after Edward the IIIrd was in the Throne; and then it was PRACTISED AS DULY and REGULARLY, and in much the same manner, As It Is AT THIS DAY.* The Consequence which, if true, must I am sure be this, that from King Edward the IIIrd's time, to King Henry the IVth's, whenever a Parliament was Summon'd, the Convocation was duly, and regularly, Called with it; and met, as it now does, either exactly at, or at least very near, the same Time that the Parliament Assembled.

them out CONCURRENTLY with Those for a Parliament; in Edward the Third, and Richard the Second's Reigns: And still [Addit. p. 56 Whenever they went out] the Convocation was (as in the Preceding Instances) Generally order'd to ATTEND a FEW DAYS SOONER, or LATER than the Parliament did, and not Precisely on the Spot, where the Parliament Open'd, but at some Church, or Chapter House near it. Thus Dr. A. But least his new Addition of (whenever they went out) should be extended farther than we may suppose he design'd it; take his own Interpretation of that, Rights, &c. p. 250. Where speaking of the same Writs, he tells us, "That they have been Regularly issued out, as often as a New-Parliament was Called, from the Latter End of Edward the IIIrd till Now, with FEW EXCEPTIONS to the Contrary; and with NONE from the first dawn of the Reformation in Henry the VIIIth's Reign down to this Present. And from THIS ANTIENT CUSTOM (as antient as the Compleat Settlement of our Constitution) the Clergy think themselves intitled to be Summon'd to Assemble, and to SIT PROVINCIALLY, WHENEVER a NEW PARLIAMENT MEETS.

How truly Dr. A. has herein represented the Custom of the Preceding Reigns as to these Matters, the plain Deduction which I have made of these Two Assemblies from Year to Year; and the short Table wherein I shall at one View present the Reader with a Prospect of this whole Period, when I have gone thro' those which yet remain to be considered, may suffice to shew. In the mean time to the Confusion of this bold Pretender, let me once more repeat here what I have before abundantly prov'd, That after the best Enquiry I have been able to make, but twice only can I find that in the long Reign of that very Edward of which he speaks, the two Convocations met at the same time with the Parliament; and in the Reign of his Successor King Richard the second, not many more. So DULY, and REGULARLY were these two Assemblies call'd together, during those Seventy Years! And such a Wonderful CONCURRENCE was there in the Meeting of them; "with FEW EXCEPTIONS to the Contrary.

Sect. 2.

I now proceed to the latter part of this Period, in which Dr. A. tells us, that these Conventions were held "WITH A LATITUDE: pag. 75. And again; "That a greater Liberty was indulged and taken, p. 259. The meaning of which he thus elsewhere discovers to us, with the Time from which he dates this change: p. 48. "This was the usual distance (between the Meeting of the Parliament and Convocation) throughout Edward the IIIrd, and Richard the IIrd's Reigns; till Henry the IVth began to Enlarge it: In, and After whose time, the Clergy held their Assemblies DURING, and (he would have said, Or) NEAR the Sessions of Parliament, but not Thoroughly Concurrent with Them: The Archbishop, it seems, affecting Independency, and the King, who above all things desir'd to stand well with the Clergy, favouring Him, and Them, in that respect; and giving way to their being CALL'D LATER, or DISMISS'D SOONER, than the Laity. This is the Account which Dr. A. Gives us of the Remainder of this Period. Many are the Remarks which might justly be made upon it, but I shall content my self with this One; that if this be true, then we must conclude, that Archbishop Arundell, and his Clergy, were so far from thinking this Doctrine of Attendance to be a Right or a Privilege, that they us'd all their Interest to break off from it; and even Dr. A. himself is so far from Censuring them therein, that, as if he were of the same Mind, He tells us, that the King FAVOUR'D Him, and Them, in that respect: That is, He gave them leave to depart from their Great Right, and Privilege, of Parliamentary Attendance. A Royal Condescension, which I never thought Dr. A. would have Esteem'd, or Call'd a FAVOUR!

Sect. 3.

Rights, &c. pag. 75. 259.

Ibid. pag. 48.

But to leave the Reflection, and come to the Thing its self, which we are to examine: The Convocations, He tells us, from henceforth met, tho' not Concurrently with the Parliament, as before; Yet DURING, or NEAR the Sessions of it. The Former of these Limitations carries no difficulty with it; For we generally

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rally know when the *Parliament Rose*, as well as when it began; and so shall easily discover how far the *Matter of Fact* is true, in that respect. But what shall we say as to the *Latter* of them? Or how shall we determine when a *Convocation* sits *near* the *Session* of *Parliament*? That I dare not undertake to determine; but must leave it to every One to judge of it as He thinks fit. Only I would ask Dr. A. if he please, Whether when the *Convocation* sate not at the *SAME TIME* with the *Parliament*, but only *NEAR* it; (Perhaps a *Month*, *Two*, or *Three*, before, or after it;) It still, nevertheless, continued to *ATTEND UPON IT*? And to what *Ends*, *Purposes*, or *Advantages*, to the *Church* or *Realm*, it did so *ATTEND*? Here therefore Dr. A. and I shall more easily agree; than we have yet done. I affirm that the *Convocation* in these times, was no *ATTENDANT* upon the *PARLIAMENT*; nor did either constantly, or necessarily sit at the *same time* with it. That the *King* and the *Archbishops* had an undetermin'd Power over both; and might, as they thought fit, either *Summon* both together; Or call the *One*, without being *Oblig'd*, by the *Nature* of our *Constitution*, to *Assemble* the *Other*. Dr. A. agrees that this is so far true, that from *Henry the IVth's* time, the *Convocation* met sometimes, *DURING* the *SESSIONS* of *PARLIAMENT*, and sometimes only *NEAR* it, that is to say, at *ANOTHER TIME*, and *NOT DURING* the *SESSIONS* OF *PARLIAMENT*: So that as far then as 130 Years *Desuetude* can break a *Custom*; supposing that there had been such a *Custom* before (which yet I have prov'd there was not) this *Custom* must have been destroy'd: And what a *Custom* disused for above a 100 Years is Good for in *Law*, I shall humbly submit it to the *Learners* in our *Laws* to determine.

But however this Dr. A. stands to, that there was still tho' not a *strict Attendance* paid by the *Convocations* upon the *Parliament*, yet such a *near Relation* kept up between them; that whenever a *New-Parliament* was Call'd, a *Convocation* was to meet, either precisely at the *same time* with it; or, at least, within a *little Distance* of it: And that by the very *Nature* and *Terms* of our *Constitution*. Here therefore I take to be the point wherein Dr. A. and I shall still continue unfortunately to disagree: For he, unless he will give up his *New Principle*, must affirm that at every *Session* of *Parliament* a *Convocation* was *Necessary* to be held, either *Concurrently* with it, or at least very *Near* to it; so that without breaking in upon the *Constitution* of our *Government*, the *One* could not be called without the *Other*: And I, on the other side, must be permitted to Affert, till I shall be better Instructed, That our *Kings* were no more confin'd in their *Prerogative* on this side, than 'tis at last, I conceive, agreed, they were on the *Other*; but that they might, and did often hold their *Parliaments*, without calling any *Convocation* at all either *with* them, or *near* Them; as well as 'tis Allow'd they might, and did often *Summon* the *Convocation*, without *Assembling* any *Parliament* to sit with it.

Sect. 4.
Rights, &c.
p. 18.

This therefore is the great Point, which I am here to pursue: And for the better clearing of which, there is yet one thing in which I should be glad that Dr. A. would a little further enlighten me. It is his own Observation, 'p. 18. that "till Archbishop *Chicheley's* time, *Convocations* were frequently held even "while *Parliaments* were sitting, without any *Other Writ* from the *King* but what "was contained in the *Bishop's Summons*, with the Clause *Pramunientes*. Which Clause being a *Summons* to the *Time*, *Place*, and *Assembly* of *Parliament*; Dr. A. may as well say the *Clergy* were called to their *Bishop's Visitation* in *Virtue* of it; as to their *Archbishop's Convocation*. But to let that pass; and take what is, or I am sure ought to be his meaning; That in *Arundel's*, and *Chicheley's* time (to look no farther) *Convocations* were often held by the sole Authority of our *Metropolitans*, without any *Writ* from the *King* for the holding of them. The Question which I would ask, upon this Supposition, is this: Whether in such Cases where the *Metropolitan*, of his own accord, *Summon'd* his *Convocation*, without any *Writ* from the *King*, He did it by *Authority* of any *Law*, or in pursuance of any *Obligation*; which, by the *Nature* of our *Constitution*, lay upon him, to hold his *Convocation*, as often as the *King* Called his *Parliament*? Or whether He freely *Summon'd* it at his *Own Pleasure*, because he thought it *Expedient* so to Do?

If Dr. A. shall say that He held it freely, when he might have Omitted it; because he thought it *Expedient*, not because he was bound to do it; Then I conceive it will follow, that All those *Convocations* which we shall hereafter meet with, (whether of those *Two Archbishops*, or any *Others*) which were *Summon'd*

mon'd by the *Metropolitan* alone, without the *King's Writ*, are not to be computed among those *Parliamentary Convocations* of which we are now discoursing; Which he tells us are *Essential* to our *Constitution*; necessary to be held in time of *Parliament*, or near to it; and to the *Calling* of which therefore, at such times, either the *King*, or the *Archbishop*, or *some body*, should be Oblig'd.

K. HENRY
the IV.th.

If to avoid this Inconvenience Dr. A. shall think fit to affirm that in Case the *King* did not issue out his *Writs* for *Summoning* the *Convocations*, whenever he *Called* a *Parliament*, the *Archbishop* of each *Province* was, by our *Constitution*, Oblig'd to *Summon* them without it; then I would beg leave to Enquire farther; How our *Archbishops* came to be so forgetful of their Duty in this Particular, as in all the *Preceding Reigns*, it is evident that they were? When nothing was more common than to see *Parliaments* held, without any *Convocations* Called either by the *King*, or by the *Archbishops*, to *Attend* upon them? How One *Archbishop* came oftentimes to *Call* his *Convocation*, and the Other at the same time, not to *Assemble* his; since both lay under the same *Legal Obligation*? Nay, which is yet worse, How when the *King* appointed the proper time for its *Assembling*; sometimes *within* the *Session* of *Parliament*, at others *very near* it; The *Archbishops*, as if they had resolved to be perverse, on purpose, to break in upon our *Constitution*, put off their several *Convocations* at their own Pleasure, till the *Session* was over; it may for some *Weeks*, or *Months* after it; of all which I have given several Instances already, and shall add many more in the Prosecution of this Period.

Till therefore it shall be shewn that our *Archbishops* lay under a *Legal Obligation* to *Assemble* their *Convocations* by their *Own Authority*, as often as the *Parliament* met, if the *King* fail'd to issue out his *Writ* to them for that End; I must be allow'd to conclude, that whenever they did *Assemble* them, at their *Own Motion*, and not by the *King's Writ*; They did it *Freely*, and *Voluntarily*; not because they were Obliged, but because they thought it *Convenient* so to do: And that all such *Convocations* therefore are to pass for nothing in this dispute, as not meeting to *Attend* upon the *Parliament*, but in Obedience to the *Archbishop's Authority*; because their *Primates* thought fit, of their own Choice, to *Assemble* them, when it was in their Power, without any *Offence* against our *Laws*, or *Government*, either in *Church* or *State*, to have let it alone.

Having said thus much both to shew what the *Great Point* which I am here to consider is, and to prepare the way for the Prosecution of it; I shall need add very little with Relation to those *Secondary*, and *Subordinate Questions*, which I have before said, are no less in dispute between Us. These continue in great measure the same still, that they were before; and therefore what I have before observ'd, may suffice for the *Stating* of them.

SECT. 5.

Dr. A. affirms that the *Clergy* left off to come *Nationally* to *Parliament* about the beginning of *King Edward* the III^d's Reign: I have Proved already that they continu'd to come to it till the End of *King Richard* the 2^d: And shall go on to prove that they came in like manner, (tho' in lesser Numbers every Year than Other) to the time of *King Henry* the VIth. How much longer, if at all longer, I shall hereafter Enquire.

Dr. A. denies that the chief End which our Kings had in *Calling* these *Convocations*, was for their *Aid*; so the *Writs* speak; that is to get *Mony* of *Them*, as well as of their *Lay Subjects*. He puts himself into the highest Indecency of *Passion* that it was possible for him to do, upon the very Mention of it: And Excells even his Own self in a way, of which tho' I may hereafter give some *Specimen* to my *Reader*, I shall forbear to call by its proper Name. Yet this I have before shewn to be undoubtedly true; and I must beg leave still to Continue in the Assertion of it.

Dr. A. in his Zeal, not for the *Church* of *England*, but the *Church* of *Canterbury*, Labours to bring the Other *Province* into a *Servile Subordination* to, and dependance upon Our *Convocation*; for what Reason I cannot Imagine more than for this One, that ours is Bigger than theirs. But this I have already proved to be an Unwarrantable Invasion of their *Provincial Rights*; and shall, as I proceed, still continue to shew by more and more Arguments that it is so.

But these are only our lesser Differences: The *Main Points* on which the Cause between us turn, are; Whether the *Two Convocations*, are by our *Constitution* a *Necessary Attendant* upon our *Parliaments*, and have for these Four Hundred

SECT. 6.

R. HENRY
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dred Years past been so accounted? Whether in Consequence hereof, whenever a *Parliament* has been *Summon'd*, the *Convocations* have been constantly *Call'd* at the *same time*; and fate either *during the Session* of the *Parliament* (as in *Edward the IIIrd*, and *Richard the IIrd's Reign*, He affirms that they did) or *Near it*; which is all that he will venture to affirm of the following times, to King *Henry the VIIth*, or *VIIIth*; for he does not very well know, which of the two to pitch upon. In Opposition to both, I affirm, that there never was any such necessary Relation between the *Parliament* and *Convocation* by the *Rules* of our *Constitution*: That they were *Assemblies* not only intirely *Distinct* from, but *Independent* upon *One Another*: Which our Kings *Called* at their own *Pleasure*, either *at the same Time with*, or *at a different Season from*, *Each Other*, as *Themselves* thought fit; and as the *Urgency* of their *Affairs* prompted them to do. Let us see which of these *Opinions* the *History* of the *Times*, which we are now about to *Pursue*, will best *Agree* withal.

King HENRY the IVth.

Señ. 7.
1399.

I before took notice how the last *Parliament* of that *Unfortunate Prince* to whom King *Henry the IVth* succeeded, was held at *Westminster* the day after *Michaelmas*; and a *Convocation* called, by the Authority of the *Church of Canterbury*, to meet at *St. Pauls London* the Week following. The *Parliament* being met and all the *Estates* of it having agreed to the *Deposition* of that *Prince*, the day of their Meeting; they resolved upon certain *Commissioners*, as their *Proctors*, to be sent to Him to the *Tower*, in the Name of *All the Estates*, to acquaint him with what they had done, and to give back their *Homage* and *Fealty* to him. On the part of the *Clergy* two Persons were appointed; and that, as *Sir William Thyrning* told the King when he was come with the Other *Commissioners* to Him, in this manner; "The *Bishop of Seint Asse* for *Erchbysshops* and *Byshops*; and the *Abbot of Glaftenbury* for *Abbots* and *Priours*, and *All Other Men* of *Holy Church*, *Seculers*, and *Rewelers*. That these *Other Men* of *Holy Church* must have been the *Clergy* ² *Summon'd* by the King's *Writ*s to that *Parliament*, and together with the *Bishops*, and the *Parliamentary Abbots* and *Priors*, constituting the *Estate* of the *Clergy* of the whole *Realm* there; is too plain to need any *Proof*. For as for the *Convocation* of this *Province*, that was not yet *Assembled*; but was to meet a Week after: And it does not appear that any *Convocation* at all was *call'd* at this time in the *Other*. The Persons then whose *Proctor*, upon this solem Occasion, the *Abbot of Glaftenbury* was, must have been the *Parliamentary Abbots* and *Priors*; the *Deans* and *Priors* of the *Cathedral Churches*, the *Archdeacons*, and *Capitular*, and *Diocesan Proctors*: Who by the King's *Writ* were *call'd* to this *Parliament*; and either *Actually* were, or were *look'd* upon to have been *Legally* present at it.

¹ Rot. Parl. i
Hen. iv. num.
59.

² Dugd. Sum-
monit. Parl.
pag. 353.

³ Rights, &c.
pag. 62.

⁴ Ibid. pag. 64.

And yet as plain as this is, Dr. A. has not doubted to bring this very Instance to prove this rash and dangerous Assertion; "That the *Convocation* *Attended* the *Parliament* as *One* of the *Three Estates* of the *Realm*. An Assertion which Himself thought it necessary in the next Leaf to qualify; yet still leaves it as bold as it is false: "That the *Inferior Clergy* tho' Meeting and Consulting apart from the *Parliament* (in *Convocation*) yet were still reckon'd to belong to it; and to be (in some Sense, and to some Purposes) a *Member* of it: And together with the *Prelates* of the *Upper House* to compose (not indeed *One* of the *Three Estates* of *Parliament*; but however) an *Estate* of the *Realm* *Assembling* *Joyntly* with the *Parliament*, and *Oblig'd* by the *Rules* of our *Constitution*, to *Attend* *Always* upon it. This is a *Notion* intirely *New*; such as, I believe, neither our *Antiquaries*, nor our *Lawyers*, ever met with before: And according whereunto that *Great Council* is *Composed*, of the *Three Estates* of *Parliament*, the *Lords*, *Clergy*, and *Commons*; and of the two *Convocations*, as *Another Estate*, not indeed of *Parliament*, but of the *Realm*, *Assembling* *joyntly* with the *Parliament*; and *Oblig'd*, by the *Rules* of our *Constitution*, to *Attend* *always* upon it.

What strange Extravagances would this *Author* put upon Us for *History* and *Law*? That the *Clergy* are a *State*, the *Chiefest Estate*, of *Parliament*, and properly a *Member* of it, we have hitherto been told; nor does this *Author* himself (altogether) deny it. For what *End* or *Purpose* should the same *Clergy* be another *Estate*, not of the *Parliament* but *Attending* upon it? Let us hear how he else-

elsewhere Expounds, and Comments upon this Jargon. "The Words *Member of Parliament* may be taken differently, as they signify either an *Essential* part of the *Legislature*, whose *Consent* and *Authority* is necessary to *All Laws*: Or a part of the *Great Body of Parliament Assembled* by the same *Writs*, at the same time with it; but to some *Special Intents* and *Purposes* prescribed by our *Constitution*. In the former *Sense* the *Clergy* are not, nor for some *Hundreds of Years* have been; In the latter, as they *Always* were, so they still, I presume, are, a *Member of Parliament*.

K. HENRY
the IVth.
Rights, &c.
pag. 273.

O worthy *Defender* of the *Rights*, *Liberties*, and *Privileges* of the *English Clergy*! Thus at once to Give up the *Greatest* of all their *Civil Rights*, and pronounce them neither *now* to be, nor for some *Hundred of Years* to have been, an *Essential Part* of the *Legislature*. But will this *Author* then tell me, to what purpose Our *Statutes* are still said to be Enacted by the *Lords Spiritual*, as well as *Temporal*, and *Commons*, in *Parliament Assembled*? Do not They *Sit*, and *Vote*, and *make Laws*, in their *Ecclesiastical Capacity*; and as the great Remainder of the *State* of the *Clergy*, still more fully *Call'd*, tho' not still *Assembling*, and *Acting* in *Parliament*? Now this was the *Common Stile* even when the *Lower Clergy* continued to come thither. The *Bishops* consulted with them apart, and in *Their Votes*, the *Suffrages* of the *whole State* were look'd upon to be included. And either there are not now *Three Estates* in *Parliament*; or I am sure if there be, the *Clergy* must be allow'd to be still, as they ever were, *One of Them*. The *whole Body*, by the *King's Writs*, have a *Continu'd Right* to be there. The *Bishops*, by their constant Exercise of it, have *practice* as well as *Right*, on their side; and, as *Bishops*, do both *Sit* and *Act* there. But some Men think that the *whole Estate* of the *Clergy* is included in *Lower Dignitaries*, and *Proctors*: And that because the *Bishops* alone *Sit* in *Parliament*, the *Clergy* cannot be said to be so much as a *State* of it.

Well! to admit of this *Treacherous Stab* from the *Pen* of a *true Churchman*; How stood the *Case* heretofore? Then, at least, I hope the *Inferior Clergy*, were an *Essential part* of the *Legislature*. So his words imply; and so I presume he would be understood. But how then does he tell us, that the same *Clergy* *Always* were a *Member* of the *Parliament* in his *Other Sense*, in which they still are so? Was the *State* of the *Clergy* at once both an *Essential Member* of the *Parliament*, and no *Essential Member*? A part of the *Legislature*, whose *Consent*, and *Authority*, was *Necessary* to *All Laws*; and at the same time, no such part, but only *Assembled*, at the same time with it, to some *special Intents* and *Purposes* prescribed by our *Constitution*? This is his *Scheme*; but I am pretty sure could never be the *Model* of *Ours*, or of any other *wisely Establish'd Constitution*.

But we will proceed with his Account of this Matter; for indeed it is very Entertaining. "In the *Former Sense* the *Clergy* are not, nor for some *Hundred of Years* have been; In the latter, as they *Always* were, so they still, I presume, are a *Member of Parliament*: Not an *Intrinsic Member*, if I may be allow'd so to speak, or an *Estate of Parliament*; but only an *Extrinsic part* of it; or an *Estate of the Realm*, *Call'd* with the *Parliament* *Always*, and *Attending upon* it. Now this, supposing the *Clergy* not to be (as he kindly supposes, or rather affirms that they are not) a proper *Estate* of the *Parliament*, I can make a shift to understand. But what shall we do with it again in the *Elder Times* of our *Constitution*; when the *Clergy* were an *Intrinsic Member* of *Parliament* by his own *Confession*: How were they then, only an *Extrinsic part* of it? Yet this he Asserts; For, as they now are, so they *Always* were (they are his own Words) in *this Sense*, a *Member of Parliament*. Let him interpret this Riddle that can: For my own part I look upon it to be nothing but meer Banter; a Heap of Words, without either *truth* or *meaning*.

In the mean time tho' we cannot decypher his *Notions*, we can easily see thro' his *Aims*; and what it is he would be at. He told us before, p. 64. That the *Clergy in Convocation* were not only in some *Sense*, but to some *Purposes* too, a *Member of Parliament*. And what those *Purposes* are we are elsewhere more fully informed. "They have a *Particular right* of *Petitioning*, and *Advising*, within their *Proper Sphere*. With them *Decrees* about *Matters Spiritual* (and who can tell what *Matters* some Men may account *Spiritual*? Or how far that Pretence may be Carried?) "ought regularly to begin. And thus the *Clergy* tho' no part of the *Legislature* (for in his good Affections to them on that

Rights, &c.
P. 273.

Rights, &c.
pag. 273.

K. HENRY ^{the IVth.} side He is most religiously constant) “ nor concern’d *Directly* in the *Great Affairs* of *State* transacted in *Parliament* (in *Ordine ad Spiritualia* I suppose they may have a *Concern*, in his *Opinion*, in them also) “ may yet in *Other Respects*, and to *Other Purposes*, be properly reputed, and stiled, a *Member* of *Parliament*.

¹ Ib. pag. 351. Shall we take his meaning yet more plainly from another place? It is then this: ‘ That “ the *Parliamentary Interest* of the *Lower Clergy* is now reduc’d (as to say the truth he tells us, it was fit it should be) to *Matters Ecclesiastical*; “ and such things as concern either *Religion*, or their *Order*. This if *Dr. A.* will give me leave to use a *Philosophical Term*, as he before did in the same case; is the *Object* of the *Clergies* still remaining *Parliamentary Power*; and is large enough, as it may be menaged. Let us see how far their *Interest* goes in these *Matters*? “ And, in this *Sphere*, I conceive, they still move, and are still “ a *Parliamentary Assembly*; whose *Consent* is *Regularly* to be had to *All Laws* “ *Relating* to *Faith* or *Church-Discipline*, whenever the *Parliament* shall please to “ *Enact* Any. *Dr. A.* goes on with *Other Rights* of a lesser Rank; but I shall leave the *Reader* himself to peruse them. It is enough that we are told thus much plainly, that without the *Consent* of the *Lower House* of *Convocation*, the *two Houses* of *Parliament* cannot, *Regularly*, pass any *Laws* which have any *Relation* to *Faith*, or *Church Discipline*: A *Privilege* which I shall then believe we have a *Right* to, by our *Constitution*, when I shall see my *Lords* the *Judges*, or rather the *Lords* and *Commons* in *Parliament*, *Authoritatively Affirm*, what, I doubt, this *Writer* had no *Commission* from them to *Declare*.

But I have been led too far, with these *Notions*; and must return to the *Fact* that gave *Occasion* to the *Pursuit* of them. *Dr. A.* at large reciting the *Speech* of the *Chief Justice Thyrning* to *King Richard*, which I before mention’d, wherein he takes *Notice* of the *Commissioners*, which together with himself were deputed from the *Parliament* to him; ² pretends that the *Abbot* of *Glastenbury* was *Proctor*, not for the *Clergy* Summon’d by the *King’s Writ* to *Parliament*, but for the *Convocation Clergy*; and from thence *Infers* that the *Convocation* *Attended* the *Parliament*, as *One* of the *Three Estates* of the *Realm*; and that this is the *Language* of our *Publick Records* as to this *Matter*. Now this I affirm, in the present *Instance*, to be utterly false, whether we consider the *Record* its self which he here *Alleges*, or his *Own Notion* in this particular.

³ Rot. Parl. i Hen. iv. num. 10. ³ *King Richard* the *II*d having at *Convey* in *North-Wales*, promis’d to *Resign* the *Crown*; and this *Parliament* being *Summon’d* in *Order* to his so doing, the day before it was to *Assemble*, prepar’d to settle all things against the next day. ⁴ *On the Morrow* after *Michaelmas* the *Parliament* being met in the *Great Hall* at *Westminster*, and the *Three Estates* of the *Realm* there together *Assembled*; the *Archbishop* of *York*, and *Bishop* of *Hereford*, the *King’s Commissioners* for that purpose, declar’d to the *Parliament* in the *King’s Name*, the *Cession*, and *Renunciation* which he had made, and of which he had sign’d the *Instrument* the day before.

⁵ Ib. num. 16. The *Archbishop* of *Canterbury*, ⁵ “ *Cui Ratione Dignitatis & Prærogativæ Ecclesiæ sue Cantuar. Metropolitana, in ea parte competit Primam Vocem habere inter Cæteros Prelatos & Proceres Regni*, demanded of the *States* whether they thought good to admit of this *Renuntiation*? They *Accepted* of it, and farther agreed that for avoiding of all *Scruples*, and *Sinister Suspicions*, the chief *Articles* against the *King*, should be publicly read at large, in open *Parliament*. ⁶ Which being done, and the *Crimes*, and *Defects*, therein contain’d seeming to *All the States*, who were generally, and particularly, interrogated thereupon, to be a sufficient *Ground* for the *Deprivation* of the *King*; *Omnes Status prædicti*, *All the States* aforesaid, unanimously *Agreed* to proceed to his *Deprivation*.

In order hereunto, *Status & Communitates prædicti*, the same *States* of *Parliament*, unanimously constituted, and Deputed, certain *Commissioners* to pronounce ⁷ *Ib. num. 53.* the *Sentence* of *Deposition* against him. ⁷ This being also done; the said *States* (*dicti Status*) being willing that nothing should be wanting that might, or ought to be required, in this *Case*; Unanimously *Nominated* the same *Persons*, whom they had made their *Commissioners* before, now their *Proctors*, to Go to the *King*, and to *Resign* up their *Homage*, and *Fealty*, to him.

Upon this *Occasion*, the day following, (the *Parliament* being now *Dissolv’d*, and a *New One* *Summon’d* the same day) those *Commissioners* went to the late *King*

King in the Power; and in the Name of them All, the Lord Chief Justice made ^{K. HENRY the IV.} that Speech, the beginning of which Dr. A. has recited, to Him.

"Sire: It is wele knowe to zowe, that there was a *Parliament Somond* of
 "All the *Estates* of the *Reaume* for to be at *Westmynster*, and to begynn on
 "the *Tuesday* in the Morne of the Fest of Seint Michel the *Archaungell*, that
 "was Yesterday; bycause of the which Somons All the *Estates* of this Lond
 "were there *Gadyr'd*.

Will Dr. A. give me leave before we go farther to observe: that the *States* of the *Realm*, and the *States* of the *Parliament*, in the Opinion of this Grave Judge were all One: All the *Estates* of the *Reaume* were *Summon'd* to *Parliament*; and, by virtu of that Summons, All the *Estates* of this Lond were there *Gadyr'd*. 'The Rights, &c. distinction of an *Estate* of *Parliament*, and an *Estate* of the *Realm* Call'd with the pag. 273. *Parliament*, but not *Part* of the *Parliament*; was it seems not yet made, or at least not yet understood by the Greatest *Sages* of the *Law*. But I proceed.

"The *whiche States* *hole* made thos same *Perfones* that comen here to zowe

"Nowe her *Procuratores*.

What can be more plain than this Declaration? The *Estates* of the *Realm* *Summon'd* to *Parliament*; The *Estates* of this *Land* Coming to *Parliament* by virtue of this *Summons*; Those *Estates* who in *Parliament*, the day before, *Deposed* the *King*, by these very *Persons*, whom they made their *Commissioners* for that *End*; now sent them, as their *Proctors*, to the *King* to acquaint him with what they had done, and to give back their *Fealty* to Him.

But where all this while are our *Convocation Clergy*? The *King* Call'd no such Meeting to Assemble with this *Parliament*. In the Province of *York* there was none at all Assembl'd. In that of *Canterbury*, a *Convocation* was indeed Summon'd by the *Church* of *Canterbury*; but it was Summon'd to meet October the 6th. And all this was done at *Westminster*, September the 30th, Six Days before the *Clergy* of this Province were appointed to Assemble in their *Synod* at *Pauls*, and where they could not have assembled then, by Virtue of their First Summons, had that depended on the concurrent Summons of the *Parliament*, that *Parliament* being Dissolv'd.

It is plain then that the *Record* is against Dr. A's new Pretensions: Nor are his own *Principles* any less. The *Convocation Clergy* were not (he tells us) a proper *Estate* of *Parliament*. But the *Estates* which Commission'd these Men, were certainly, in the utmost Sense, a proper *Estate* of it. The *Convocation Clergy* were only an *Extrinsical Member*: ('Tis a New Term found out to Express a New *Notion* by;) but the *Clergy* here spoken of were an *Intrinsical One*; or they could never have met with the Other *Estates* at *Westminster*, and there have done, what in that *Parliament* was done by them. The *Parliamentary Power* of the *Convocation Clergy*, is limited by him to *Things Spiritual*; to such as concern *Religion*, or their *Order*. Whether the *Deposing* of *Kings* comes within the Compass of either of these, I must leave it to him who set the *Bounds*, to Interpret; as one that best knows the true *Extent* of Them: But I should think that to be a Matter, if not beyond the skill of a *Convocation* to advise in, Yet certainly of too high a *Nature* for their *Jurisdiction* to Extend to it.

But to leave this Melancholly ungrateful Subject; and proceed to the Affairs of the New King. ^{Sect. 9.} On the 6th of October the *Parliament* met; but the King being not yet Crown'd, it was, on the same day, adjourn'd to the Tuesday seven- ^{Dugd. Sum-} night following; the day after the *Coronation*. Then it Re-Assembl'd, and con- ^{monit. Parl.} tinu'd to sit till the 19th of November; the last day that I find mention'd in the ^{pag 357.} *Rolles*, and which the ³ *Writs* of *Expences* shew to have been the last of the *Parliament*.

The same day on which the *Parliament* began, ^{Pryn. Regist.} the *Convocation* met according to ^{Par. 4. p. 455.} its Summons; but the *Archbishop* being Employ'd in the former, the latter was ^{"Regist. Arun-} continued by the *Prior* of *Canterbury* till the Morrow after. Being then Assem- ^{d. l. 1. Par. fol} bled, the *Earls* of *Northumberland* and *Westmorland*, with Sir *Thomas Erpingham* ^{51. a.} the *Kings Chamberlain*, came to them; "not (say they) as Other *Commis-*
 "ners have been wont to do, to Demand a *Subsidy* for the *King*; but to thank
 "them for their *Prayers* on his *Behalf*: To promise them that he would not Ask
 "any *Aid* of them but in Case of an Evident *Necessity*; and then, he hoped,
 "they would shew themselves liberal, and kind to him. And that for himself
 "he should endeavour so to behave himself towards the *Clergy*, as to give them
 "Cause to love him still more, and to pray more devoutly for him.

K. HENRY
the IVth.

¹ Chron. MS.
S. Alban. ad
Ann.

² Regist. Arun-
del. fol. 52. a^o

³ Regist. Arun-
del. loc. cit.

⁴ Convoc. An.
1402. Regist.
Arundel. ib.
¹ Par. fol. 54.

⁵ Chron. S. Al-
ban. ad Ann.

Sect. 10
1400.

⁶ Dugd. Sum-
monit. Parl.
pag. 354.
ib. pag. 359.

In this Convocation¹ the *Archbishop* declared to the *Clergy* how that there were several *Knights* of the *House of Commons* who were not well affected towards them. That he chiefly fear'd their *Speaker*, Sir *Jo. Cheney*: and therefore advis'd, and desir'd, that they should so menage themselves, as not to give them any just Cause of Complaint against them. Upon this the Acts for *Residence*, and against *Pluralities*, were made.

² Upon *Wednesday* the 8th of *October*, the *Archbishop* and *Bishops*, debated by themselves separately from the other *Prelates*. And because it seem'd difficult to the said *Archbishop* and *Bishops*, to Assemble All the *Prelates* and *Proctors*, to draw up such *Articles* of *Grievance*, as might be fit to be Offer'd on behalf of the *Clergy*; He Deputed Five Persons for that Work.

At their next Meeting, *October* 11th; The *Archbishop*, *Bishops*, *Prelates*, and *Proctors* of the *Clergy* being Assembled in the *Chapter-house* at *St. Pauls*, the *Archbishop*, and *Bishops*, withdrew to the *Chappel* of the *Blessed Virgin*; and there treated together of certain *Articles* of what was to be Reform'd both by the *King* and the *Pope*; whose *Collector* they sent for to them, to be present at their Deliberation. Then they sent for the Rest of the *Clergy*, to Open their Grievances before them. ³ This they did, by one of their Body, Mr. *Jo. Maydenbeth*, who humbly, in their Names, besought the *Archbishop* and *Bishops*, to provide some seasonable Remedy therein.

The *Archbishop* Prorogued the *Synod* to the 15th of *October*. And because the *Articles* of *Grievance* were not yet fully finish'd, He commanded that "in the mean time, the said *Proctors* of the *Clergy* should deliberate farther upon them; and at their next Meeting, if they would, propose them fully to Them.

⁴ This was the common Method of proceeding in those times, and not peculiar to this Assembly. In the Convocation of 1402, we find much the same Course taken that was here done: "Because the *Archbishop* (say the Acts) thought it would be too hard a Task for the *Prelats* and *Proctors* of the *Clergy* to be gathered together (for drawing up their *Articles* of *Grievance*) De-mandavit eis; He Ordered them to go together in some private place, and there choose out certain fitting Persons to draw up the the said *Articles*. They obey'd: and so the *Inferior Prelates* and *Proctors* of the *Clergy* being gather'd together in the Room under the *Chapter-house*, chose Thirteen Persons for that Purpose: And then the *Archbishop* continued the Convocation from the 30th of *October*, to the 6th first, then to the 8th, and 10th of *November*; these Twelve only meeting, in the mean time, for the Purpose for which they were chosen.

But I return to our Present Convocations: What was farther done at this Meeting, or how long it continued I cannot tell. At the next Session, the *Articles* of *Grievance* were propos'd, and an Entry is made of them in the *Register*. But the Acts of the *Synod* break off here, and so leave us, for the rest, in the dark, Only the *Chronicle* of *St. Albans* tells us, that it was Agreed to Petition the *King* that the Course of Law in the *Ecclesiastical Courts* might not be hindred by *Prohibitions* and *Writs* of *Quare Impedit*, so that probably the *Articles* of *Grievance* being settled, were by the *Archbishop* and *Bishops* presented to the *King*; and this was all that was done at that Meeting.

It cannot be doubted but that here Dr. A. will look big upon Us, and tell us that this was a perfect Concurrent, Attending, Convocation. I do agree that there was a Provincial Assembly of the *Clergy* held at the same Time with the *Parliament*; but I must withal put Him in Mind too, that it was Call'd only by the *Ecclesiastical Authority*; and that before the Summons of the *Parliament* it concurr'd with, so that it could have no legal Dependence upon it. And as for the Other Province no such Convention was held in it, at least the Records of that Province have not yet afforded me any hint that there was.

In the last Convocation the *King* demanded no Money of the *Clergy*, but if the *Chronicle* of *St. Albans* may be rely'd upon, it was not long before he did it. He sent out *Supplicatory Letters* to all the *Clergy* for a *Subsidy*, Equal to One Tenth; and it being his first Request, the *Clergy* thought it necessary to Comply with it.

Upon the 9th of *September*, Anno 1400, another *Parliament* was ⁶ Summon'd to meet at *York* the *Wednesday* next before the Feast of *All-Saints*. But by ⁷ Other *Writs* Dated *October* the 3^d, was Prorogued to the *Octaves* of *Hilary*, and then

then Order'd to meet at *Westminster*. It continued till the 10th of *March*; what It did in Matters pertaining to the Church, I shall in some measure have Occasion hereafter to Enquire into.

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About the same time that this Parliament met, the Archbishop of *Canterbury* Summon'd his *Provincial Synod* to Assemble at *London* for *Church Affairs*; And which therefore I look upon to have been properly an *Ecclesiastical Council*, not a *State Convocation*.² In the *Mandate* for Summoning it, we find nothing of the Affairs of the *King* and *Kingdom*; but all turns upon the Foot of *Church Business*. At the Opening of the *Synod*, the Archbishop Expounding the Causes and Affairs, for which he celebrated his *Provincial Council*, commonly called a *Convocation* of the *Clergy*; mentions these two; ³ "Pro Reformatione Defectuum, ac præcipue pro Inquisitione Hæreticorum. Accordingly upon these two, the chief Business of the Council terminated: ⁴ First *Sautre* was Sentenced and Degraded; ⁵ and by Order of the *King*, at the Advice of the Lay Lords in Parliament, was burnt. Then others were Conven'd, and Try'd for *Heresy*: After that some *Constitutions* were made in Matters relating to the Church: ⁶ * Against the Violators of Churches: About the Habits of Clerks, &c. There was indeed a Tenth and Half given to the *King*; but that we know was after done in Church Councils, as well as in State Convocations. In short, the Assembly was held by the Sole Authority of the Archbishop; And in the Other Province, no such Meeting at all appears to have been had. For all which Reasons I look upon this *Synod* to have been a proper *Ecclesiastical Council*; held only for the Convenience of the Bishops and Prelates; and the better dispatch of the Churches Affairs, at the same time that the Parliament met. And therefore shall not doubt to affirm, till I can see some Reason to change my Opinion, that whatever the last did in Fact, this Parliament sate without any Convocation, in either Province to Attend upon it.

¹ Rot. Parl.
num. 44, 47.

² Quamvis
Prelatorum &
Cleri nostræ
Provinciæ Con-
gregationes
hactenus ex Ar-
duis & Urgan-
tibus Negotiis
fieri dicebat-
ur; propter
tamen magis
ardua & Ur-
gentia, ac In-
solita, & mul-
torum Auribus
in audita; qua,
ut speramus,
Bonum Univer-
sale contingent,
& prius non
fuerant Retro-
actis Tempori-
bus cum dili-
genti Efficaciâ
pertractat.

instantem Convocationem, in quâ nullius volumus absentiam Excusatam habere, impellente Universalis Ecclesiæ utilitate Sperandâ, decrevimus Celebrare, &c. Regist. Arund. par. ii. fol. 178. a.

⁴ Ibid. fol. 181.

⁵ Rot. Parl. 2 Hen. iv. num. 29.

⁶ Regist. Eccles. Cant. M.

³ Regist. Arundel. Par. ii. f. 179. a.

But this Notion will not please Dr. A. he has other Uses to make of the Concurrence of these two Assemblies; and what those are I proceed to Enquire. Now the First is indeed a very strange one; namely to prove that the Convocation Clergy, upon solemn Occasions, during the Sessions of Parliament, came to the House of Lords, and Attended upon the King, together with the States of Parliament. And this he pretends ⁷ "the following Passage implies; Whereupon the King's declaring the Bishop of *Normich's* Pardon from the Throne, it is said "that the Archbishop with his Brethren, the Abbots, and Priors, and the Clergy "there Assembled, most humbly Kneeling, thank'd his Majesty for his Royal "Grace and Goodness. — By which whether the Convocation Clergy be meant "cannot (says He) I think well bear a doubt: It being very Improbable that "those few Inferior Clerks, who were of the King's Council, or Otherwise Call'd "up to the House of Lords should be only intended.

⁷ Rights, &c.
pag. 57, 58.

I have already taken Notice of this Instance; and shewn Dr. A. such a Defect in it, as will not easily be accounted for. The Convocation for the sake of the Parliamentary Affairs, was Prorogued by the Archbishop from January the 29th, to February the 12th. Eleven days after this Prorogation, and Three before the Clergy were to meet again; upon February the 9th this Transaction in the Parliament fell out. How could the Convocation Clergy be Call'd to the Parliament, who were under an Actual Suspension of their Assembly; and, as appears by the Acts of that Synod, met not till the day Assigned them by the Archbishop?

But who then were the Clergy of which the Roll speaks? The Record tells us, — ⁸ la Clergie illeoges esteantz, the Clergy there being, and Gives no other Character of them. At the hearing of such a Cause it cannot be doubted but that a great many Clergy-Men of all sorts; Some out of respect to the Bishop, Others for Curiosity, were present: tho' not Call'd thither, nor therefore properly Assembled there. The Lower Clergy were Premonish'd to come to that Parliament: and being Summon'd at the same time to the Archbishop's Council we cannot doubt but that a Great Part of them must have been near at hand; and ready to Attend upon the Affairs of Either, as they should be directed by the Archbishop and Bishops to do. To these, for ought we know, some Intimation may have been given, that they should appear in a Considerable Number at the hear-

⁸ Rot. Parl.
Num. 14.

K. HENRY ^{the VIth.} ing of this Cause. However it were; all the Clergy who were there when the King thus freely forgave the Bishop of Norwich, joyn'd with the Archbishop and Bishops in thanking the King for it: But for the Clergy of the Convocations, being Assembled in the Upper House, 'tis all Dr. A's Fancy: They had nothing to do there, nor does the Roll speak one Word of their Coming thither.

In the mean time, here we see again a *Separate Priviledge* for the Convocation of One Province, that in which the Parliament Sate; and that such as the Clergy of the Other could never enjoy: It being impossible for the Clergy assembled in Convocation at York concurrently with the Parliament, to attend the Parliament at London, or to attend it in that Capacity, supposing they should suspend their Meeting at York; which yet it is very unlikely they should do for the sake of attending at such an inconvenient Distance.

Señ. 11.

There is yet another Use which Dr. A. makes of this Convocation and Parliament: He affirms the Convocation Clergy to be spoken of by our Rolls as Of the PARLIAMENT, and ACTING in it. And for this he brings, among Others, the following Proof. "2 Henry the IVth. c. 15. 'The Statute against the Lollards sprung from a Remonstrance made to the King, *Ex parte Prælatorum & Cleri Regni sui Angliæ, in præsentì Parlamento*: as the Preamble speaks. And again it is said "in the Body of it, *Super quibus quidem Novitatibus & Excessibus superius Recitatis Prælati, & Clerus supradicti, ac etiam Communitates dicti Regni, in eodem Parlamento existentes dicto Domino Regi supplicaverunt.*" And at their Request, the King enacts *Ex assensu Magnatum, & aliorum Procerum ejusdem Regni, in dicto Parlamento existentium* — So that the Prelates and Barons, the Commons and Lower Clergy, are alike here said to be present in Parliament. Let us allow it: Even that alone will shew that the Clergy here spoken of were not the Clergy of the Convocation of Canterbury, but the Clergy of the Realm, Summon'd to this Great Council; and possibly (by the accident of the Archbishop's Synod; if not otherwise) present in some considerable Numbers at it.

But Will Dr. A. give me leave to ask him, why, in his report of this Case, He left the Original Roll, quoted by him in the Other instance, to recur to one of the most Unaccurate Copies, that perhaps he could have chosen of it. ³ Sir Robert Cotton had Observ'd (and that too was a Book which he had by Him when he Wrote) "that the Prints of this Order did far swerve from the Record not only in Form, but in Matter also. And this One would have thought should have been a Caution to any Ingenious Writer not to have trusted to them, Especially when the Record was at Hand to him. Shall I be excused if I say that it was Interest misled him; the Record would not come up to his Design, and therefore he was rather for a Faulty, but more pertinent Copy of it.

To set then this Matter too in its true light; The matter of Fact was this. A Petition was presented to the King ⁴ in Parliament "Ex parte (says the Roll) *vestrorum humilium Oratorum Prælatorum & Cleri vestri Regni Angliæ.* Who presented it we are not told; This we know that the Prælati & Clerus Regni Angliæ, were the Persons in whose Name it was presented; and those could not be the Prelates and Clergy of the Convocation of Canterbury (who alone sate with this Parliament) but must be understood of the whole Body of the Prelates and Clergy of England.

He reports it: These Words [in *Præsentì Parlamento*] refers not to the Prelates and Clergy, but to the Place, and Assembly in which the Petition was Presented, on their behalf; *Cum Domino Regi, & ex parte Prælatorum & Clero Regni sui Angliæ in Præsentì Parlamento sit Ostensum, &c.*

⁵ The Roll 11 Hen. 4. n. 9. Speaks after the same manner. It calls it *L'Estatute fait l'an de vre Regne Seconde, al' Requeste des Prælats & Clergie de vre Roialme d' Engleterre.*

⁶ Rot. Parl. 2 Henr. iv. num. 48. "The Petition thus framed, set forth to the King the great Encrease of those whom they there call'd Hereticks: What their Grievances were with respect to them; and what they desir'd for the Redress of them. It was all along in the Name of the Clergy as it began, no mention of the *Communitates Dicti Regni*, joyning with them; no Hint of their being in *Eodem Parlamento Existentes*: On

⁷ See his Additions pag. 57, which Dr. A's Old Proof, and ⁷ new Comment, lays all its Strefs. Having recited the Petition of the Prelates, and Clergy of the Realm; The Record goes on, to this effect; ⁸ That these Petitiones "Prælatorum & Cleri, our

⁸ Note: that according to the Record, the Prelates and Clergy first Petition "Quod nullus de Cætero — sub Gravi Pena per dictam Regiam Majestatem, ex Assensu Magnatum & aliorum Procerum in dicto Parlamento existentium ordinand. predicare præsumant, &c.

Sove-

Then it follows: "*Quas quidem Petitiones Prælatorum & Cleri D. noster Rex de Consensu Magnatum & aliorum Procerum Regni sui in Præsenti Parlamento existentium concessit — Et Statuit, &c.* Rot. Parl. 2 Hen. iv. num 48. As for the Words on which Dr. A. founds his Argument, they are not at all in the Roll.

"Sovereign Lord the King, by the Consent of the Great Men, and the Other **K. HENRY** Lords in the present Parliament, Granted, &c. This is the Sum of that Matter, *the IVth.* let Dr. A. now say how he will frame any Argument to his purpose upon it.

The next Year the King¹ Summon'd not his Parliament till the Munday next before the Purification of the Blessed Virgin. ^{Scct. 12. 1401.} It fate not then; but by Other Writs dated the 12th of January, was absolutely Dissolv'd. ^{1 Dugd. Summon. Parl. p. 361.}

The last Year the Archbishop of Canterbury having Assembled his Provincial Council at the same time that the Parliament was sitting; the King got a Subsidy of a Tenth and Half of them. But the Province of York had not yet been conven'd since he came to the Crown; nor had he yet obtain'd any such Grant of them. ^{2 Regist. A-rundel. Par. 1. fol. 552. b.}

To supply this Defect, no sooner was the Parliament well Risen, and the Bishops and Prelates of that Province return'd home, but the King follow'd them with a Writ for a Convocation to be Call'd before Ascension-day, and that expressly to grant a Competent Aid and Subsidy to Him. I speak the Words of the Writ; and Dr. A. must be content, whether he will or no, to bear with them. The Archbishop Obey'd as to the Substance of the Writ, tho' he Exceeded the Time of it. ^{3 Rot. Claus. 2 Hen. iv. m. 1. Dorfo. —} He called his Clergy to meet at York, the day after Corpus Christi; the beginning of June; where being assembled, they departed from Dr. A's rule; and Granted a Tenth only; tho' our Province had given a Tenth and Half before. ^{Quia sicut dare scitis ad Subsidium & Supportandum sumptuosa & immensa Onera}

— absq; Fidelium Ligeorum nostrorum Adminiculo non sufficimus nec Valemus, &c. The King Requires the Bishop to call the Clergy of his Province to Convocation; Et ipsos in hoc Parte, ex Causa prædicta, ad Subsidium in hoc Casu Competens & Necessarium, in Supportationem dictorum Onerum nobis Concedendum, id Specialius & Efficacius quo magis Sciveritis aut poteritis Sollicite inducat, &c. ^{4 Regist. Scroope Arch. Ebor. fol. 119.}

I have already observed how that the King had Summon'd his Parliament to meet at Westminster the Munday before the Purification. By Other Writs, dated the 4th of January, He required the Archbishops to Assemble their several Convocations upon Munday the first Week in Lent; What was done in our Province in pursuance hereof I cannot tell: But in the Other, I find a Convocation was held the 6 Thursday Fortnight after Easter: and was either adjourn'd to, or met again the Tuesday before the Nativity of the Blessed Virgin; the beginning of September following. ^{5 Rot. Claus. 3 Hen. iv. p. 1. m. 14. dorfo.}

The Year following another Parliament was Summon'd to meet at Westminster the Morrow after the Exaltation of the Holy Cross; September the 15th. But by Other Writs dated 8 August the 14th was Prorogued till the Morrow after Michaelmas, the last day of the same Month. ^{6 Regist. 3m. Decan. & Capit. Dunelm. fol. 4. b. 1402.}

Having thus Summon'd his Parliament, the King the Next Month issued out his Writ to 9 the Archbishop of Canterbury to Assemble his Convocation sometime before the last of September, a Fortnight after the Parliament was then intended to begin. The Archbishop Summon'd his Convocation to meet the 21st of October, three Weeks later then the King appointed, and as much after the beginning of the Parliament. In the Mandate for this Convocation the Archbishop took not the least notice of any Writ from the King; but Call'd it wholly by his Own Authority, and as it seem'd upon his Own Motion. The meaning of which I conceive was this: The Archbishop design'd now again, as at the last Parliament, to hold a proper Ecclesiastical Synod of his Province, for Church Affairs. This he knew would answer the King's End as well as a State Convocation; and therefore laying aside the Writ which he had received, He Assembled a Council about the same time that the King had order'd the Convocation; and that, as we shall see by and by, did his Business as effectually as the Other could have done it. ^{7 Dugd. Summonit. Parl. pag 362. 8 Ibid. p. 364.}

Let me for this Appeal to the 1 Mandate by which this Synod was Assembled; the best Evidence in this Case; which is thus prefac'd; "That it had been, and still was the Wish of the Archbishop to preserve the Prelates, and Clergy of his Province, from Laborious and Chargeable Vexations; and to cherish them in quiet; that so they might the more freely devote themselves to the Service of the most high, the King of Kings. But that now, the Urgent Affairs, which concern'd the State of the Universal Church, forced him this Time, almost against his Will, as well as against the Resolution he had taken up to call together the Prelates and Clergy of his Province. This is an Introduction that I suppose

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suppose sufficiently bespeaks the Nature of the *Assembly* which the Archbishop intended to Convene. It regards not the *Parliament*; nor the *Affairs* of the *Realm*: It mentions no Duty Incumbent upon him to *Call them*; nor any *Right* in them to be *Call'd*, as often as the *Great Council* of the *Realm* was to meet. But, on the contrary; it declares the Sense which the Archbishop had of his *Clergy's Charge*, and *Trouble*; what disturbance it gave them in the proper Business of their Function, to be thus frequently Summon'd by him to his *Council*: but that the *Affairs* of the *Universal Church* Required him at *this time* to do it; and therefore he was forc'd, tho Unwilling and against his own purpose, to Summon them.

This therefore I conceive to be the true Account of this Meeting: But if Dr. A. will have it to be a *Convocation*, and a *Convocation Attendant* upon the *Parliament* with which it sate, I must submit; and shall only observe that all this while the Archbishop of York neither Assembled any such *Synod* in his *Province*, to wait upon this *Parliament*; nor seem'd at all aware of any Obligation which lay upon him to do so. But the King had Occasion for *their Aid*, as well as that of *Our Province*: And therefore the *Parliament* being risen November the 25th; and our *Council* Dissolved two days after: ² On the 12th of the next Month, he issued out his *Writ* to the Archbishop for the Holding of it, within the Octaves of Hilary. The Archbishop was forced to Obey: ³ so he Assembled them accordingly, January the 15th; at the time which the King had appointed.

² Rot. Claus. 4
Hen. iv. m.
32. dorf.
³ Regist. 3. De-
can. & Capit.
Dunelm. fol.
5. b.

Hitherto the *Doctrine* of *Attendance*, as far as concerns the *Convocation* of the *Province* of *Canterbury*, on which Dr. A. chiefly, if not alone, founds his *Hypothesis*, has gone on with some shew of Success: And the *Parliaments* of this King had some kind of Meeting, or Other, of the *Clergy* to sit Concurrently with Them. But this Year all went amiss; In the One *Province* no *Convocation* at all; in the Other, One at such a remote Distance from the *Parliament*, that it cannot be in any Wise look'd upon to have met, with any respect to it.

Sect. 13.
1403.
⁴ Dugd. Sum-
monit. Parl.
pag. 366.
⁵ Chron. S. Al-
ban. ad Ann. a
Circa festum
Omnium SS.
convocavit Rex
Parliamentum
Coventrie. —
Sed tamen quia
multis grave

By Writs dated ⁴ October the 20th, the King ordered his *Parliament* to meet at *Coventry*; December the 3d: But considering the Inconvenience of the Place, He chang'd both that and the time too; and appointed it to assemble at *Westminster*, upon *Munday*, the day after *Hilary*, January the 14th. But tho' this *Parliament* met, and sate Sixty seven days, yet no Assembly of the *Clergy* of either *Province* was held during all that time, or in any wise near thereunto. In short the only Assembly of this Year, that I can meet with was, either a *Council*, or *Convocation*, held by the Archbishop's Own Authority without any Writ from the King, ⁶ October the 6th, above Three Months before the *Parliament* sate: in which at the earnest request of the Archbishop, a small *Subsidy* was granted; as by the ⁷ King's *Writ* for collecting it, does appear.

videbatur eo tempore quod procellosum fuit, & ad Locum quia Viſualibus & Hospitio caruit Commigrare, Rex mutato proposito differri jussit Parliamentum usq; post dies Natalitios, — de Novo Summonens Universos ut Londonias convenerent ad Parliamentum prenotatum. ⁶ Regist. Wickham. Winton. Par. ii. fol. 212. Regist. Read. Cicest. fol. 11. ⁷ Regist. Arundel. par. i. fol. 556. Comp. Chron. S. Alban. loc. Supr. Citat.

1404. But the King's Necessities call'd for a Greater supply than this: In order whereunto, He the next Year ⁸ Summon'd his *Parliament* to *Coventry* October the 6th, where it met, and sate till the ⁹ 14th of November following. He had here a large Supply Granted to him of two *Tenths* and two *Fifteenths*, besides certain Taxes upon *Wool* and *Skins*, for two Years next to come.

⁸ Dugd. Sum-
monit. Parl.
pag. 370.
⁹ Rot. Parl.
num. 32.

The Archbishop of *Canterbury* being desirous to get the King some larger supply of his *Clergy*, than he had done in his last *Convocation*; ¹ the beginning of this Year held another *Synod* at *London*, April the 21st. There he Obtain'd One *Subsidy* and One *Tenth*; and so broke up the Meeting, May the 6th. This ² *Subsidy* was a Rate of 2 s. in the Pound upon all *Offices*, and *Profits*, out of which the *Tenth* was not wont to be paid; which therefore took in all the rest.

¹ Regist. Arun-
del. Par. i.
pag. 57.
² Br. Reg. pro
Colligend. Ap-
pend. ad Ann.
1404.

Having obtain'd this Supply of the *Clergy* of our *Province*, the King on the same day that our *Convocation* rose, issued out ³ his *Writ* for that of *York* to meet, sometime before the Feast of St. John Baptist: The *Writ* bespoke his Design in it: That he wanted their *Aid*, and therefore required their Assistance of Him. The Archbishop ⁴ Summon'd his *Clergy* to meet the *Munday* after *Corpus Christi* day, within the time which the King had appointed; and being Assembled, they granted a *Tenth* to Him, as our *Clergy* had done; but of any *Subsidy* besides, I find no Mention.

³ Rot. Claus. 5
Hen. iv. Par.
2. m. 9. Dorf.
Append. ad
Ann. 1404.
⁴ Regist.
Scroope Arch.
Ebor. fol. 130.

But

But tho' the *Clergy* had already done so much, yet the King was resolved to press them to do still more. In order whereunto by his *Writ* dated November the 2d. while he was yet with his *Parliament* at *Coventry*, He ordered the Archbishop of *York* to Call his *Clergy* again together. Whether the Archbishop of *Canterbury* had the like *Writ*, I am not able certainly to affirm: It is most probable that he had. ² "This himself acknowledges, that he Summon'd it at the King's Desire, and at the Earnest Instance of the *Lords* and *Nobles*; and for the Urgent Affairs of the *Common Wealth*, and the Profit of the *Church* and *Realm*.

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Regist. Scroope fol. 131.
Regist. A. rundel. fol. 62.
b. Ex assumpta Sollicitudine pastoralis Offi-

cui multoties cogimur invitari pro Varietate temporum & urgentibus Ecclesie & Regni negotiis, cum Prelatis & Clero nostra Prov. Communem habere Tractatum. Instans enim Reipubl. magna Necessitas, Eorundemq; Ecclesie & Regni Anglie Spectata Utilitas, quas super Agend & Tractand. in Communi ad Presens versari Credimus; Precium etiam Domini nostri Regis, ac Procerum & Nobilium dicti Regni Anglie excitatio & instantia, inevitabiliter Nos impellunt, Prelatos & Clerum nostra Provincie antedictae in proximo Convocare.

It is methinks a wonderful thing, that if our *Convocations* had been oblig'd, as Dr. A. pretends, to *Assemble* of Right, whenever the *Parliament* met; among so many various *Reasons* as our *Archbishops* have given in their *Mandates*, and *Excuses* as they have made, for their frequent *Assembling* of them; it should never come into their *Minds* to Alledge this for One; which, upon this Supposition, would have been of more weight than all the rest; That the King having Summon'd his *Parliament*, the *Clergy* were, by the *Rules* of our *Constitution*, to be *Assembled* of course together with it; in Pursuance of their great *Right*, *Power*, and *Privilege*, of *Attending* upon it. Yet of this in all my Search, I have not met with so much as One single Instance; if Dr. A. has been more fortunate, He will I hope Favour the World with his Discoveries in this Particular.

The *Parliament* sate at *Coventry*, October the 6th, and rose November the 14th. On the 24th of the same November our *Convocation* met: and after four days sitting, Granted to the King a *Tenth* and *Half Tenth*: beyond what it had given the *May* before. The *Clergy* of *York* came not together till the 11th of December, and then, to the Confusion of Dr. A's Pretensions, they Granted a *Tenth* only, notwithstanding the *Generous Example* which our *Province* had set them; and which this *Author* would make us believe they were Oblig'd to follow.

Regist. A. rundel. 1. Par. fol. 62. b.
Regist. Scroope fol. 131.

After the large Supplies which both the *Clergy* and *Laity* had granted to the King the last Year, we ought not to wonder, if we find neither *Convocation* nor *Parliament*, called upon for some time to renew their Grants. It was towards the latter end of the Year 1405: before the King issued out any *Writs* for either of those Assemblies: And then he Summon'd a new *Parliament* to sit at *Coventry* February the 15th. This he soon Adjourn'd by other *Writs* from *Coventry* to *Gloucester*, upon the same day. And by third Precepts changed both place and time, and appointed it to sit at *Westminster* the first Munday in Lent, which was that Year the 1st of March.

Seft. 14.
1405.

Dugd. Summont. Parl. pag. 372.
Ibid. pag. 374.

Being thus Assembled, it continued to sit till the 7 Third of April; and then was Adjourn'd to the 25th of that Month; till the Solemn Feast of *Easter* was over. On the 25th of April it resum'd its Sessions, and continued to 8 June the 19th. Then it was again Adjourn'd to October the 25th; when it met and sate to December the 22d; and so was Dissolv'd.

Rot. Parl. 7 & 8 Hen. iv. num. 27.
Rot. Parl. ibid. num. 53.

Here then we have a long, and a Remarkable *Parliament*; Held at three several Sessions; and twice Adjourn'd. If by our *Constitution*, the *Convocations* were then thought to have been a Necessary Attendant upon the *Great Councils*; we cannot doubt but that they must have more or less been held with this *Parliament*, throughout this whole Year. We cannot suppose but that the King, the *Clergy*, the *Lords*, and *Commons*, must needs have known what was Essential to the *Form* of the *English Government*, in their Own times, as well as any little Pretender to *Antiquity* now, under the Disadvantage of Three Hundred Years Distance. If therefore neither the King did then Call the *Clergy* to Attend the *Parliament*; nor the *Lords* and *Commons* require their Attendance; nor the *Clergy* themselves complain (as some now a-days do) that they were not Obliged to Attend; nor do any Marks occur from whence we have but any Colour of a Reason to believe that they had any such Notions; we ought, I think, without all doubt to conclude, that these are only the late Inventions of a Modern Writer; not the settled *Constitutions* of former times.

And

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¹ Rot. Claus. 7
& 8 Hen. iv.
m. 17. Dorf.

² Regist. A-
rundel. 1 Par.
fol. 65. a.

³ Ib | Et fol. 66.

⁴ Regist. Ib. fol.
66, 67.

⁵ Chron. S. Al-
ban. MS. ad
Ann. 1406.
*Eo tempore con-
cessa fuit Regi
per Clerum no-
va Taxa Le-*

vanda de Presbyteris Stipendiariis, & Fratibus Mendicantibus, ac aliis Religiosis qui Annalia Celebrant, ut viz. Quilibet Talis Solveret Regi dimid. Manam in Supportationem Cleri qui semper Onus portaverat Eorundem. Qua de Causa fuit murmur inter Presbyteros & hujusmodi Religiosos, maxime pro Novitatis introductione, quia in posterum timebant Consimiliter se Taxandos.

⁷ Regist. Dec.
& Cap. Ebor.
sede Vacant.
fol. 271.

⁸ Rights, &c.
p. 58.

And first; It is remarkable that tho' this Parliament was first called in December; and its last Appointment fixt to the time at which it met, March the 1st, yet the King issued not out any ¹ Writs for the Two Convocations to Assemble till the 19th of March, almost three Weeks after the Parliament sate.

When these Writs were issued out, the time limited for the King for the meeting of the Convocations was within the first of May: But the first Session of this Parliament was over a Month before that, so that here could be no Attendance design'd at this time of the One upon the Other.

The Archbishop of Canterbury having received his Writ, ² appointed his Convocation to meet at London, April the 26th; three Weeks after the First Session of Parliament was Ended; and the next day after the Second was to begin. But before that time came, the Archbishop put it off still longer to the 10th of May; tho' the Parliament was then resum'd, and actually sitting. ³ On the tenth of May the Convocation met; but it met only to be Prorogued first to the 14th, then to the 17th, of the same Month. When the Archbishop coming to them, told the Clergy, that for the Business of the Parliament the Convocation must necessarily be farther Prorogued to the 21st of May; A strange Reason, as well as an Odd Proceeding; according to Dr. A's Principles that the Sitting of the Parliament, and the Affairs thereof, should be the Ground on which to Prorogue a Necessary and Essential part and Member of it.

But tho' he Prorogued the Convocation, yet he set the Lower Clergy to work in the mean time. He Order'd them to meet every day in the Interval, and to Labour about such things as needed Reformation in the Province of Canterbury; and to draw them up into Articles to be hereafter considered when they should come together.

In this State our Extrinsic part of the Parliament continued; till the 8th of June; that is till a few days before the Parliament concluded its Session: Call'd indeed by the Archbishop; but not suffered to sit; and that for fear of interrupting the Business of that Body, of which we are told it is a Member, and for whose sake it was to meet whenever the other did. ⁴ On the 8th of June some of the Members of the House of Commons were sent to the Convocation to represent to them the King's Needs, and the Inability of his Lay Subjects alone to relieve them; and thereupon to desire their help in that particular. The Clergy complied, and Granted a Subsidy, and a Tenth; and so the Convocation was Ended, June the 18th, the day before the Parliament was Adjourn'd. ⁵ Of this Subsidy Great Complaints were made, and that as well for fear of the Future Example, as upon the account of its present Burden. For it brought the Stipendiary Priests, and Friars Mendicants in, together with the Other Religious, who had not been wont to be tax'd before: And who justly apprehended that from henceforth they should bear an Equal Burden with the Other Clergy.

Such was the Case of the Convocation of this Province. In the Other of York, the Clergy met still later, ⁶ July the 12th, and Granted in like manner a Tenth and Subsidy to the King. They made but a short Session: The Certificatory of their Grant being dated the 18th of August: so that probably a very few days Ended the Assembly.

The Convocations having thus made their Grants, which was all the King desired of them, or needed their Assembling for; He took no farther Notice of them all that Year; tho' the Parliament again Assembled in October, and sate till Christmas; An Omission that can never be accounted for upon Dr. A's Principles. So that to put together then, in short, the whole of this Matter; of these three Long Sessions of Parliament; two were without any Convocation at all concurrent with them; and the third had only One of the Convocations Call'd, for I can hardly say, that even that Sate with it.

And now, would not one wonder, that after all this Dr. A. should tell us that the Convocation Clergy joyn'd with the Lay Commons in a Petition; December the 22d; when 'tis certain that both the Convocations were risen, the One in June, the Other in July, or at the latest the beginning of August before? ⁸ "The Commons of the Realm as well Spiritual as Temporal most humbly Pray. And these
Commons

Commons were the Lower house of Convocation. But, Sir, pray shew us first that any Lower House of Convocation at all was Sitting at that time, or for some Months before; Or do not put such Glosses upon Us as being Examined, prove nothing but the Ignorance or Insincerity, with which they were made.

There may perhaps seem to be some greater shew of Reason, in the other Instance which he next alledges from this Parliament, to prove 'The Interest' (as he speaks) which the Convocation Clergy at that time had in Parliament. I shall therefore state the Case in his own Words. "The Great Deed of Entail in the 8th of Henry the IVth. by which the Crown was settled on his Heirs Male, and which was witness'd by the Great Men, and by Sir Thomas Typtot the Speaker; in behalf of the whole Body of the Commons recites; "Quod in Parlamento nostro apud Westminster 7^o die Julii Anno Regni nostri vii^o per Nos de Consensu & Avisamento omnium Prælatorum, Magnatum & Procerum, ac Cleri & Communitatis Regni nostri Angliæ fuerit statutum & ordinatum. — And proceeds to make void what had been so ordain'd in these Memorable Words; Nos igitur — ad Instantem Petitionem Eorundem Prælatorum, magnatum, Procerum, Cleri & Communitatis supradictæ, & de Eorum omnium & Singulorum Voluntate & Assensu expressis, nec non nostra & Præsentis Parliamenti nostri Auctoritate, Statutum & Ordinationem Predictam Cassamus, & Adnullamus. — Nec non ad eorundem Prælatorum, Magnatum, Procerum, Cleri, & Communitatis Prædictæ Petitionem & Rogatum, ac de Eorum Consensu concordi & Auctoritate, &c. And this too Pryn (He should have said Cotton) has Abridged in his way without taking notice of these Passages which are so Material and Instructive. The Original Record with all its appendant Seals intire (tho the Deed it self be cancell'd) is preserved still in the Cottonian Library; and Affords a Manifest Proof of the Interest which the CONVOCATION CLERGY, at that time, had in Parliament. For it would be RIDICULOUS to imagine that by CLERGY in this Instrument, thus plac'd between the Lords, and Lay Commons, Any other than the CONVOCATION-CLERGY are intended.

These are Dr. Atterbury's Words; and in Answer to them, I do affirm that the CLERGY spoken of in that Record were not, nor could have been, the CONVOCATION-CLERGY, but the CLERGY Called by the Premunientes to Parliament; and Constituting with the Prelates the whole Ecclesiastical Estate of it. For

1st. Dr. A. himself allows that the Clergy in this Affair, acted as a part of the Legislative Body in Parliament. He censures a * Great Person, for asserting that the 21 of Richard the II^d was the only Time in which the Clergy were mentioned as bearing a Share in the Legislative Power. "And in Answer to his Assertion replies: "I must beg leave to believe the Records before him: One of which [the Instrument of Succession in Henry the IVth's time] has been already produc'd. And his Lordship upon a View of the Words cannot I dare say, doubt whether the CLERGY were in that Instance allow'd a Share in the Legislative Power; for the Succession is said to be settled not only with their CONSENT, but by their AUTHORITY. I do agree with Dr. A. The Clergy in this Case did certainly Act as a part of the Legislative, with the Lords and Commons in Parliament; But then for that very Reason I do Affirm that the Clergy so acting must have been the Parliamentary, not the Convocation Clergy; which he himself at the beginning of that Chapter acknowledged "to be no part of the Civil Legislature, nor to be concern'd, directly in the Great Affairs of State transacted in Parliament: as the Clergy here spoken of Apparently were.

But 2^{dly}. If the Clergy mention'd in this Record were the Convocation Clergy, they must have been the Clergy of the Convocation of Canterbury only: For the Convocation of York met not with any of the Three Sessions of this Parliament, but in the Interval between the 2^d and 3^d, as I have shewn before. Which being so I shall leave it to Dr. A. to judge what a strange Construction must be put upon this Record, after his way of Interpretation; that the Entail of the Crown was made by the Authority of the Prelats, Lords; Convocation of Canterbury, and Commons of the Realm of England, in Parliament Assembled.

Yet farther: 3^{dly}. By the Acts of this Convocation it appears that the Clergy were not Sitting, but under an Actual Prorogation, at the Time that the first Entail here spoken of was made; June 7th. And employ'd by the Archbishop upon other Business; namely to consider of such things as needed Reformation in the

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Church; not to come, and make *Laws* with the *Parliament* for the *State*. Let Dr. A. therefore consider; had the *Clergy* of that *Convocation* joyn'd in such an *Act* as this, cou'd we have had a large *Diary* still remaining upon *Record* of what was done by them in that *Synod*, and not the least hint given of so Great, and Famous a *Transaction*; in which were his *Assertion* true, they must have been in so *Extraordinary* a *Manner* concern'd?

In short; 4thly. And to have done: It is certain that the *Clergy* who joyn'd in the first *Entail*, were the very same that afterwards concurr'd in the *Annulling* of that, and in making the *Second* in its stead. Now this *Second Entail* was made in the *Third Session* of this *Parliament*, a Fortnight after *Michaelmas*: But the *Convocation* which met with the *Preceding Session*, was Dissolv'd the 18th of *June* before; and not Resummon'd to meet with this *Parliament*, at the time when the *Entail*, produc'd by Dr. A. was finished. The *Clergy* therefore mention'd in that *Record* could not be, in this last Instance, the *Convocation-Clergy*, because that at that time no *Convocation* was sitting in either *Province*. And for the same Reason neither were they the *Convocation-Clergy* before; because the *Record* expressly says, they were the same *Clergy* that Concurr'd in both; *Eorundum Prelatorum — Cleri, &c. viz.* The *National Body* of the *Clergy* Summon'd to *Parliament*; and making up with the *Prelates*, the *Estate* of the *Clergy* there.

It is certain then that Dr. A. is utterly out in his Application of this *Record*: Give me leave to add that he is no less in his *Censure* too upon the industrious Mr. *Prynne* for the *Abridgment* of it. And I appeal to his own *Conscience* whether he did not know that a Learned Man Publish'd the Work of Another, not his own Performance: And that the reputed, if not real *Abridger* of those *Records*, was the Honourable Sir *Robert Cotton*; from whose *Treasury* he drew this Remark, had he known how to make a Right Use of it. For that very Reason, if for no Other, He should have spar'd his *Censure* at this time: To pass it on that *Worthy Person*, who was chiefly concern'd, was too odious, even for Dr. A. himself to appear openly in it. To stab him thro' Mr. *Prynne's* Sides, only added the Crime of *Falseness*, in Condemning an Innocent Person, for another's Performance, but did not at all Shelter the Memory of Sir *Robert Cotton*; whose *Inscription* the *Book* Carries, and whom therefore every body must know was the Person aim'd at, tho' under another's Name.

' This Exact
Abridgment
being Licensed
for the Press,
before the Sta-
tioner brought
it me to Pe-
ruse, I there-
upon diligent-
ly Read over
the Copy —
wherein I cor-
rected several
mistakes verbal

of the Clerk in Transcribing — Without any Alteration (except in the Clerk's Misprisions) in, or Addition to the Text itself, to avoid the Censure of being an over Officious Critick in Another Deceased Honourable Person's Posthumous Work. Pref. pag. 2, 3.

¹ An Exact Abridgment of the Records — Collected by Sir Robert Cotton Knight and Baronet.

Sect. 15.
1407.
² Dugd. Sum-
monit. Parl.
pag. 379.
³ Rot. Parl.
num. 21.
⁴ Ib. Rot. Parl.
⁵ Hen. iv. num.
31.

The next Year, the *Parliament* was call'd to sit at ³ *Gloucester* the twentieth of *October*. There it ⁴ continu'd till the 2d of *December*; and so was Dissolv'd. In this *Parliament* among ⁵ other *Petitions* of the *Commons* one was preferr'd in the Name of the *Knights*, and *Gentlemen* of the *Counties* of *Oxford* and *Berks*, and of the *Mayor* and *Burgesses* of the *City Oxford*, against certain *Priviledges* which had been granted by the *King* to the *University* of *Oxford*. The Result was, that a due Examination should be made of the *Matters* complain'd of, and the report be laid before the *King* and his *Lords*, the next *Parliament*; and that in the mean time the *Charter* should be suspended, as to what concern'd the *New Franchises* complain'd of by the *Commons*.

⁶ Regist. Clif-
ford. London.
fol. 33.

While this *Parliament* was Sitting, the *Archbishop* of *Canterbury* at the instant Desire of the *King*, and his *Lords*, Summon'd ⁶ a *Provincial Council* to meet at *Oxford*. The Occasion of it was the Encrease of *Heresy*, of which the *Archbishop* made a large recital in the Preface to his *Letters Mandatory* for the *Assembling* of it. The Place he chose for its sitting was *Oxford*; because of the Assistance they might there have at hand, of the Learned Men of that *University*. The time was as near as he could compute at the rising of the *Parliament*; before the *Bishops*, *Prelats*, and *Clergy* which were come thither should be separated, and return'd to their respective *Dwellings*. What they did their *Constitutions* shew, which were review'd, and agreed to again the next Year, where I shall therefore have Occasion to take some farther notice of them.

⁷ Rot. Claus. 9
Hen. iv. m. 26.
dors.

These Meetings being both over, the *King* issued out ⁷ his *Writs* to the *Guardian* of the *Spiritualties* of the *Archbishop* of *York*, to Assemble the *Convocation* of that *Province*, not for any *Parliamentary Attendance*; (that he never thought of) but for a new Supply; the 10th last Granted being now coming to an End.

The

The same, I suppose was done to the *Archbishop* of *Canterbury* tho' the Writ ^{K. HENRY the IVth.} does not appear in the *Clause Rolls* with the *Other*. However it were, the *Archbishop* of *Canterbury* ¹ Summon'd his *Convocation* to Sit at *London* *March* the 6th. That of *York* was not Held till ² *May* the 4th: the One Three, the Other Five Months ³ after the *Parliament* was Dissolved. ^{Reg. Mascall Hereford. fol.}

The *Convocation* of *York* not meeting at the time appointed by the Writ ⁵⁹ dated to the *Guardian* of the *Spiritualities* in the *Vacancy* of that See; a ³ New ^{Sect. 16. 1408.} one was issued out *May* the 8th, to the *New Archbishop* to assemble his *Clergy* ⁴ some time before the Feast of *St. Peter*, and *St. Paul*, *June* the 29th. The *Arch-* ^{Reg. 3. De-} *bishop* obey'd, and assign'd the day before, ⁴ viz. *June* the 28th for the Meeting of ^{Dunelm. fol. 26. b.} it. The *Clergy* were not to be induc'd to make any *Grant*, at that time; so the ³ *Convocation* was continued to the 10th of *December*; at which time they consen- ^{Hen. iv. m. 13. dorf.} ted to *One Tenth*; the *Archbishop*, who had before treated with them by his ⁴ *Commissioners*, being then *Personally present*, and prevailing with them. ^{Reg. Bower Arch. Ebor. fol. 288.}

In this Interval the *Archbishop* held his ⁵ *Provincial Council* by his own *Metropo-* ⁶ *litical Authority*, *August* the 20th. The Occasion of it was to treat about the ⁷ *Papal Schism*, and Other Matters which concern'd the *State* of the *Church*. For ^{Reg. Langley Dunelm. fol. 22. a.} this the *Archbishop* Order'd not only the Usual Members to be *Summon'd* to it; but such other Persons of *Great Learning*, as the *Bishops* should think useful in that Case, to come *Personally* to this *Synod*. But to this, as I take the *Provincial Council* of *Canterbury* to have given the Occasion, so will the design of it be best understood, by what I come now to observe concerning that *Synod*.

On ⁶ *July* the 23d the *Archbishop* of *Canterbury* held a *Provincial Synod* for the ⁷ *Union* of the *Church*, and in Order to make up the breach between the *Pope* and ⁸ *Cardinals*. For this Cause, and no other, He tells his *Clergy* he then called them ⁹ together. At the ¹⁰ second *Session*, the Cause of the *Convocation* being declar'd, ¹¹ and the *Inferior Clergy* (they are the Words of the *Register*, lest *Dr. A.* should ¹² think I dealt too Familiarly with them) being separated from the *Greater Pre-* ¹³ *lates* in the *Schools* of *Divinity* under the *Chapter House* of *St. Pauls*; *juxta Assig-* ¹⁴ *nationem Domini Archiepiscopi*; The Upper House chose six *Bishops*, and twelve *Abbots*, to deliberate about the *Union* of the *Church*: The *Clergy*, at the same time, chose *Twenty Four* of their Body; " & ejusdem Electionis processum ¹⁵ " *Statim, ut decuit, domui Superiori retulit*; as the *Register* speaks. ^{Regi Arundel. Par. i. fol. 71. a. b. See the Mandate. Append. ad Ann. 1408. Reg. ib. fol. 72, 73.}

Upon *Sunday July* the 29th, being agreed on their expedient, the *King* came to the *Chapter House*, and the *Archbishop* there declared the *Resolution* of the *Synod* to Him. The *King*, as much as in him Lay, approved of, and confirmed it, and ordered that it should be publish'd by the *Archbishop* before Sermon at *Paul's Cross*, as corroborated by him. ¹⁶ The conclusion was that the *King* ¹⁷ should in his own Name, and in the Name of all the *Prelates*, and *Lords*, ¹⁸ *Clergy* and *Commons* of the Realm send solemn *Ambassadors* to the *Pope* with their ¹⁹ *Resolutions*, not to suffer any more *Mony* to be transmitted out of *England*, while the *Schism* lasted; for whose Charges a *Penny Farthing* out of every *Pound* of their *Ecclesiastical Benefices* was agreed to be paid. This being thus settled *July* the 29th; was, I conceive, sent down to Those of the Other *Province*, who I make no doubt at their meeting in *August* agreed to it. ^{Reg. Repyn- don. Lincoln. fol. 31.}

It was not long after this, before the *Cardinal* of *Bourdeaux* came hither, with *Letters* and *Authority* to invite our *Bishops* and *Prelates* to the *Council* of *Pisa*, to be held upon *Lady-day* next, in order to the Concluding of the so much desir'd *Union*, in the (then acknowledged and supposed) *Head* of the *Church*. ²⁰ This Obliged our *Archbishop* to hold another *Synod* the *Morrow* af- ²¹ *ter Hilary*, *January* the 14th. In this they agreed upon the *Persons* who should ²² go to the *Council*, out of this *Province*; and upon the Allowance that should be ²³ made to them for their *Expence*. And having thus dispatcht what they prin- ²⁴ cipally met about, the *Archbishop*, with the *Council* and *Assent* of the *Prelates*, ²⁵ at the *Petition* of the *Clergy*, publish'd the *Provincial Constitutions*, which he had ²⁶ before set forth in his *Provincial Council* at *Oxford*. The manner of which be- ²⁷ ing remarkable, I shall give a brief Account of it. ^{Reg. Arundel. Par. ii. fol. 7, 8. See the (Reg. Beauford. Wint. fol. 6.) Mandate, Append. ad Ann.}

" ²⁸ Whereas in our *Provincial Council* lately held at *Oxford*, we set forth cer- ²⁹ *tain Provincial Constitutions* with you, and the rest of our *Brethren*, and *Suf-* ³⁰ *fragans* Counsel and Advice, at the instant *Petition* of the whole *Clergy* of ³¹ our *Province* of *Canterbury*; and afterwards in our last *Council*, Celebrated ³² in the *Church* of *St. Paul* *London*, the said *Constitutions* there rehears'd before ³³ you,

K. HENRY^{the IV. th.} you, and our Venerable Brethren and Clergy afore said, did by a repeated
 "Promulgation Publish; We considering that *Laws* are in vain made, unless they
 "be also put in due Execution, do herewith transmit the said *Constitutions*, to be
 "publish'd by you, that no One may pretend Ignorance of them: Willing and
 "Enjoining you to send, under your Seal, and with your Letters (containing
 "the Tenour of these) Copies of the said *Constitutions* to All and Singular our
 "Venerable Brethren and Suffragans of our said Province; and to Enjoin them, by
 "our Authority, as by these Presents we do Enjoin them, to Publish, or cause
 "to be Publish'd, in Every their Cities, and Diocesses, as it shall appertain to
 "every one, the afore said *Constitutions*, in their Synods and Chapters, according
 "to the Canonical and Provincial *Constitutions* set forth for that purpose. This
 was the Substance of the Archbishop's Mandate; and in it we see after what man-
 ner these sort of *Constitutions* were wont to be publish'd; and what care was
 taken for the due Performance of it.

Thus pass'd this busy Year; towards the latter of the next, a *Parliament*
 was call'd to meet first at ¹ Bristol; and then at *Westminster*, on the *Munday* fort-
 night after *Hilary*, January the 27th. It continued sitting ² to the 15th of
 March, the Eve of Palm Sunday; when it was adjourned to April the 7th; a
 Fortnight after Easter. ³ Then the Session was Resumed and Continued to May
 the 9th; as appears by the *Rolls* of *Parliament*. Let us see how the two Convo-
 cations Attended upon these Sessions.

On the ⁴ Third of January the King issued out his Writs to the two Archbi-
 shops for their Convocations to meet some time before the 15th of February follow-
 ing. The ⁵ Archbishop of Canterbury Assembled his Province February the 17th.
 The ⁶ Archbishop of York, more punctually, that of his Province, February the
 15th both about the Middle of the former Session of the *Parliament*. How long
 that of our Province sate, I cannot certainly tell: Those of the other being
 met at Beverley before the *Archbishops Commissioners* (for he was himself at Lon-
 don at the *Parliament*) refused to Grant any supply to the King. Upon this
 they were adjourn'd to the Conventual Church of *Clementhorp* by York; April
 the 11th. There the Archbishop appear'd in Person with them; yet neither
 then would they Grant any thing. From thence they were Adjourn'd again to
 May the 23d, a Fortnight after the *Parliament* was Dissolved: and then (at last)
 they Granted a Tenth, at the Earnest Prayers, and Request of the Archbishop:
 as the Certificate of their Concession speaks. By this Unwillingness to grant
 any Subsidy, the Clergy of this Province met, within both the Sessions of the *Parli-
 ament*. But they did but meet; for immediately they were Adjourn'd; and
 thereby shew'd that their Assembling was for some Other Purpose, than that
 of Attending upon a *Parliament*, at 150 Miles distance from them.

The Year following the King ⁷ Summon'd his *Parliament* to meet at *Westmin-
 ster* the Morrow after *All-Souls*, November the 3d, It met according to the Sum-
 mons, and ⁸ continued till the 20th of December following. ⁹ In this *Parliament*
 the famous Cause between the Archbishop of Canterbury, and the Chancellor and
 Proctors of the University of Oxford was settled and confirm'd by the Authori-
 ty of the King and his Lords there, and order'd to be Enroll'd among the *Rolls*
 of *Parliament*. Archbishop Arundel being in his Visitation of the Diocess of
 Lincoln, came in his Way to visit the University, within the Limits of it. They
 insisted upon their Exemption by Papal Authority; and refus'd to submit to his
 Visitation. The Archbishop urged the Sentence given against them in this same
 Cause by King Richard the 11d, but in vain; They stood upon their Exemption,
 and referr'd themselves (in which the Archbishop also agreed with them) to
 the present King's Judgment; Their Cause was heard before the King, at Lam-
 beth, September the 17th, and Sentence given for the Archbishop, and his *Visi-
 tatorial Power* over them. And this whole Process, and Sentence, at the Arch-
 bishop's Petition, was now ratified, and Enrolled in *Parliament*, to prevent any
 future Disputes upon that Subject hereafter.

Upon this the Archbishop of York put in his Claim for the Exception of the
 College, called *Queen-Hall*, in the said University: The result of which was this;
 that "The Archbishop of Canterbury in presence of the King and of the Lords in
 "the said *Parliament* promised, that if the Archbishop of York could sufficiently
 "shew any Priviledge, or Specialty of Record, wherefore the said Archbishop of
 "Canterbury might not Use nor Exercise his Visitation of the said College, He
 would

"would then abstain; saving to him always the Visitation of the said Scholars K. HENRY the IVth.
 "abiding in the said College, according to the Judgments and Decrees made
 "and given by the said King *Richard*, and by our Lord the King that now is,
 "as in the Record thereof made more plainly is declared.

Whether this Proce lture of the Archbishop encouraged them or no, I cannot tell, but in this Parliament we find the Gentlemen of *Oxfordshire* and *Berke*,¹ Ib. Rot. num. 32. with the Mayor and *Burgesses* of the Town of *Oxford*, again renewing their *Petition*, against the Priviledges granted by the King's Charter to the same University. But the *Petition* was now entirely laid aside with the Roy s' Advisers: and not referr'd to Council to consider of, as it had been twice before.

Not long after the *Writs* went out for this Parliament, the King issued out² Rot. Claus. 12 Hen. iv. m. 1. dorf. Others for the Two Convocations to be held within the Octaves of St. Martin, that is, within little more than a Fortnight after the Parliament was to meet.³ Reg. Arundel. Par. ii. fol. 22. The Archbishop of Canterbury appointed his to Assemble upon the 1st of December. Being come together the King, by his Chancellor, and other Commissioners,⁴ Ib. fol. 23. demanded a Subsidy of them for the carrying on of his War with the French King. Then the Archbishop commanded the Proctors of the Clergy that if they had any Grievances which needed a Reformation, they should before the Fryday next lay them before him in Convocation.

The Proctors of the Clergy, hereupon in (another Session) declared that they found themselves under so many, and great Grievances, that unless they were put in Writing they could not easily repeat them. Whereupon being withdrawn, and call'd in again, the Archbishop commanded them to put their Grievances in Writing. Accordingly upon Munday, December the 7th. Mr. Henry Ware, Official of the Court of Canterbury, and Mr. Philip Morgan, Dr. of Laws, Exhibited their Grievances in Writing in the name of the Clergy; *Cujus gerebant Organa Vocis*, say the Records. From henceforth we meet with nothing but *Prorogations* made by the Archbishop, upon the Account of his Attending in Parliament: so that how long this Convocation continued, or what it granted, I am not able to say.

To go on therefore to that of the Other Province: The King, as I before Observ'd, had by his Writ order'd the Clergy of York to meet at the same time he did those of Canterbury. And by⁵ the Register of the Church of Durham, it appears that they were Summon'd accordingly on the Tuesday next after the Feast of St. Martin, within the Octaves of it. But their Session was soon at an End; and nothing, I suppose, done by them at that time. For by a⁶ New Writ dated the 21st of December (the day after the Parliament rose) the Archbishop was Ordered to Summon them again, within a Fortnight after Hilary: So that their meeting was, Evidently, not in Attendance upon the Parliament, for then they must have sat on; but for the Other Occasion which the King had for them; of Granting a Subsidy, and which at that Meeting they seem to have refused to do.

In pursuance of this Second Writ, the Archbishop called them together to York, January the 18th. But neither then were they disposed to do any thing. However after a short Adjournment of two Days; by great importunity, they were prevail'd with to agree to a Half Tenth; provided that the Clergy of that Province should not in any wise be Taxed, or Otherwise molested in their Possessions by Reason of the Grant made to the King by the Lords and Commons in the last Parliament; nor be compelled to the Payment of the 15th with the Laity; nor while this half Tenth was paying, be otherwise burden'd with any Other Payments.

Such were the Assemblies of the Clergy this Year, The next following, the last of this King; the Parliament was call'd to meet the day after the Purification, February the 3d; During the Session of which March the 20th the King dyed, and so by his death put an End to it.

On⁷ the 19th of January, a Fortnight before the Session began, the Convocation Writs were issued out to the two Archbishops to Assemble their Clergy within the Octaves of the Purification. The Archbishop of Canterbury Summon'd his to meet at St. Paul's London, March the 6th. four Weeks after he knew the Parliament was to meet at Westminster; and therefore to be sure not with any thought of its being Obligated by our Constitution to Attend upon it. From thence he Prorogued it to March the 15th: then to the Munday Three Weeks after Easter: Then

Reg. 3. Dec. & Capit Du- nelm. fol. 35.
 b
 Rot. Claus. 13 Hen. iv. m. 30. dorf.

Reg. Hen. Bowet. fol. 307.

Sect. 19
 1412.
 1413.
 Dug. Sum- monit. Parl. pag. 386.
 Rot. Claus. 14 Hen. iv. m. 16. dorf.
 Reg. Arundel. Par. ii. fol. 4.
 b & 25. a b.

K. HENRY *the Vth.* Then to the 6th of June : When I suppose they gave their *Subsidy* to the *New King*, and so were Dissolved.

It does not appear that the Archbishop of York had Executed the King's Writ before he came to Parliament : and most probable it is, that he intended to have done it after his return to his Province, when he should have seen what the Result of our Clergies Meeting would be. By this means the King dying it did not assemble at all.

King HENRY the Vth.

No sooner was the Young King come to the Throne, but within two days He issued out new Writs for the Parliament to Meet Three Weeks after Easter ; the very day to which the Archbishop of Canterbury had Adjourn'd his Convocation. So that it may now be thought that this Parliament was rather an Attendant upon that Assembly ; than That, upon the Other. But indeed had there been any such relation at all between them as is now pretended, the Convocation must have Expired with the King, as the Parliament did ; and have Ended with it as well as Attended upon it. The Parliament thus called¹ continued till the 9th of June ; and upon the 6th of that Month, the Convocation sat again at Lambeth, upon its last Adjournment. So that here we see these two Assemblies continued together ; and as they begun on the same day ; so they must have Ended almost as near with each Other.

¹ Rot. Parl. I.
Hen. v. num.
17.

But the irregularity of the Other Province spoiled all : which not having met by the Old Kings Writ, was therefore now Summon'd by its self, by a² fresh Writ from the New one. And to make it still the worse, this Writ was dated June the 9th, the very day that the Parliament was Dissolved ; instead of being issued so early out, that the Convocation might have Attended upon it. The time prescribed by the King for the Clergy's Assembling was limited to the first of August. The³ Archbishop nominated the 27th of July, and then held his Convocation accordingly. On that day the Clergy could not be induced to make any Grant : The next day they Consented to a Tenth ; and as this was that for which the King call'd them together, so was it all that appears to have been done by them.

² Rot. Claus.
1 Hen. v. m.
27. dorf.

³ Reg. Bowet.
fol. 311.

Towards the latter end of this Year⁴ a Parliament was called to meet at Leicester ; January the 29th, but was Prorogued to the Beginning of the next ; where I shall therefore take some farther Notice of it. There was yet another Assembly of the Clergy of this Province, held November the 20th : The Archbishop Convened an Ecclesiastical Council against the Lollards, who now gave great Trouble to them. In this Convocation, their main Aim was at the Lord Cobham ; of whose Prosecution I shall have Occasion hereafter to speak.

⁴ Dugd. Sum-
monit. Parl.
pag. 390.

Seal. 10.
1414.

In the mean time I return to the Parliament which I before said was Summon'd to meet at Leicester, January the 29th ; but was Adjourn'd to the same place April the 30th, being there met according to the Prorogation, it continued sitting till almost the End of May. It was not long before the King call'd a⁵ Second Parliament to sit at Westminster on Munday after the Octaves of St. Martin : where the Commons by the Assent of the Prelates and Lords, granted him two Tenths, and two Fifteenths, in Order to his Prosecution of the War with France.

⁵ Dugd. ib pag.
393.

With the former of these Parliaments, Nothing like a Meeting of the Clergy was held in either Province ; so that there the Doctrine of Attendance entirely fail'd. Before the latter Assembled we find a Convention in either Province, of which it will be necessary for me to give some short Account. Archbishop Chicheley having received his Pall from Rome, and being thereby fully Authorized to act as a Metropolitan, Ordered his Provincial Synod to meet October the 1st, The design of it appears in the Mandate by which he Assembled it ; in which he takes notice of the Obligation that Lay upon Metropolitans to hold their Provincial Councils with their Suffragans every Year ; and thereby lets us know that he intended this for a Canonical Synod, not a State Convocation. In this Council a Constitution was made against Married Clerks ;⁶ by the Will, and

⁶ Reg. Clifford.
Lond. fol. 63.
Vid. Mandat.
Append ad
Ann. 1414.

⁷ Mandatum

Archiepiscopi Cant. pro publicanda Constitutione, Ex decreto ipsius Concilii, & de Voluntate & Consensu expresso Prelatorum & Cleri in Eodem Concilio Congregatorum, rite per ipsum edita. — Dat. Croydon. 23. Oct. 1414.

with

with the *Express Consent* of the *Prelates and Clergy* Assembled in the said Council, as the Words of the *Mandate* for publishing of it runs. K. HERNY
the Vth.

¹ Some disturbances having been raised in the University of Cambridge upon the Occasion of a *New Statute* which had been made there; The King by his *Writ* directed to the *Chancellor*, Dated September the 17th, Order'd *Commissioners* on each side to appear before the *Archbishop* and his *Brethren* in Council, October the 1st. That so the Differences might there be brought to a perpetual End. Rot. Claus. 1
Hen. v. m. 14.
See the Ap-
pend. ad Ann.
1414.

In this ² *Synod* it was agreed what *Proctors* should be sent to the *General Council* for the whole *Province*; and a Tax of 2 d. in the Pound was granted to defray the Charges which they should be at in that Delegation. Reg. Repyn-
don. Lincoln.
fol. 99.

This was the Main of the Church Work which was done at this Council, But the King's needs were to be supplied too: ³ For this *two whole Tents* were granted by them; and so the Meeting brake up the 20th of October; a Month before the *Parliament* was Appointed to meet. Reg. Chich-
ley par. 1. fol.
126. b. 127. a.
164 b.

Neither the Nature of this Assembly, nor the time of its Meeting, and rising, will suffer any reasonable man to think that this *Church Synod* was design'd to be an *Attendant* upon the King's *Parliament* so long after. The Council which was held upon the same Occasion by the *Archbishop* of *York*, comes nearer in time to the *Session* of *Parliament*, and may Possibly please Dr. A. better. It met in the *Cathedral Church* of *St. Peters York* upon *Munday* after the Feast of *All-Saints*. ⁴ The *Archbishop* in his *Mandate* declares that he call'd it, *Authentice sedis Apostolice, & sua*: The Business here was, as in the Other, to chuse their *Proxies* for the *Council* of *Constance*; and to provide as they did, for their Expenses, by 4 d. in the Pound upon all *Benefices* that were tax'd; and upon all others, 8 d. in the Mark, according to the real Value of them. Reg. Bowet.
fol. 286.

The *Clergy* of *York* in this Allowance Exceeded the Proportion of that of *Canterbury*: The *Extent* of the One making up in what it came short of the Proportion of the Other. But this *Refractory Province* never considered what the other had done in compliance with the King's Needs; tho' the *Clergy* on our side had set so Bountiful a Pattern to them. To make up this Defect, the King, ⁵ by his *Writ*, required them to be again Conven'd before the *Morrow* after *Hilary*. The *Archbishop* ⁶ appointed the 9th of *January* for their Assembling, When after much Wrangling they did agree to Grant their two *Tents*, as the Other *Province* had done; and so were dismiss'd in a few Days. Rot. Claus. 1
Hen. v. m. 5.
dors.
Reg. Bowet.
fol 314.

There can nothing I think be more demonstratively plain against any Cause, than the Transactions of this Year against the New Pretence of *Parliamentary Attending Convocations*. Two *Parliaments* sate this Year; with the former no *Convention* of the *Clergy* was held at all: Before the Latter, a *Provincial Council* being called for *Church Affairs*; The King took the Opportunity to demand his *Subsidies* there of them: And the *Clergy* Granting them there, he never thought of Dr. A's. Ground for a New Meeting to Attend the *Parliament*, nor did he give them any Trouble upon that Account. In the Other *Province* they gave him nothing in their *Church Synod*: To supply this, the *Parliament* being risen, he called a *Convocation* of that *Province* alone; that so having been supplied by his Lay-Subjects in *Parliament*, and by the *Clergy* of One *Province* in *Council*, they alone might not escape without giving any Thing. They met, and Granted as the Others had done; and were thereupon immediately dismiss'd: And thereby plainly shew that the King's End in calling them was for Aid, not for Attendance upon a *Dissolved Parliament*; and that he did it at his Own free Pleasure, not by any *State-Laws* of our *Constitution*; which would equally have obliged him to have Assembled the Other *Province*, as to have Convened that.

Before the *Commissioners* thus chosen for the *Church* of *England* went to the *Council*; it pleased the King to consult the *University* of *Oxford* about such Matters as might be fit to be Proposed and Established in it. ⁷ Their Answer, tho not so perfect as I could wish, being still preserved in an ancient MS. of *Corpus Christi College*; I conceive it may be no unpleasing Curiosity to the Learned Reader to take a perusal of it. Append ad
Ann. 1414.

The Year following the King ⁸ first summon'd his *Parliament* to meet at *Westminster* upon *Munday* after the Feast of *St. Luke*: ⁹ But by Second Writs Prorogued it to the *Munday* after *All-Saints*, November the 4th. It sate but a little while; the *Subsidy* being Granted November the 12th, which was usually done on the last day of the *Parliament*. But the King's Needs required another Meeting; Sect. 21.
1415.
Dugd Sum-
monit. Parl. p.
395.
1b. pag 396.

H. HENRY meeting; to hasten the *Supplies* which the foregoing *Parliament* had Granted. *the Vrb.* For this they met again the 16th of *March*; and continued till the 8th of *April* following. ² To both these *Parliaments* the *Dean* and *Chapter* of *Lincoln* deputed their *Proxies*, as by the *Premunitory Summons* they were required to do.

¹ *ib. pag. 398* ² *Lib. vi. Dec.* What to call the ³ *Convention* of the *Clergy* Assembled by the *Archbishop* of *Canterbury* at *St. Pauls London*, *November* the 18th, I cannot tell. There was no *Writ* from the *King*, and some *Ecclesiastical Decrees* were pass'd in it. It met not till a *Week* after, I take, the *Parliament* to have risen; so that it could be no *Convocation Attendant* upon it. The *Archbishop* in his *Constitutions* calls it all along a *Provincial Council*; And by all this I should think it was a *Church Synod*. Be it what it will, the *King* got a *Subsidy* from the *Clergy* of the *Two Tenths* in it; and so upon the 2d of *December* the *Assembly* was *Dissolved*.

The *Clergy* of the *Province* of *York* here again were backward in their *Grants*. They met not of their own *Accord*; and therefore the *King* the same day that the *Parliament* rose, issued out ⁴ his *Writ* for the *Assembling* of them, the time assign'd were the *Octaves* of *Hilary*; ten *Weeks* after the *Parliament* was *Dissolved*. They met more early than the *King* proposed, *December* the 16th. But their *Grant* was with difficulty: They were till the 16th of *January* before they *Agreed* to it, and then for all the *Example* and *Obligation* of our *Province* upon them, gave but *One Tenth*, for our *Two*.

⁵ *Rot. Claus.* ⁶ *Hen. v. m.* ⁷ *13. dorf.* ⁸ *Reg. Bowet.* ⁹ *fol. 317.* Thus the first *Parliament* of this *Year* pass'd without any *Church Assembly* to *Attend* upon it: Indeed while the *Second* was sitting, upon the 1st of *April* 1416. ¹⁰ The *Archbishop* of *Canterbury* called the *Synod* of his *Province*. But that was an *Ecclesiastical Council*, not a *State Convention*; It met for the *Affairs* of the *Church*, not for the *Business* or *Aid* of the *King*. This the *Declaration* which the *Archbishop* made of the *Causes* for which the *Synod* was call'd shews: and the whole *Process* of the *Synod* upon those *Affairs* confirms to us. It was held for choosing of *Commissioners* to send to the *General Council*; and to agree upon a *Subsidy* for their *Expences*. To *Examine* and *Try Hereticks*: To make *Decrees* against *Heresy*: To *Regulate* some things relating to the *Probats* of *Wills*, with some other *Matters* of a like *Nature*. This was what was done in both the *Sessions* of that *Synod*: no *Subsidy* was given or *Demanded*; no *Grievances* were proposed, or drawn up relating to *Civil Oppressions*: Nor, lastly, was it Called by the *King's Writ*, but meerly by the *Archbishop's Mandate*. And if all these *Characters* do not denote it to have been a proper *Ecclesiastical Council*, I must own my self at a loss how to distinguish between a *Church-Synod*, and a *State Convocation*.

Altho' then this *Synod* began to Sit a few days before the *First Session* of this *Parliament* was Ended; and was resumed again *Three Weeks* after *Easter*, the very day to which the *Parliament* was *Prorogued*; Yet was this only for the *Convenience* of the *Clergy*, and by the choice of the *Metropolitan*; not out of any *Obligation* that lay upon the *One* to call them together at that time; Or any *Right* of the *Others* to be then Called.

I have just now said that the *Parliament* which met upon the 16th of *March* the last *Year*, and continued to the 8th of *April* in this, re-assembled again *Three Weeks* after *Easter*. How long it continued to Sit after I cannot tell. In ¹¹ *October* following another *Parliament* was called: It began on *Munday* the 19th of that *Month*, and sate till *Wednesday* the 18th of *November*.

¹² *Rot. Parl. 3* ¹³ *Hen. v. num.* ¹⁴ *13.* ¹⁵ *Dug. Sum-* ¹⁶ *mon. Parl.* ¹⁷ *pag. 399.* ¹⁸ *Reg. Chich-* ¹⁹ *ley. fol. 3. 8.* What I said of the last Meeting of the *Clergy* with the foregoing *Parliament* of this *Year*, I must repeat again with Relation to this. The *Archbishop* ²⁰ Assembled his *Synod*, by his *Own Authority*; for *Ecclesiastical Affairs*, upon the 9th of *November*, *Nine* days before the *Parliament* Ended. The only *Secular* thing that is recorded to have been done there, was the *Renewal* of their *Grant* of *Two Tenths* to the *King*, and that has been too often done in our *Church Councils*, to create any *Difficulty* as to the *Nature* of the *present Assembly*.

Thus then, if I judge aright, the *Parliaments* of this *Year* both pass'd without any *Attending Convocation*. But however *Dr. A.* will I know please himself that the *Clergy* of our *Province* did meet in time of *Parliament*, and that shall suffice him, let the *Manner*, or *Cause* of their Meeting be what it will. Well, let him take his own *Way*; and let us consider how things answered in the *Other Province*. With the first *Session* of the *Parliament* in *March* and *April*, no *Assembly* at all was held there. In the time of the *Prorogation*, the last of

April; the Archbishop call'd a ¹ *Provincial Council* to treat about the *Union*, and *K. HENRY*
Reformation of the State of the Universal Church. With the *Second Session* of that *the Vth.*
Parliament, no Convention of any Kind met. Five days before the Other *Parlia-*
ment rose, the King seeing the Archbishop of *York* held no *Council*, as the Other ¹ *Reg. Lang-*
 Did, took his usual Way of issuing out a Writ to him for a *Convocation.* ² He *ley. Dunelm.*
 ordered it to meet before the Feast of *Epiphany* about seven Weeks after the *Par-*
liament was *Dissolved.* Accordingly the Archbishop Summon'd it to Assemble *fol. 81. a.*
 on the 15th of *January*: But the *Clergy* of *York*, as they had done the Year before, ² *Reg. Bowet.*
 so now again, they gave but *One Tenth*, to our *Two*; and thereby shew'd how *fol. 319.*
 little they understood of *Dr. A's. By Point*, namely that they were Oblig'd to
 Do as the *Province of Canterbury* had done before them.

But it may be the next Year may prove more Favourable to the *New-Hypo-*
thesis: Let us Enquire therefore how these Matters pass'd in it. By ³ Writs da- *Seft. 23.*
 ted the 5th of *October* the *Parliament* was Summon'd to meet at *London* *November* ^{1417.}
 the 16th. On the 14th of *December*, the famous Judgment was, at the request ³ *Dug. Sum-*
 of the Commons, given against *Sir John Oldcastle*, *Lord Cobham*, for *Treason*
 and *Heresy*: and his Punishment so contrived as to answer both; by *Hanging*,
 and *Burning* of him *Hanging.* The *Archbishop* of *Canterbury* and his *Clergy* had
 begun this Cause in their *Synod*, three Years before: Ever since which time they
 had been pursuing of him, till at last they accomplish'd their Purposes against
 him. The whole Process both Civil and Ecclesiastical is Entred upon ⁴ *Record*
 in the Rolls of this *Parliament*, and thither I refer those who desire to know the
 Particulars of it. *Rot. Parl. 5*
Hen. v. Num.
11. &c.

⁵ Another Cause was moved in the same *Parliament* in behalf of such *Abbots* and ¹ *Ib. num. 23.*
Priors as were assign'd by their *Bishops* to be *Collectors* of the *Tenths*, and other
Subsidies, granted by the *Clergy* to the King. They complained that often-
 times such Persons were appointed to this Office as lived out of the *Diocess*, at
 a Great distance from the Places in which they were to *Act.* That by this
 Means they were neither so well able to *Assess* or *Collect* the *King's Mony*, for
 want of Knowledge and Interest in the *Clergy*, as others; and by this, and the
 Accidents of being robb'd many times of what they had Gather'd, both them-
 selves and their Houses were impoverish'd. They therefore pray'd, that none
 should from thenceforth be made *Collectors* of any *Tenth* out of the *Archdeaconry*
 in which they lived; that the same Persons might not be always burden'd with
 that Office, but the *Clergy* to take it in their turns; and that for the better Ex-
 ecution of it, besides their *Spiritual Power*, they might have *Writs* out of the *Ex-*
chequer to Enforce the Payment of what was laid upon Every one to pay. But
 the Answer was only, that the *Prelates* should make such *Collectors* as they would
 Answer for; and so all these Matters remain'd as they had been before.

The *Parliament* being thus summon'd as I before observed, ⁶ The *Archbishop* ⁶ *Reg. Chick-*
 of *Canterbury* as he had now done for several Years before, took the Opportuni- *ley fol. 10, 11,*
 ty at the same time to hold a *Provincial Council* of the *Prelates* and *Clergy* under ^{12, 13. Vid.}
 his Jurisdiction. That this was held upon a *Canonical Account*, not as a *State* *Mandat. in*
Attending Convocation, the *Archbishop's Mandate* plainly shews, It takes No- *Append. ad*
 tice of the Orders established by the Antient Fathers, for the holding of such *Ann. 1418.*
Councils every Year: That in pursuance of this Rule, and for the Benefit of the
Church; and the *Illumination* of the two *Universities* of *Oxford* and *Cambridge*, He
 had determined, at this time, to hold his *Synod.* And accordingly being met,
 on these Matters they did deliberate: They pass'd a *Provincial Statute* for the
Scholars of the *Universities*; And lastly, renewed again their *Two Tenths* to the
King; and so were *Dissolved.*

Towards the End of this *Parliament* and *Synod*, the King, according to his
 former Practice, ⁷ by Writ commanded the Archbishop of *York* to Assemble ⁷ *Rot. Claus. 5*
 the *Convocation* of his Province upon the *Octaves* of *Hilary* next following. *Hen. v. m. 8.*
⁸ The Archbishop assigned the 20th of *January* to the meeting of it; where be- *dors.*
 ing come together, they kept to their old Custom, and Granted but *One Tenth* ⁸ *Reg. Bowet.*
 instead of our *Two.* *fol. 323.*

The next Year I meet with neither *Parliament*, nor *Synod*: *Anno. 1419.* By *Seft. 24.*
Writs dated ⁹ *August* the 24th, a *Parliament* was called to sit at *Westminster* upon ^{1419.}
Munday the 16th of *October.* It continued to sit till about the middle of *Novem-*
ber: ¹⁰ the Subsidy, which was commonly one of the last things done, being ⁹ *Dugd. Sum-*
 Granted *November* the 13th, as appears by the Roll of that *Parliament.* *monit. Par.*
pag. 402.
¹⁰ *Rot. Parl. 7*
 By *H. v. num. 8.*

K HENRY By ¹ another Writ directed to the Archbishop of Canterbury, August the 30th. ^{the Vth.} He was required to Summon the Convocation of his Province to meet October the 30th, (about the middle of the Session of Parliament) and he accordingly obey'd the King in it. This meeting was at once both a Convocation and a Council: A Convocation by the King's Summons expressly inserted into the Archbishop's Mandate; A Council by the Archbishop's Authority, who when they met, ² proposed these three things to be done by them; Namely to consider, of a Supply for the King; Of the Subsidy Granted to those who went to the Council of Constance, but not yet paid; "Et pro defectibus in Clero Regnantibus, autoritate illius Provincialis Concilii Reformandis.

¹ Rot. Claus. 7 Hen. v. m. 10. dorf. Quia Sicut Clare Scitis ad Subeund. & supportand. Sumptuosa & Immensa Onera quæ nos pro Defensione ac Salvatione Regni nostri, ac Ecclesiæ Sanctæ presentibus Guerris inter nos & Adversarium nostrum Franc. durantibus facere Oportebit de Bonis nostris absq; Fidelium Ligeorum nostrorum adminiculo non Sufficimus nec Valemus, Vobis, &c. more solito Convocari fac. & ipsos in hac parte ex Causâ Prædictâ ad Subsidium in hoc Casu competens, & Necessarium, in Supportationem dictorum onerum Nobis concedend. eo specialius & efficacius quo magis Sciveritis aut poteritis Sollicitè inducat, &c.

² Regist. Chickley fol. 17, 18.

Several of their Late Meetings the Prelates and Clergy seem to have pass'd, without ever Dividing themselves at all: But here the Archbishop Order'd the Deans, Archdeacons and Proctors of the Clergy to withdraw by themselves, and to debate of these Matters, the Archbishop and Bishops, with the Regular Abbots and Priors remaining in the Chapter House and treating by themselves. ³ On the 21st of November the last day of the Assembly; the Prelates and Clergy by Mr. William Lindewood Organum Procuratorum Cleri (ut dicebantur) Gerentem; (for as yet there was no Establish'd Choice of any such Officer among them;) Grant-ed the King half a Tenth, besides the whole one which they had before given. Then a Constitution of Archbishop Winchelsea about Stipendiary Chaplains, was re-inforced by the Archbishop at the Request of the Clergy; and so the Synod was Dissolved.

¹ Reg. Chickley ib. fol. 20.

I do not in the least doubt but that here Dr. A. will Plume himself, and tell us, that now at least we must allow this Convocation to have been an Attendant, nay and a Concurring Attendant, upon this Parliament; That it was Called by the King's Writ; so that here can be nothing wanting to render it every Way such as we ought to Expect. I do indeed allow that the King order'd this Convocation to Meet at the same time that the Parliament was Sitting: Nor is it any part of my Design while I am pleading for the Freedom of his Prerogative, and proving that he may Call the Convocations when he will; to deny him the Liberty of Assembling them during the Session of Parliament, as well as at any Other time. The Question is, whether the King Summon'd this Convocation for this Reason, because he had Summon'd the Parliament, and was therefore, by the Rule of our Constitution, Obliged to Summon the Convocations at the same Time with it; and as a Necessary Attendant upon it? If Dr. A. shall affirm, as he must affirm this; Then will he be pleased to tell us, how Came the King not to Summon the Convocation of the Other Province as well as This? Has not One Convocation the same Right, or Duty, Call it which you will, to Attend upon the Parliament as the Other? And ought it not therefore to have been Equally Summon'd, had that been the reason why the Other was called? Yet we see the Writ for that was not issued out till after both the Parliament, and the Convocation of Canterbury were Dissolved; and it met not in a long time after that.

Here therefore I would be glad that, upon his Principles, Dr. A. would give me some Satisfactory Account of this Procedure. In the mean time I will Offer him my sense of it: It was highly for the Convenience of the Bishops, and Prelates, and Clergy of our Province, to meet at once both in Parliament, and Convocation. They had done so for several Years past, by a meer Ecclesiastical Summons, and Authority. By this means as they Came together in this Province sooner than they had done in the Other, so were the Terms of Payment of our Subsidies more early than theirs. For these Reasons both our Convocation was required to sit with the Parliament to renew their Grants which were ready to Expire: And the Province of York to be deferred whose Grants came later to be pay'd; and therefore were not so soon to be renew'd. It was therefore in all respects fitting that our Convocation should sit with the Parliament; theirs after their Prelates and Clergy were Return'd from it: whereas upon Dr. A's. Principles they ought to have sate both at the same time, and that time to have been the very Session of the Parliament; if it were indeed an Essential Law of our

our Constitution, for the *Convocations*, as he pretends, to be *Attendants* upon our *Parliaments*. K. HENRY the Vth.

But to leave these Reflections, and proceed with our History: ¹ By his *Writ* Rot. Claus. 7
dated *November* the 22^d. The King Commanded the Archbishop of *York* to As- Hen. v. m. 5.
semble his *Convocation* within the *Octaves* of *Epiphany*: And (to observe that dors. Vid. Ap-
too by the way) this *Writ*, as well as the Other to the Archbishop of *Canterbury* pend. ad Ann.
before; declare their Meeting to be expressly for their *Aid*. ² The Archbishop 1419.
held it *January* the 13th. They Granted a Tenth and Half; and so were Dis- Reg. Bowet.
solved on the 18th of the same Month. fol. 319, 323;

The last Year One *Convocation* met at the same time that the *Parliament* was 329.
sitting; and that might pass for some little Proof, (tho' but a little one,) in Sect. 25.
Favour of Dr. A's Pretences. This Year we find not so much as One to give 1420.
Countenance to them. The *Parliament* met ³ *December* the 2^d. The Clergy Dug. Sum-
were *Summon'd* to it; And those *Summons* were Executed both by the *Bishops* monit. Parl.
and them; but of any *Convocation* called, or held this whole Year, I have not Pag. 404.
met with any Notice. But the Reason was plain, and I shall give it in the
Words of one of our antient Historians yet unpublish'd: ⁴ "In this *Parliament* Chron. S. Al-
"the Archbishop declared in the King's Name, to the Great Joy of the whole ban. ad Ann.
"People, that he would not have either the *Laity*, or *Clergy*, to be tax'd to
"any Tenth or Fifteenth; so having no need of the *Convocation Aid*, neither
"did he think fit to put them to the Trouble and Charge of an unnecessary As-
"sembling. For let Dr. A. pretend what he will; this was the Cause for which
our King called our *Convocations*; Not to pay Attendance on their *Parliaments*;
(a Dream of his Own, never mentioned in any of the King's *Writs*, or Arch-
bishop's *Summons*; and contradicted by the Practice of almost every Year:) but
to Minister to the *Publick Needs*; for the Defence of the *Realm* of which they
were Members, and in the safety of which they had as near a Concern, as the
Laity.

The Year following the *Parliament* met betimes upon ⁵ *May* the 2^d, and sate 1421.
till about the end of the Month. In this *Parliament* among other things, great Rot. Parl. 9
complaints were made against the ⁶ disorders of the *Scholars* in the *University* Hen. v. n. 16.
of *Oxford*; for which I shall refer the Reader to the *Roll* its self; and hasten Walsingh. pag.
to another Occurrence in which our Argument is more nearly concern'd. 404.

I before observed how the *Commons* had petitioned in *Parliament* in Favour of 6 Rot. ib. num.
the *Abbots* and *Priors*, who were made *Collectors* of the *Tenths* Granted to the
King in *Convocation*, in places far distant from them; to the great Damage, as
well as Trouble, of Themselves, and to the detriment of their Houses. ⁷ In
this *Parliament* all the *Abbots* and *Priors* of *England* (so the *Record* speaks) re- 14.
newed their Petition to the *Commons*; and they again presented it to the King, 7 Rot. Parl. 9
and his *Lords*. The Effect of it now was such as they desired; an Order was Hen. v. num.
made that no *Abbot* or *Prior* should hereafter be appointed by any *Archbishop* or 15.
Bishop, *Collector* of any *Tenths* or *Subsidies* out of the Country where he lived;
And this Order to continue in Force till the next *Parliament* after the return of
the King into *England*.

But there is another Memorable Passage relating to this *Parliament* which
must not be forgotten, Dr. A. (who seldom contents himself with one Menti-
on of his Instances) twice directly Alledges it for the same End: and that
so evidently contrary to the Plain Intention of the *Record*, as well as to the true
Parliamentary Interest of the *Lower Clergy*, that I cannot but think it necessary to
give a very particular Account of it. ⁸ King Henry the Vth having concluded a Peace 8 Rot. Parl. 9
with the King of France, it was therein among other things agreed, "Quod Hen. v. n. 18.
"dicta pax— That the said Peace should not only be sworn to by the two Kings, Vid. Append.
"but be Ratified by the Three Estates of each Realm. The King of France ac- ad Ann. 1421.
"cordingly both Swore to it himself; and caused it upon the 6th of *December*
"last past, to be approved by the Three Estates of his Realm; viz. The Pre-
"lates and Clergy; the Lords and Nobles; the Citizens and Burgesses. Our King
"therefore being desirous, for his part that the said Peace, and all and Singu-
"lar the things therein contained, should be Sworn to, and Confirm'd in like man-
"ner, by Himself & Tres status Regni sui; first Swore to it himself: and then
"made the said Three Estates, namely, the Prelates and Clergy, the Nobles and
"Great Men, and Commons of his said Realm to be Assembled, according to the
"Manner, and Custom of it, to his Palace at Westminster, London the 2^d Day of

K. HENRY *the Vth.* "May, in the ninth Year of his Reign, for the greater Firmness and Strength of the Peace aforesaid, and for other Causes which concern'd his Royal State and the Profit of his said Realm. Before these States the King by the Bishop of Durham his Chancellor, caused the tenour of the said Peace, and all and singular the Articles of the same, to be fully Expounded and Declared. He commanded, by his said Chancellor, that the said Three Estates should inspect, and consider the Tenour of the said Peace: All which being duly and maturely done, the same Three Estates Considering and Accounting the said Peace, to be Laudable, Necessary, and Profitable to both Kingdoms, and the Subjects of the same, they as the Three Estates of the said Realm, Approved, &c. of it.

This is the Substance, and almost the very Words of the Record; which for the greater surety of my Report, as well as for a standing Proof of the Parliamentary Rights of the Lower Clergy, I have inserted at large into my Appendix. The Question now between Dr. A. and Me is, Who this Clergy, and these Prelates were, who then made up the Ecclesiastical Estate of the Realm in Parliament, and joyn'd in the Confirmation of this Peace? He Affirms them to have been the Convocation; I the Prelates and Clergy of the Realm, Summon'd by the King's Writs to Parliament. Let us take it in his own Words, p. 62. "And if I should be-

¹ Rights, &c. pag. 62.

yond all this affirm that the Convocation Attended the Parliament as One of the Three States of the Realm, I should say no more then the Rolls have in Express Terms said before me; where the King is mentioned as calling Tres status Regni ad Palatium suum Westm. viz. Prelatos & Clerum, Nobiles & Magnates, nec non

² Ib. pag. 349.

³ So he expres-

ly States it, p.

332. "Three

sorts of (pas-

sages) there

are that de-

serve to be

taken Notice

of. First, Such as Represent the Convocation to be a Meeting Coincident with the Parliament. Secondly, Such

as speak of the Convocation Clergy as of the Parliament, and in it. And Thirdly, Such as declare the Particular

Intents and Purposes, for which the Convocation Clergy were, and were Esteemed to be, of the Parliament. Under

this last Head he instances in the Present Case.

Communitates, Rot. Parl. 9 Henry 5. N. 15. And again, p. 349. ² He alledges the same Instance to prove that their Consent (the Consent of the ³ Convocati- on, p. 332.) in Parliament "has also by way of Condescension been sometimes ask'd, and admitted, even in Matters where they were not particularly intersted. So easily do Men give up the true Rights of the Clergy, whilst they aim at Unwarrantable and Unpresidented Powers, in a Capacity in which they were never intituled to them!

of. First, Such as Represent the Convocation to be a Meeting Coincident with the Parliament. Secondly, Such as speak of the Convocation Clergy as of the Parliament, and in it. And Thirdly, Such as declare the Particular Intents and Purposes, for which the Convocation Clergy were, and were Esteemed to be, of the Parliament. Under this last Head he instances in the Present Case.

Shall I need after the Account I have of this Matter to shew, that the Estates of Parliament, here spoken of, were the Prelates and Clergy of Parliament, the Lords and Commons; not the Lords Commons and Convocation? Let me then observe,

1. That it appears from the Words of this Record, that the Three Estates here spoken of were those whom the King had made to be Assembled at his Palace at Westminster May the 2d, in the Ninth Year of his Reign; This the Words of the Roll Expressly affirm: Let me therefore freely ask of Dr. A. Did the King Assemble the Convocation, this Year, at that time to his Palace at Westminster? Nay, Or did ever any King of England, since Edward the 2d's time, do it? But we will Allow for the Place; and only insist upon the Time: Did the King Summon the Convocations to London and York, with this Parliament on the 2d of May? Dr. A. knows that he did not? Nay, Let me ask yet once more; Did the King at all Assemble the Clergy of either Province, while the Parliament was Sitting? Or those of Our Province at any Other Time during this whole Year? I Affirm now what I will by and by clearly prove, that he did not. If therefore the Prelates and Clergy which made up the Ecclesiastical State in this Case were those whom the King, according to the Manner, and Custom of his Realm, Assembled at his Palace of Westminster, May the 2d; 'tis a Demonstration as clear as the light its self, that they must have been the Parliamentary, not the Convocation Prelates and Clergy, as he against all manner of Reason pretends that they were.

But because tho' the King call'd no Convocation of either Province with this Parliament, yet the Archbishop of Canterbury Assembled his Provincial Council at St. Pauls London May the 5th; lest Dr. A. should seek to shelter himself there, and tell us (for he may tell us that or any thing else that he pleases, as well as what he has told us) that the Prelates, and Clergy in that Council Assembled, was One of the States of Parliament; let me observe farther.

2dly. That these *Prelates*, and *Clergy*, were the *Prelates* and *Clergy* of the *King* **HENRY** *the 5th.* *Realm*; not those of the *Province* of *Canterbury*. Now in the *Other Province* neither *Council*, nor *Convocation* was held till Four Months after this *Parliament* was Risen: Either therefore *Dr. A.* must say that the *Prelates* and *Clergy* of the *Province* of *Canterbury*, are the *Prelates* and *Clergy* of the *Realm*; or he must confess that those were not the *Prelates* and *Clergy* who Ratified this League; and are accounted in the *Rolls* of *Parliament*, as One of the *Three Estates* of the *Realm* in that *Great Council*.

Yet farther; The *Acts* of the *Provincial Council* which met at *London* May the 5th, are very fully preserved in the *Archbishop's Register*. Among other things there noted, One is a Draught of *Petitions* which was made containing the *Grievances* of the *Clergy*: These were presented to the *King* in this *Parliament*. Is it to be imagined, that if such a *Notable* thing as this had happened; that the *King* had sent for the *Convocation* down to *Westminster*; and had there joyn'd them with the *Lords* and *Commons* as one of the *Estates* of the *Realm* in *Parliament*, to *Deliberate* of, and *Confirm* such a *Treaty* of *Peace*, we should not have seen this *Enrolled* in the *Acts* of this *Convocation*, as well as in those of this *Parliament*? Would no care have been taken about a matter of such *Consequence*? Not so much as a *Memorandum* taken of it.

But I abuse my Own, and the *Readers* time, to *Confute* such *Pretences* as carry not so much as a *Shadow* of *Probability*; nor are supported with any *Proof*, Besides that of a *Confident Allegation*. And yet I must go on to more of the same Kind. Among other *Arguments* to prove the *Convocation Clergy*, to be of the *Parliament*, and to *act* in it; One is this, that *Walsingham*, "where he gives an Account of any *Grant*, or *Act* of the *Clergy* in *Convocation* usually (speaks thus) *Clerus in Eodem Parliament concessit, or statuit*. Of which (says he) take one very remarkable Instance, *Anno 1421*. The *Parliament* began and happily ended within a Month: For besides a *Tenth* Granted by the *Clergy*, and a *Fifteenth* by the *Laity*, many Other things were reformed according to the *King's Pleasure* in the *Clergy* and *People*. And Especially in the Order of the *Black Monks*, who were by the *King's Edict* Assembled there in great Numbers. For there were *Sixty Abbots* and *Conventual Priors*, and *Three Hundred* and more *Monks*, *Doctors* and *Proctors*. — This *Walsingham*, *Dr. A's* Reflection follows: "It is the *Convocation Clergy* and the *Convocation Business*, that the *Historian* all along speaks of: And yet he speaks of the *First* we see as being of; and of the "Second as done in *Parliament*.

Rights, Sec.
pag. 342.

How little Dependance is to be made on the Expressions of the most Exact *Historians* in these Matters, I have elsewhere already observed: and will now add one other Instance from *Walsingham* himself, whom *Dr. A.* so justly commends, *Anno 1414*. About *Michaelmas*, says he, the *King* called the *Lords* and *Prelates* to *Parliament* at *London*. "Quo quidem tempore, at which time the *Archbishop* held there a *Great Council*. Yet this very Year the *Parliament* met not till the *Octaves* of *St. Martins*, *November* the 18th. And the *Archbishop's Council* was Dissolved a Month before. But we will Examine *Dr. A's* Allegations.

I have already observed that the *Clergy* of the *Other Province* were not yet Assembled, nor did they meet till about Four Months after. We cannot suppose but that *Walsingham* must needs have known this: and therefore Allowing him to have understood these Matters so rarely well as *Dr. A.* says, and I willingly own that he did; 'tis plain we must make some Allowances for his Expression; or else put this odd Notion upon him, that the *Provincial Clergy* of *Canterbury* alone, without those of *York*, are the *Parliament Clergy*; a Notion too wild for any Man in his right Senses to entertain.

Scct. 2d.

2dly. As for the Other part of his *History* which concerns the *Black Monks*; will *Dr. A.* give me leave to ask him; were they Called to *Parliament* & Or, Did they appear in any respect there? No, nor yet in *Convocation* neither. They met in a *General Chapter*, within the *Abby* of *Westminster*; a *Monastery* of their Own Order: and thither the *King* went, with Four Persons with him, and there he transacted what was done in that Matter.

Does *Dr. A.* desire a *Proof* of this? I will give him such a One as he shall not be able to except against. It appears from the 2 Summons to *Parliament* that the *King* Assembled that *Great Council* by *Writs* under the *Great Seal*, dated at *Westminster* February the 26th. He called the *Parliamentary Prelates* to meet at his

Dug Sum-
monit. Parl.
pag 405.

K. HENRY his Palace at Westminster, May the 2d. there to treat with the Bishops, Lords, and Commons, about the Affairs of the Realm. ¹ By other Letters dated a Month after, March the 25th, and under another Seal, the Signet of the Eagle; he Summon'd all the Abbots and Priors, with the Doctors, &c. of the Order of the Black Monks to Assemble within the Abby of Westminster; ² May the 5th. By the former of these the Abbot of Evesham (for Example) was required to come himself to Parliament May the 2d. there to treat with the Prelates, and Great Men of the Realm. By the latter he was Order'd, not only to come himself, but to bring a certain number of his Monks with him; And this to the Chapter House of Westminster Abby; not to treat of the Affairs of the Realm, but for certain Affairs touching the Order which he was of; there to be transacted in a General Chapter of that Order alone. Now this being the Case, What can it be but a wilful Blindness, a Resolution not to see nor Embrace the Truth, for any One in so clear a Light, to wrest an Expression of an Author to a sense which He (who was of this Order, and possibly present at this very meeting) could never have intended: and in despite not only of the Account which even Walsingham himself gives of this Meeting in the very Place to which he refers, but of the Nature of our Constitution too; making all kind of Assemblies, Councils, Convocations, Chapters, that do but chance to meet while the Parliament is sitting, a part of that Great Council of the Realm.

To go on therefore from the Parliament, to the Assemblies of the Clergy which either met with it, or follow'd after it. On³ the Munday, May the 5th the Archbishop of Canterbury held his Provincial Council. I call it so with assurance; ⁴ it being neither Summon'd by any Authority of the King's Writ, and the ⁴ Archbishop's Mandate, plainly declaring that it was to be a Church Synod, not a State Convention. The Business done in it speaks the same thing: The great Occasion of its meeting being to provide for the better Encouragement of the Universities; to make some Orders about the Stipends of Chaplains; and the like. In this Assembly they granted the King a Tenth, and at the same time presented their Grievances, and required a Redress of them.

The Archbishop of Canterbury having thus opportunely called his Synod (perhaps for this, among other Reasons, that he might do it intirely by his Own Authority without being Obliged to it by the King's Writ) and the Clergy agreeing to a Tenth there, there was no need for the King to Order any Meeting of it. But the Archbishop of York was yet behind with his Province: The King therefore, as he had often before done, about Two Months after the Parliament was Dissolved, and the Other Convocation Risen, ⁵ issued out his Writ for the Assembling of it. The Reason alledged was for Aid; the Great standing State Reason, for which our Kings all along either desired or ordered these Conventions to be held. The King appointed the Morrow after St. Matthew September the 22d. The ⁶ Archbishop agreed to the same time. And the Clergy meeting thereupon, Granted a * Tenth to the King, as the Province of Canterbury before had done.

The Archbishop being thus forced to Call his Clergy to Convocation by the King's Writ, Summon'd them, at the same time, to ⁷ a Church Synod, by his Own Metropolitan Authority. This latter Assembly was adjourned to January the 14th; and ⁸ as the Procuratorial Letters of the Bishop of Durham shew, was held for the same Ends for which that of Canterbury had met before, namely for the Encouragement of the Graduated Clergy of the Two Universities. For this they also made some Provincial Constitutions, which were ordered to be Publish'd the 22d of the same Month.

Dat. Jan. 4. — “Ad tractand. cum Presidentibus & Prælati, & Aliis quibuscumq; ibidem Vocatis, & Comparent. de & super Bono Statu & felici Regimine Sanctæ Matris Ecclesiæ, Domini nostri Regis & Regni, & aliis Articulis quibuslibet, qui ibidem Proponi, Examinari, & Tractari vel Concludi contigerit; & præsertim, de modo & formâ promovendi & beneficiandi Clericos Graduatatos in Universitat. Oxon & Cantab. prout in Convocatione Cltri Cantuariensis. nuper extitit Ordinatum, &c.

Between the Meeting of this State Convocation, and Ecclesiastical Council; The King held another ⁹ Parliament, on Munday the 1st of December. With this no Assembly of the Clergy, of any Kind, was Convened in either Province. They had granted their Subsidy, the One in May, the Other in September, before; And there being no Expectation of any farther Supply from them, the King knew no Other Obligation he had to Call them, and therefore did not require their Convening

at all. Would Dr. A. know whether I speak this by Conjecture only, or upon K. HENRY the Vth. any Good Authority; I will Answer him in the Words of his Own justly applauded Historian; *Walsingham*, who thus tells the Story: "December the 1st the King Assembled his *Parliament*, at *Westminster*; in which a 15th was granted to him by the Laity: But the *Clergy* gave nothing that time, because the Tenth Granted by them in the last *Parliament*, upon that Condition, was not yet fully paid." Walsingham pag. 405.

We are now come to the End of the Short, but Noble Reign, of that Victorious Prince King *Henry the Vth.* Before we go on to the long, weak Government of his Son, King *Henry the VIth*, let us stop a little, and make some Reflections on the State of the Assemblies of our *Church* and *Clergy*, since the beginning of this latter part of our present Period; for the better clearing of the Points in Debate.

Sect. 17.

And, 1. We may observe how the *Papal Schism* in the Church of *Rome* abroad, and the Prevalence of the new Sect of *Lollards* at home: which continued throughout this whole time, gave Occasion to a much more frequent holding of *Church Synods*, especially in the *Province* of *Canterbury*, than is any where again to be met with throughout our whole History. Now these *Synods* our *Archbishops Arundel* and *Chicheley* found expedient upon many Accounts to Assemble in time of *Parliament*, rather than at any Other. To pass by the Obvious Convenience of it to the *Prelates* and *Clergy* of the *Province*, the Greater part of them being Summoned to the One, might thereby, with the same trouble and expence, meet together in the Other. To say nothing of another Inducement which might probably weigh with those Great *Prelates*: that hereby they avoided the Obligation of Calling their *Clergy*, by a *Lay Writ*, and Summon'd them purely by their own *Ecclesiastical Authority*: For being met in *Council* for *Church Affairs*, the King took the Opportunity of demanding a *Supply* of them there; to which the *Clergy* agreeing, they were not called together in *Convocation*, as those of *York* were, and as themselves wou'd otherwise have been. Two Other Reasons they had to prefer the time to any other: First, That by this means they were ready at hand to defend themselves against the Complaints and Attempts which were now frequently made against them by the *Commons* in *Parliament*; many of whom, and those of Great Note, being (as *Arundel* once told them, of Sir *Jo. Cheney* the *Speaker*) infected with *Lollardy*, and thereby *Enemies* to the *Clergy*, took all Occasions to Inveigh against their Lands, and Priviledges; and to do them what Injury they could in both. And, Secondly, Had the better Opportunity of getting *Laws* made, and *Processes* issued out against *Hereticks*, by their Presence, and Grants, (never more liberal then in those times:) A Use which they more than once made of such their seasonable Concurrence in time of *Session*, with the *Parliament*. However it were; this is certain that those Wise and Great *Prelates* did frequently Assemble their *Provincial Synods* about the time of the *Parliament*: and in their *Ecclesiastical*, not their *State Capacity*, met Concurrently in *Council*, tho' not in *Convocation*, with it.

2. But this the *Clergy* of the Other *Province* found it not for their Convenience to do: And therefore according to the new Doctrine of *Attendance*, they at least, ought to have been Summon'd, by the *King's Writ* to meet at the same time, and because they were not then Summon'd, we may conclude that this Obligation was not then understood, as we are sure the thing it self was not then practised. The usual Method which was taken with Relation to that *Province* was this: About the End of the *Parliament*; when both the *Laity* of the *Realm*, and the *Clergy* of our *Province*, had either Granted, or at least had resolved upon their *Subsidy* to the *King*, to issue out a Royal Writ to the *Archbishop* of *York* to Assemble his *Clergy*, (a Month, Two, or Three after the Dissolution of the *Parliament*) in *Convocation*, expressly for *Aid*. And this, I think, intirely bespeaks the Truth of this Matter; That they were Assembled not as a Dependent upon the *Parliament*, which was always before *Risen*, and for the most part *Dissolved*; but in order to the Giving of *Mony* to the *King*. Those of the Other *Province* did it in their Own *Provincial Councils*, and therefore the *King* as he had no need, so neither did he Summon them at all. Those of *York* met not of their Own Accord, whereby to give him the same Opportunity of demanding in like manner an *Aid* of them, and therefore he was forced to Assemble them, by his own *Writs*, in order thereunto.

3. Now

K. HENRY
the Verb.

3. Now this Procedure of our two *Archbishops*; gave the first great Countenance to the Assembling of the *Diocesan Clergy* in our *Provincial Synods*; to which tho' they had been often *Invited before*; yet we do not often meet them directly, or constantly *Summon'd* as now they were. But the *Archbishops* knew that being met for other Ends, they would not fail to have *Mony* demanded of them; And this being not to be Granted without the Concurrence of the *Diocesan Clergy*; they were Obligated to require *their Presence*, as well as that of the other *inferior Clergy*; and accordingly they *Summon'd* not only the *Proctors* of the *Clergy*, but oftentimes many others with them, for their own *Use*, tho' not for the State *Purposes*.

Hence it is that we meet with such Calls of the *Lower Clergy* in the *Synods* of of these Two *Archbishops*, as are hardly to be found in the Times of any Others that went before them. They *summon'd* more then were commonly wont to be mentioned in Other times; And they required them peremptorily to come, and did not bearly premonish, or invite them, if they thought fit to be there.

Seet. 28.

Having premised these Remarks, as peculiar to these Two Reigns, I come now to those General Observations which relate directly to the Cause in Hand. What Dr. A. Confesses, of a greater Latitude now beginning to be introduced in the Assembling of the *Parliament* and *Convocation*, as I do not perhaps thoroughly understand, so neither shall I make any Advantage of it. The Matter of *Fact* is plainly this; (let him reconcile it with his Pretensions if he can :) That in the *Parliaments* of these Two and Twenty Years; ¹ Two only there were that had the *Two Convocations* Assembled within any part of their *Session*; and against those there lie such visible Exceptions, as might easily be shewn to render them very little to his Purpose. ² Four Other *Parliaments* there met in this Space, with One *Convocation* sitting within some part of the same time with them. ³ With Six or Seven Others; the *Archbishop* of *Canterbury* held his *Provincial Synod*: and had he held it with every one, I know not what Dr. A's. cause would have been the better for it: For I suppose he is not yet so fond of *Attendance* as to Affirm, either that the *Archbishops* were Obligated to Call *Provincial Synods* with every *Parliament*, or not permitted by our *Constitution*, to hold them any Other time.

¹ Viz. Ann.
1409, 1411.

² Viz. Ann.
1406, 1412,
1413, 1419.
³ Vid. Ann.

1399, 1400,
1402, 1416,
1417, 1421.

Convocations, and *Synods*, frequently met out of *Parliament* time; and it would be in vain for me to account for the Number of them: That, which Dr. A. himself owns would be to the purpose could it be shewn; and which I shall therefore the rather recommend to his consideration, is; that whereas in these Two and Twenty Years there were but *Two Parliaments* that had the *Two Convocations*, in his own Language, to Attend upon them; that *Great Council* met Ten several times without any Assembly of the *Clergy*, of any kind; in either *Province* *Summon'd*, and held, concurrently, nay or even with his Latitude, during so many several *Sessions* of *Parliament*.

If therefore the *Sitting* of the *Parliament* sometimes with both *Convocations* at the same time meeting together with it; sometimes with One only; and oftner with neither: If the Meeting of the *Convocations* sometimes both together; sometimes One only without the Other; sometimes One called in time of *Parliament*; the Other after, or before it; frequently both at such times as no *Parliament* was *Sitting*; may suffice to argue the Independency of those Great Bodies upon each Other, and the Freedom of the *King's Prerogative* in *Assembling* both at his pleasure; this is what our History from the time of King *Edward the First*, hitherto, has spoken to us; and will Go on in like manner to demonstrate.

But there are yet two or three other things which must not be forgotten; and of which we have here again a plain Evidence against Dr. A's Pretences. * That the *Convocations* were Expressly called by the King for *Aid*: * That the *Clergy* of *York*, were not obliged to follow the Example of those of *Canterbury*; nor, in effect, did follow it. * That the *Lower Clergy* still Continued not only to be *Summon'd* to *Parliament*; but to choose their *Proctors*; and to be Solemnly accounted a Part of it; however Dr. A. is pleased to Turn what makes for the proper *Parliamentary* Rights of the *Lower Clergy*, to his visionary Dream of the *Lower House* of *Convocation*. All these I think have been sufficiently Evinc'd in the Prosecution of this History; and to that I refer my self for the Proof of them.

King

K. HENRY

the VIth.

King HENRY the VIth.

To proceed now with the Reign of this new Prince: Before his Father King Henry the Fifth died, the ¹ Archbishop of Canterbury held a Provincial Council at London, on Munday July the 6th. The Occasion of it was to consider what they should do with respect to the General Council, which the Pope had Summon'd to meet at Pavia; and to order a Subsidy for the Clergy, and Ambassadors, who were to be sent thither. On the 17th of the same Month they Agreed on their Subsidy; namely, ² Three pence in the Pound of all Goods and Benefices Ecclesiastical of the Province not Taxed, and Eightpence in the Pound of all Others, of Ten Pounds Value, or more, by the Year. The Rest of the Business of this Synod was spent in the Tryal of Hereticks, which it does not concern our Argument to insist upon.

Sect. 29.

1422.

Reg. Chich-

ley. fol. 30, 31,

32, 33.

Reg. Roffens,

Lib. iii. f. 79.

Conf. Duck.

Vir. Chichley.

pag. 29.

No sooner was the News of the Young King's Death brought into England, but one of the First things Concluded on in order to settle the Estate of the Realm, was to Call a Parliament, ³ which was accordingly appointed to meet upon Munday before the Feast of St. Martin, November the 9th. In this there was much to be done for the Peace and Government of the Kingdom at home, and to carry on the War in France abroad. ⁴ Yet in their Debates so much haste was made that the Parliament rose December the 18th following.

Dugd. Sum-

monit. Parl.

pag. 408.

Rot. Parl. I

Hen. vi. num.

Had those who then managed Affairs known it to have been a Law of our Constitution to Assemble the Convocations as often as the Parliament met; And had the Clergy, then looked upon it to be their Right, nay and one of their Greatest Rights, to Attend upon that Council; we cannot doubt but that here we should have seen the Effect of it. At the beginning of their Reigns, Princes themselves are especially careful to observe with some niceness the Rules of the Government which they have taken upon them. Much more when Subjects were to enter upon an Administration for an Infant King yet in his Cradle; we may be confident they would have been most exact in the doing of this: And not have made so broad an Invasion upon the English Constitution: nor have run the Hazard of disobliging two such Great Bodies, as the Parliament and Clergy of the Realm, at such a Juncture; when so much depended upon pleasing all parties to the uttermost. If therefore with this Parliament we meet with no Concurrent Convocation, but much more if no such Assembly was called in either Province all that whole Year, 'tis a Demonstration to me, that they knew of no such Right, or Law of our Government as is now pretended; but rather thought they should oblige the Clergy by not Assembling, nor, by consequence, Demanding any Supplies of them.

In the Province of Canterbury, before the Kings Death, an Ecclesiastical Synod was held for the Affairs of the Church, and with particular respect to the General Council then Summon'd at Pavia. For the same Ends the ⁵ Archbishop of York, held his, immediately after it, September the 23d, in obedience to the Canons, which require such Assemblies to be called every Year, as the Archbishop's Mandate expressly tells us. Whether it was this Synod Continued, or another called I cannot tell, but on the ⁶ 18th of November they met again for the same purpose; About the General Council; both the Cause of their Assembling, and their Business being Assembled. Besides these I meet with no Conventions of the Clergy this whole Year, in either Province; and These are none of those Meetings in which our dispute is concerned.

Reg. Langley

Dunelm fol.

112.

Reg. 3m

Dec. & Capit.

Dunelm. fol.

98. a.

As this first Year began, so the next went on: ⁷ The Parliament met October the 20th: It sate till the ⁸ 17th of December; and was then adjourn'd to the Morrow after Hilary day. Then it Assembled a second time, and sate on till February the 18th. If Dr. A. cannot point out to us the Convocations which Attended these two Sessions, I am perfectly at a loss to do it; and shall be forced to conclude, that they were not Attended by any such Meetings at all. But indeed the Archbishop of Canterbury was so taken up both these Years in his Metropolitanical Visitation, that we may be confident there was no Synod held by him; and if any Convocation called by the King, our Records, as well as Registers, are wholly silent.

Sect. 30.

1423.

Dugd. Sum-

monit. Parl.

pag. 410.

Rot. Parl. 2

Hen. vi. num.

13, 14.

K. HENRY *the 6th.* The next Year, ¹ by a Letter of Proxy granted by the *Prior and Chapter of Eli*, dated the 8th of *October*, A *Parliament* is said to have been Summon'd to meet at *Westminster* the *Morrow* after *St. Martin*, *November* the 20th. Of this *Parliament* both the *Clause Rolls* and *Rolls of Parliament* are intirely Silent: in none of our *Registers*, besides have I met with the least Intimation of it: And very strange it is that the *Church of Eli*, none of the Remotest from *London*, should Grant its *Procuratorial Letters* five Weeks before the Session of *Parliament* was to begin; and that with this Character, in *Instanti Parlamento*, &c. Would the Form and other Circumstances of this Instrument permit it; I should think it rather to have been a Proxy for the Convocation which met at *London* four Days after, *October* the Twelfth: and of which I come to give an account.

² Rot. Claus. 2 Hen. vi. m. 5. dorf. By ² Writs dated *July* the 10th, the King ordered the *Archbishops* to Assemble their Respective *Clergy* in Convocation within a Fortnight after *Michaelmas*. ³ Reg. Chickley fol. 34. The *Archbishop* of *Canterbury* appointed the 12th of *October* for his to meet upon. The Cause of it is thus truly and briefly delivered by an ⁴ Accurate Historian, to the End that the *Archbishop* might get *Mony* from them for the support of the *French War*.

While the Lower *Clergy* were debating of this Matter; some Accused of *Heresy* were brought before the *Synod*, and made their Submission in it. The *Clergy* having debated upon the King's Demands, gave in their Answer by *William Lyndewood* Dr. of Laws, Official of the Court of *Canterbury*. The Sum was, ⁵ that they were Restrained in their Powers, and had not Authority from their *Chapters* and *Diocesses* to agree to any Grant of *Mony* at that time.

⁶ Ib. fol. 38. Upon this they were ⁶ Prorogued by the *Archbishop* *November* the 4th, to *January* the 29th. The *Proctors* of the *Clergy* at the Command of the *Archbishop* withdrew from the *Chapter House* into the *Lower House*, where they had of old time been wont to treat in *talibus Conciliis*; upon such debates. In the mean time the *Bishops* and *Prelates* in the upper House agreed to a *Subsidy*, upon condition that the *Proctors* of the *Clergy* would also consent to it. They stood out a first, and a second Demand: And continuing firm in their denial, the Assembly was on the 17th of *February* finally dissolved.

⁷ Reg. Dec. & Cap. Ebor. Se. de Vac. fol. 362. The *Metropolitane See* was now Vacant in the *Church of York*; so the ⁷ Kings *Writ* for that Province was directed to the *Guardian* of the *Spiritualities*. They met first upon the 6th of *October*; and then, by *Prorogation*, on the 1st of *December*: and probably began the *Refusal*, which our Province afterwards so stily followed.

By *Writs* dated *February* the 24th 1424, the ⁸ King called his *Parliament* to meet at *Westminster*, *April* the 30th, 1425. By a *Mandate* Issued out the 2d of *March* following, ⁹ the *Archbishop* of *Canterbury* Summon'd his *Provincial Council* to Assemble at *St. Paul's London* the Week before, *April* the 23d. A Convocation famous for this, if for nothing else, that in it we meet with the ¹⁰ first Account of the *Choice* of a *Prolocutor* who was here by Command from the *Archbishop*, Elected by them, and has the Title of such given him throughout the *Acts* of this *Synod*.

In the *Letters Mandatory*, for the Summoning of this Assembly, the *Archbishop* tells the *Clergy* that the most urgent Affairs of the *Realm* and *Church*, which were justly feared by some, compell'd him tho' unwilling to call them together: That for this he had taken the *Advice* and *Consent* of certain of his *Brethren*. But the main Reason which should have stood in the Front of all these kind of *Summons*, viz. that the King had ordered the *Parliament* to be held about the same time, and therefore by the *Rules* of our *Constitution* they were to be Summon'd of Course to Attend upon it; was still wanting; and not the least hint given, either in this, or any other the like Instrument, of any such thing. ¹¹ The *Church of Eli* deputed their *Proxies* to both these Assemblies; First, By *Letters Dated April* the 11th, they Appointed five Persons to appear for them and in their Name, and in the Name of their *Church*, before the Venerable Father in Christ *Henry* *Archbishop* of *Canterbury* in the *Church* of *St. Pauls London*; to Treat, Consent and Determine, and Conclude of such things as should there by deliberate Council be Ordain'd, for the Defence, Reformation and Advantage of the *Church of England*. And then by others dated the 24th of the same Month, they Commission'd three, (two of Them the same they had

had before empower'd, and the Third one of the King's Justices) to Appear ^{K. HENRY the VIth.} for them in the *Parliament* of our Lord, King *Henry the VIth*; with Power to Consent to what should happen to be Treated of and Ordain'd in the said *Parliament* by our Lord the King, and his *Council*, and the other *Prelates, Great Men, and Lords*, of the *Realm*. How these two Meetings of the *Clergy* to which such *different Persons* were deputed, and by such different, or rather contrary *Letters of Procuration*, could yet be but One and Same *Assembly*, As Dr. A. Affirms, I shall leave it to any Man of Sense, be he never so much prejudiced in this Case, to Consider.

If any Meeting of the *Clergy*, be it *Synod*, or *Convocation*, so it be but an *Assembly* of the *Lower Clergy*, will serve Dr. A's Turn; He has here a most exact, concurrent, *Attending Convocation*. It met a Week before the *Parliament* began, and it continued 'till four Days after it was risen, and sate almost three Months together with it.

But where was all this while the *Convocation* of the *Other Province*? We must, I think, resolve with Dr. A. once for all, to cut them off from the Blessed Privilege, and Right of *Attendance*. For indeed it is so seldom that they have met in any order, with our *Parliaments*, as they ought to have done; That if they must come in to make good the Hypothesis, the Cause must fail; and both the *Doctrine* and *Right of Attendance* be given up.

But there was 'Another *Parliament* assembled besides this, this Year; at *Leicester*, *February* the 18th. It sate 'till the very end of it, *March* the 20th. If Dr. A. will tell us what *Convocation* of either *Province*, was called or met with it, he will be very kind; for my part I have not yet been so fortunate as to discover Any.

The *Parliament* having sate to *March* the 20th the last Year, was from thence prorogued to 'the *Munday* after *St. George*, the 29th of *April*, this. From thence it continued to the first of *June*, and so was dissolved. In this *Parliament* a Grievous Complaint was made by the *Commons* against the *Clergy* for *Non-residence*; 'That for want of Instruction, the People were fallen into *Lollardy*, and the *Sacraments* of *Holy Church* were not duly Administred unto them. 'Many Persons died, the Rights of *Holy Church* not received; and *Hospitality* was not kept: They therefore petition'd, That if any Man of *Holy Church* having a Cure of Souls, or of any *Divine Service* to be done to his *Benefice*, should be absent from his *Benefice* by six Weeks continually, his *Benefice* from which he was so absent, should be void. To this, Answer was made, That there was Provision sufficient for this already; 'and that the *Lords Spiritual* had promised to do Execution, and call their Subjects to residence, except such as had cause reasonable and lawful of Excusation, and to punish the *Non-resident* lawfully for their Absence.

By a *Mandate* issued out the day before the Prorogation of this *Parliament*, the Archbishop of *Canterbury*, summon'd his *Provincial Synod* to meet at *London* the 15 of *April* following. It was a proper *Church-Council*; and in the Order of *Summons* there is this particularly to be observed, That the Archbishop directed the *Chapters* of *Cathedral Churches* to send for their Proctor, a Graduate of their Chapter, or otherwise the most proper Person of it; the *Abbots* and *Priors*, if they came not themselves, a Graduate of their *Convent*, if they had any; or else the most fitting Person whom they could chuse: The *Diocesan Clergy* two Graduated Proctors of the same *Diocess*; or otherwise, if they had none such, two of the most able and sufficient of those who were really resident upon their *Benefices*. Such Authority, and greater than this, had our *Archbishops* in those days, in limiting the *Elections* of the *Lower Clergy* for their *Provincial Synods*.

The *Clergy* being met, the Archbishop declared to them the Cause of their Assembling: That it was to enquire after *Fr. Russel* a *Heretick*; and to consider how to proceed against the Favourers of *Hereticks*; and then he commanded the *Clergy* to meet after Dinner in the *Lower-House*, and there to deliberate of this Matter. *Fryer Russel*, a *Franciscan*, had it seems preach'd openly to the People, That *personal Tyrbes* were not commanded by God, but that it was lawful for all Christians to expend them in pious Uses, as they thought best. This struck deep upon the *Revenues* of the *Church*; and the *Fryers* had their Interest obvious enough in it. The *Clergy* therefore with an eager Zeal pursued the Preacher, and not content with that, obliged all others of the same Or-

K. HENRY
the Vth.

der, that as often as they preached, they should publicly instruct the People, that these kind of *Tithes*, were, by the *Laws of God*, and the *Orders of the Holy Fathers*, to be paid.

On the 27th of *April*, all other Affairs being Concluded, and a *half tenth* agreed upon, two days before the *Parliament* was to meet; after its *Prorogation*, the *Archbishop* Dissolved his *Council*.

¹ Registr.
Kemp. fol. 27.
311.

Such was the Case of *Our Province*: But still those of the *Other* neither met, nor granted any thing. To obtain therefore their Benevolence, by a ¹ *Writ* dated *May* the 28th, the King required the *Archbishop* of *York* to Assemble his *Convocation*. The *Archbishop* appointed *August* the 12th for their meeting, and gave Commission to certain in his stead to preside in it. Of all the *Antient Convocations* of this *Province* from *Edward* the 11th's time to this Year, the full Acts of this alone remain to us: And from thence it appears, That tho' they sate from the 12th to the 24th of *August*, and were press'd with all imaginable earnestness to grant a *Subsidie* to the King, yet they refused to do it. From thence they were adjourn'd to the 5th of *October*, and tryed again afresh. They refused again, tho' all manner of Arguments were used to induce them to it. From thence they were prorogued to the 25th of *February*, and what they then did, I am not able to say. So little had they learnt *Dr. A's* Doctrine of being concluded by our *Province*, and obliged to do as we had done before them.

Seft. 33.
1427.

Thus passed this Year; in which, tho' there was a long *Session* of *Parliament*, yet was there no *Convocation* held with it; nor did any other Assembly whatsoever of the *Clergy* sit at the same time. The next year the *Parliament* met ²

² Dugd. Sum-
monit. Parl.
pag. 414.
³ Rot. Parl.
num. 11.

October the 13th, and sate till the ³ 8th of *December*: It was then *Prorogued* to a *Fortnight* after *Hilary*; and so sate on ⁴ till *March* the 25th, when it was dissolved: By this Account the *Parliament* was Assembled for *six Months* together; from the middle of *October* to the latter end of *March*, and thereby gave

⁴ lb. num. 13.

sufficient Opportunity to the *Convocations* of the *Clergy*, during some part or other of this time, to sit with it in this ⁵ *Parliament*; the *Commons*, by the *Assent* of the *Bishops* and *Lords*, among other *Subsidies*, Granted to the King of every *Parish Church* within the *Realm* 6 s. 8 d. as the *Abridgment* of our *Records* reports it.

⁵ Abr. pag. 588.
⁶ Hen. 6. n. 11.

1428.

Such was the *Parliament* of this year, in two several *Sessions*, and during the space of six Months. Yet in all this time was there no *Convocation* of either *Province* call'd to sit with it, or to attend upon it. The next year affords us the Reverse of this: An *Ecclesiastical Assembly* of the *Clergy* of our *Province* called in *July*; and by *Sessions* and *Prorogations*, continued till the beginning of *December*; Another of those of the other *Province* in *August*; and yet all this year no *Parliament* held, or called to meet with them.

⁶ Registr.
Chickl. fol. 69.
b.

To begin with that of our *Province*: ⁶ On the 5th of *July*, by the *Mandate* of the *Archbishop* of *Canterbury*, and at the *Kings* request, a *Convocation* or *Council*, I know not well which to call it, was Assembled at *St. Paul's London*. The ⁷ Cause of it, as declared by the *Archbishop*, was to defend the *Church* against *Heresies*; and to deliberate about the business of the *Pope's Legate*; who being at hand, in the *Church*, was called into the *Synod*, and there demanded a *Subsidy* of them against the *Bohemian Hereticks*.

⁷ lb. fol. 70. a.

On *Saturday* the 10th of *July*, the *Archbishop*, by his *Chancellor*, sent to the *Synod*, and ordered the *Prelates* and *Clergy* to chuse out certain Persons to be a Committee to consider how they should proceed against *Hereticks*, and proposed the Persons whom he thought fit for that *Affair* to them. But this the *Synod* declined; they chose each House its own *Proctors*: Then the *Chancellor* read a *Royal Statute*, and some *Constitutions* to them against *Hereticks*, and so the *Session* was continued.

⁸ lb. fol. 71.

⁹ Registr.

Langley Dun-

elm. fol. 142.

a. Registr.

Kemp. Ebor.

fol. 35.

¹⁰ Registr.

Chicheley. fol.

107.

The *Tuesday* following the *King's Commissioners* came to them to demand an *Aid*: Thus they sate till the 21st of the Month, and were ⁸ *Prorogued* till the morrow after *St. Martin*, *November* the 12th. The ⁹ 2d of *August*, the *Clergy* of *York* met upon the same account, and after the same manner: They made quick dispatch, according to their custom, with their *Business*: And on the 7th of *August* granted the King a *Half tenth*, and so were dismissed.

Our *Clergy* resumed their ¹⁰ *Session* according to the *Prorogation*. To trace the several steps of their procedure, and shew what was done by them, being again

again Assembled, is no way necessary to my present business. It shall suffice K. HENRY to observe, That on the 6th of December they agreed to a *Half Tenth* for the the VIth. King, and so were *Prorogued* to the 19th of October, the year following.

Before that time, ¹ a new *Parliament* was called to meet a Fortnight after Michaelmas; but by other *Writs* was hastened to Assemble the day after St. Matthew; September 22d: Being met, it sate till the 20th of December, and was then *Prorogued* to the Monday after Hilary. On the 19th of October, according to the Appointment made the year before; the *Synod* of our Province resumed its *Session*; and sate to the very day the *Parliament* did; December the 20th, only with this difference, which utterly destroys all dependance of the One upon the Other: That as the *Parliament* began by *New Writs*, whereas the *Convocation* resumed its *Session*, upon a *Prorogation* from the year before; So now ² the *Convocation* was that day intirely *Dissolved* by the *Archbishop*; but the *Parliament* was ³ *Prorogued* only by the King. For the rest they agreed in their *Gift* too; the *Parliament* granted a *Tenth*, and *Fifteenth*: The *Convocation* added a *Tenth* to the *Half Tenth*, which they had granted the Year before. In this indeed the *Laity* exceeded the *Clergy*, that they afterwards Granted another *Tenth* and *Half Fifteenth*; which the *Clergy* did not think fit to follow them in.

It was in this *Parliament* that the *Act* was passed by which the only *Parliamentary Privilege* which I know of that the *Convocation* has, was Granted to them, of the same Protection to them, and their *Servants*, that the *Members* of *Parliament*, by Law before enjoy'd. This was granted upon the *Petition* of the *Prelates* and *Clergy* then present in *Parliament*: So the *Record* plainly shews. It puts them upon the same foot with the *Commons*: "*In presenti Parlamento diversæ Petitiones exhibitæ fuerunt Domino nostro Regi, tam per Prelatos, & Clerum, quam per Communitatem Regni sui Angliæ; are the Words of the Roll: And if the One be admitted to be the Parliamentary Commons, I do not see how the other can be deny'd to have been the Parliamentary Prelates and Clergy.*"

The next year the ⁴ *Parliament* met not till almost the End of it: It began upon Friday, January the 12th, and continu'd till the 20th of March following. Together with this *Parliament*, the King summoned the *Convocation* of the Province of Canterbury to meet before the Feast of St. Gregory, that is before the 12th of March. ⁵ The *Archbishop* anticipated the time proposed, and held his *Synod* upon Monday February the 19th, about the middle of the *Session* of *Parliament*.

It was now become the usual custom, as for our *Ecclesiastical Councils* to grant the King an *Aid*, if required by him; so for our *State-Convocations* to enter upon, and transact *Church Business*, if allow'd by the *Archbishops* and *Bishops* so to do. Accordingly in this Assembly, the *Archbishop* and his *Brethren* being met together in the *Chapter-House* on Friday, February the 23d, debated about the *General Council* of Pisa: The ⁶ *Clergy*, in the mean time, being employ'd below about the Affairs for which they were called; the *Subsidy* demanded of them. Then they sent for them up and deliberated with them about a proper *Convocation Concern*, how to obtain a Remedy in the *Parliament*, which was held at that same time at Westminster, against the *Indicting* of *Priests*. ⁷ But the main *State-Act* of the *Convocation* was the *Subsidy* for the King, which being Granted March the 21st, they were immediately Dissolved.

But there was another thing which was transacted in this *Convocation*, which I must by no means forget. ⁸ Dr. A. in his Indignation against me for asserting what by this time abundantly appears to have been not only certain, but an evident Truth; namely, That the main End and Design of our Princes in Calling of these *Convocations*, was to Obtain a Supply of their Needs from them; has taken some pains to prove, what no body living ever doubted of; that the *Clergy* being met in *Convocation*, did sometimes do other Business besides that of Granting Money to the King. It was a notable Point, and therefore needed the more Care in this most accurate Writer, to clear it. One of his Authorities is derived from an *Act* of this *Convocation*; concerning which he tells us It has been known when even Matter of ⁹ Common Justice and Traffick have felt the Influence of their, (the *Convocations*) Resolves; and the Kingdom been generally benefitted by the *Spiritual Censures* they have denounced on the Use of false Weights and Measures. Had Dr. A. understood the occasion of this Decree,

K. HENRY the VIth.

Sect. 34.

1429.

Dugd. Summonit. Parl. pag. 416.

Registr. Chickley. fol.

78. a.

Rot. Parl.

8 Henr. vi.

num. 16.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

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Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

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Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

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Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

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1430.

Dugd. Summonit. Parl. pag. 419.

Registr.

Chickley. fol.

81.

K. HENRY the VIth. Decree, He would have known that there had been Care, and Care sufficient, taken by other *Censures*, which commonly do much more influence *Traffick* than *Ecclesiastical Sentences*, about this matter before; and that the *Archbishop* and *Clergy* only came in as a Subsidiary help to what had been Established by an *Act of Parliament* the Year before. It was however commendably done of them; and in matter of such concern to the Publick, no Provision ought to have been omitted that could have been made for it. But does Dr. A. in good earnest believe himself, or does he ever hope to perswade any man in his right Senses, that this was the *Cause* of the King's calling of this *Convocation*; or the End which he proposed to himself in the Assembling of it. Let him look into the Acts of this *Assembly*, and see what the *Royal Commissioners* recommended to the *Clergy* from the King in this meeting: Whether it was to give him a *Subsidy*, or to make a *Constitution* about the *Auncel-weight*? And when he has so done, let him consider, That 'tis one thing to say what was the *Great Design*, and End of our *Princes*, in Calling of these *Assemblies* generally was; and another to say what might sometimes, and in some Cases move them to the Assembling of them. And again; that to overthrow this Assertion, That the main End for which our *Princes* were wont to Call these *Convocations*, was for their *Aid*; it is not sufficient to shew that the *Convocations* being met, did do some other Business, even generally; (tho' that he can never shew) unless it be proved withal, That they did that other Business by the King's direction; and that that Business, not their *Aid*, was the Great, moving Principle, that determined our Kings to the calling of them. But it is a useful knack that some Men have got, to slip by the Point in which the true Proof, and Difficulty lies; and triumphantly to pursue such other Matters, as no body ever deny'd, nor need-ed they to have proved.

Registr. Chickley. fol. 82. Arch. Ebor. Cancellor. Anglie, in Ornata verborum serie, Dominum & Con-fratres suos, ac Cæteros Prælatos, & clericum ibidem existentes ad DUO specia-liter excitavit; videlicet, ut pro Rege teneris sub Annis Constituto, & pro Jure suo tunc in Francia laborante, preces funderent debitas ac devotas; ac etiam ad sub-veniendum ejus necessitatibus per eorum discretionem effectualiter Providerent.

Had the King summon'd the *Convocation* of York at the same time that he did that of *Canterbury*; we should here have had a Compleat Year of a *Parliament*, and *Convocations*, such as Dr. A. would make us believe there always was; He means there always ought to have been, to make good his Hypothesis, tho' there seldom or never was. But that *Province* Assembled the *August* before; and by so doing, has utterly overthrown all that promising Prospect which there seem'd to be on Our side.

The next Year all is silent; neither *Parliament*, *Convocation*, nor *Council*, that I know of fate in it. Anno 1432, the *Parliament* was summon'd to meet betimes, May the 11th: It fate to the 17th of July following, and so was Dissolved. With this *Parliament* no *Convocation* was either Called, or Held, in either *Province*; nor did the *Clergy* otherwise than in their own *Parliamentary Right* Attend at it.

On the 15th of September the *Archbishop* of *Canterbury* Assembled his *Provincial Council*: He called it by his own *Ecclesiastical Authority*; and it was in all respects a proper *Church Synod*. The Cause of it expressed in the *Citatory Letters* was this, *pro nonnullis Arduis & urgentibus Negotiis, universalis Ecclesia fideique Catholica statum Reformationem & utilitatem concernentibus*: And what those Affairs were, the *Archbishop*, when they were met, more particularly explained to them: The Sum was to consider of what related to the *Pope*, and the *Council* of *Basil*, and how to behave themselves towards each of them.

The *Clergy* being thus met upon an *Ecclesiastical account*, the King took the Opportunity of applying to them for *Aid*. They agreed to a *Half Tenth*, and so on the 24th of the same Month the *Assembly* were Dissolved.

To get the *Aid* of the *Clergy* of the Other *Province*, the King issued out his Writ to the *Archbishop* for the Convening of it. They met there October the 3d (three Months after the *Parliament* was Dissolved) but they gave but half as much as our *Province* had done, the 4th part of one whole *Tenth*. So little did they stick to Dr. A's Rule; or imagin themselves to be concluded by the precedents of our *Province* in these particulars.

On the 8th of July, the Year following, the King called his *Parliament* to meet at *Westminster*: It fate till the 13th of the next Month, and then was prorogued till a Fortnight after *Michaelmas*. From thence it continued its Session

Ibid. fol. 88. Registr. Poulton. Wigorn. fol. 147. Registr. Gray. Linc. fol. 192. Registr. Kemp. fol. 38. Dugd. Summit. Parl. pag. 422. Rot. Parl. 11 Henr. vi. num. 12.

Session till the *Twenty First of December*, which seems to be the last Day ^{HENRY} of it. ^{the Vth.}

With the *First Session* of this *Parliament*, no *Assembly* of the *Clergy* of any kind met in either *Province*. With the latter, a *Convocation* of a mixt nature was called by the *King's Writ*, and the *Archbishop's Mandate*, to sit at *St. Paul's London*, *November the 7th*; and of which, the best Character I can give is, That it was at once both a *Council* and a *Convocation*. The *Archbishop's Mandate* begins altogether upon the *Spiritual Part*: The instant great necessity of the *Universal Church*, considering the matter of difference between our *Holy Lord*, "the *Pope*, on the one side, and the *Holy Council of Basl* on the other, which "was now in *Agitation*; joyn'd with the Incitement of the *Princes, Lords*, and "Nobles of the *Realm of England*, enforced him to it: That besides this, he had "received the *King's Writ*, (which he at large recites) to the same purpose.

In the *Persons* who were so called to this Meeting, there is also somewhat very particular; which the business of a *State-Convocation* required not; but that of the *Council* did. The *Archbishop* directed, That the *Bishops and Prelates* should come to it in person; & *meliori quo poterint in sacra Theologia Jure Canonico & Civili Doctorum, & aliorum Clericorum presentia suffulti & Consilio*. That the *Chapters* should send One *Proctor* at the least, the *Diocesses* two, and those to be, *sufficienter scientifici & Graduati*.

The *Proceedings* of the *Clergy*, when met, shew it to have been more than a meer *State-Convocation*. The *Archbishop* having proposed the *Causes* of their meeting to them: The *Clergy* answer'd: "That for as much as the said "Motives were such as had not before been perfectly Communicated to, or "consider'd by many of them, and to which an Answer ought not suddenly "to be given, without a prudent and mature deliberation; it would behove "them *de Licentia Domini & Confratrum suorum*; to enter upon a special and "joint deliberation about them. This the *Archbishop* willingly Granted and "commanded them that they should diligently and unanimously labour about "the said Motives, and what depended upon them, till the *12th of November*: "Usque quem diem Dominus continuavit Convocationem.

Thus they went on with their *Conciliary Affairs* to the *19th of November*, before the *King* made any demand of *Subsides* of them. The *Clergy* refusing to make any *Grant*; on the *7th of December* the *King's Commissioners* renewed their demand a second time. On the *17th* they agreed to a *Subsidy*, and on the twenty first, the *Convocation*, as well as the *Parliament*, were both Dissolved: The *Grant* was a *quarter* and *half* of a *Tenth*; as the *Writs* for the Collecting of it shew.

Such was that *Assembly* which met in our *Province*; and continued about the whole time of the *second Session* of the *Parliament* of this Year. If *Dr. A.* thinks that either the *King* called it, or the *Archbishop* held it by the *Rule* of our *Constitution* to attend upon that *Great Council*; I must then desire him to tell me, how it came to pass, that when the *King's Writ* went out for calling the *Convocation* of One *Province*; he did not at the same time, issue out another, for that of the other *Province* to meet, as by the same *Rule* of our *Constitution* (if any such *Rule* there were) it ought to be done. Yet the *King* we are sure summon'd it not at this time; nor does it appear that the *Archbishop* assembled his *Synod* during this whole Year.

The next Year affords neither *Parliament* nor *Convocation*: On the *7th of October* the *Archbishop* of *Canterbury* held a *Provincial Synod*, for the defence of the *Ecclesiastical Jurisdiction*, which by several of the *King's Writs*, especially that of *Premuniri facias* was, as he affirm'd, more disturb'd and hinder'd than usually it had been. He complain'd also that the *Ministers* of the *Church* were daily oppress'd by false *Indictments*, and other unjust Vexations. For this cause he call'd them together, to provide some remedy in this behalf; and caused a certain number of *Persons* to be deputed, *Doctors* of the *Laws* and others, to consider their *Grievances*, and draw them up in *Writing*. But the *Pestilence* being hot in *London*, the *Synod* was disturbed by it; and so little was done in these matters at that time. Yet on the *23d of October* certain *Articles* were form'd, and pass'd, by which the *Violators* of their *Ecclesiastical Rights* were *Excommunicated*, and these were ordered to be publish'd Three times in the Year.

HENRY On the 5th of July 1435, the King sent out the *Writs* for a *Parliament* to meet at *Westminster* the tenth of *October*. Being Assembled there, it continued to sit, ² till the twenty third of *December*, and then (I suppose) was dissolved. ³ In this *Parliament* the business of the *Abbots* and *Priors* being made *Collectors* of *Tenths* out of the *Diocesses* in which they resided (for which a provision had been made in the latter end of the Reign of King *Henry* the Fifth) was again resum'd. But the King declined doing any thing in it, and so it continued as it was before.

By a ⁴ *Writ* to the *Archbishop* of *Canterbury*, dated *September* the 27th: The King ordered a *Convocation* of that *Province* to be Assembled the *Morrow* after *St. Martin*, *November* the 12th, about the middle of the *Parliament*: How long it continued, or what it did I am not able to say. If I may rely upon a *Minute* taken from an *Antient Register*, the *Clergy* thus Assembled, Granted a *Subsidy* of 6 s. and 8 pence, of such whose *Benefices* were above *Five*, and under *Ten Pounds* a Year; and a whole *Tenth* of all above the last *Value*.

The *Convocation* of the *Other Province* was not ordered by the King till the 8th of *February* following, and met not till the *June* after, as I shall more particularly observe by and by.

The next Year the ⁵ *Parliament* was called to meet at *Cambridge* the 21st of *January*: But by other *Writs* was adjourn'd to *Westminster* on the same Day: It met accordingly, and ⁶ sate to the 27th of *March*, and so was Dissolved. With this *Parliament* no *Convocation* of the *Clergy* was held: In the *Province* of *Canterbury* they met again this Year, as they had done the last, on the 12th of *November*. In that of *York* the *Convocation* called by the King's *Writ* before mentioned *February* the 18th, met upon the 11th of *June*; and Granting a *Subsidy* then, was not re-assembled with the *Parliament* six Months after.

About the end of this Year *March* the 8th, while the *Parliament* was yet sitting; ⁸ *Writs* were made out by the King's Order to the two *Archbishops*, to Assemble their respective *Convocations*. The time limited was within the first of *May*, 1437: And the ⁹ *Archbishop* of *Canterbury* accordingly Assembled his on *Monday*, *April* the 29th at *St. Paul's Church*, *London*: The business of this *Convocation* was for a *Subsidy*; which they soon dispatcht, and so were dismiss'd the 8th of *May* following. How the King's *Writ* was Executed in the *Other Province*, at what time they met, or whether they met at all, I have not yet been able to discover, and must therefore leave it to some more fortunate Person to declare.

The last Year was not quite ended before the King sent out ¹⁰ *New Writs*, for the two *Convocations*, dated *February* the 12th, That of our *Province* Assembled at *St. Paul's London*, *April* the 28th: ¹¹ It met both by *Papal* and *Royal Authority*, and was at once both a *Synod* and a *Convocation*. The business was to appoint Commissioners for the *Council* of *Ferrara*, and to agree upon a *Subsidy* for their *Expences*. ¹² The Religious by themselves Consented first; and deliberating farther about the business which related to the promoting of Graduates in the *Universities*, by the *Abbot* of *Glocester* their *Prolocutor*, agreed (with some *Conditional Qualifications*) to the Constitution made in the Year 1421. ¹³ On *Wednesday* the fourteenth of *May*, the *Synod* was *Prorogued* to *Monday* the sixth of *October* following, when being resumed, it sate till the 18th of the same Month, and then was Dissolved.

The *Convocation* of *York* met a few days sooner, *April* the 21st, by the same *Authority*, and for the same Ends. I shall add only, that in neither of these two Years was there any *Parliament* held; so that these *Assemblies*, whether *Councils* or *Convocations*, or Both, could not have been design'd either to meet with, or attend upon that Great Body.

On the 20th of *September* the next Year, ¹⁴ *Writs* were issued out for a *Parliament* to meet at *Westminster* on *Thursday*, the *morrow* after *St. Martin*, *November* the 12th. Being met at that time, ¹⁵ it continued to sit till the 21st of *December* following; and was then *Prorogued* till the *morrow* after *Hilary*, *January* the 14th at *Reading*: How long it sate there, the *Roll* does not tell us; ¹⁶ but by a *Writ* dated in *Parliament*, *February* the 15th, it appears that it was not then dissolved, it being a *Writ* of *Summons* to call up an absent Member to *Parliament*, we may reasonably conclude that it lasted for some considerable time

time after. About a Month before this *Parliament* first met, the ¹ King by ^{K. HENRY} his *Writ*, commanded the Archbishop of *Canterbury* to Assemble the *Convocation* of his *Province* at *St. Paul's London*. ^{the VIth} ^{Rot. Claus.} ^{18 Henr. vi.} ^{m. 35. dorf.} ^{Regist.} ^{Chicheley. fol.} ^{109. b.} ^{iii.} The Archbishop obey'd, and appointed it to Assemble the 21st of *November*; a few days after the *Parliament* was to begin. The King's *Commissioners* being come to it, declared to the *Clergy*, in his Name, the Causes of his Calling of them: And exhorted them, first, to consider how the *Differences* between the *Pope* and the *Council of Basil* might be accommodated; and in the next place, to Grant a *Subsidy* to Him.

Here therefore every thing went, on this side, to Dr. A's satisfaction. A *Convocation* was called by the King's *Writ*, and sate exactly with the *Parliament*; began but nine Days after it, and continued to the end of its first Session. The cause of it was not merely or chiefly for a *Subsidy*; which came but in the second place: As in the *Convocation* before, no *Subsidy* at all was demanded of it, tho' it then also sate by the King's *Writ*, as well as by the *Popes* Direction.

In this *Convocation* among the ³ *Grievances* of the *Clergy*, that which arose from the *Writ of Premuniri* was chiefly complained of; and a large request was presented by the Archbishop to the King in the Name of the *Convocation* against it. A *Constitution* was made in favour of *small Vicaridges*, for the better *Augmentation* of them; a *Tenth* Granted; and at the request of the *Clergy*, the *Convocation* Dissolved; tho' the *Parliament* with which it sate (Dr. A. would have said, on which it was called to Attend) was not, but only *Prorogued* for the sake of the *Christmas* Season, to *Reading*. ^{Ibid. fol. 113.} ^{114.}

Now this intirely overthrows all the encouraging Prospect which Dr. A. might before have flatter'd himself with from this Meeting. For had it been design'd for a *Convocation* Attendant upon the *Parliament*; or thought by the King, or his *Council*, to have been so: The Archbishop must have only *prorogued* the One, as the King had done the Other; and have order'd it to meet again in *January*, when the *Lords* and *Commons* did. But instead of that He finally Dissolved it, as the Words of the *Register* are: And the other Session of *Parliament* was held alone by it self, without so much as the *Clergy* of *Canterbury* to keep it company. As for those of *York*, they were not called at all either by the King, or the *Metropolitan*; nor can I find that they met at all this Year.

The Year following tho' no *Parliament* was Summon'd, Yet by a Letter from the King to the ⁴ Bishop of *Rocheſter* dated under his *Privy Seal* May 30th, it appears that there was a *Great Council* held; with which not being concern'd I shall take no farther Notice of it. ^{Sect. 40.} ^{1440.} ^{4 Registr. Roſ.} ^{fens. Lib. iii.} ^{fol. 159.} ^{Registr.} ^{Kemp. fol. 416.} ^{79.}

In ⁵ the *Province* of *York* a *Convocation* was held August the 17th: I call it a *Convocation* because the *Acts* speak of it under that Name. But otherwise being Summon'd by the *Archbishops* Own Authority; and making of some *Provincial Constitutions*; it appears to have been an *Ecclesiastical Synod*, a proper *Provincial Council*. Be it which it will, the *Clergy* thus Assembled Granted a *Tenth* to the King; and in that give us a Certain assurance that they did not meet with the *Parliament*, and the other *Convocation*, the Year before.

It was towards the latter End of the Year 1441. before the *Parliament* met again: Then it began on ⁶ Thursday, the morrow after *St. Paul*, *January* the 26th; and sate ⁷ from thence to *March* the 27th. On the very day that the *Parliament* began the King sent out his *Writs* to both the *Archbishops* to Assemble the *Clergy* of their respective *Provinces*, I cannot say in an *Co-attending*, but in a Subsequent *Convocation*. Accordingly our Archbishop ordered his to Meet ⁸ April the 16th, about 3 Weeks after the *Parliament* was Dissolved. ⁹ It granted the King a *Subsidy*, and sate to the 26th of the same Month. But the *Convocation* of *York* was yet more remote from the Session of *Parliament*: It met not till the 4th of *October*, seven months after its *Dissolution*; and then granted the King a *Tenth*, as our *Province* before had done. ^{1441.} ^{6 Dugd. Sum.} ^{monit. Parl.} ^{pag. 432.} ^{7 Rot. parl. 20.} ^{Henr. vi.} ^{num. 5.} ^{1442.} ^{8 Reg Gilbert.} ^{Lond. fol. 93.} ^{9 Registr.} ^{Prasy. Cice.} ^{strenf. fol. 51.} ^{Br. pro X.} ^{Colligend.} ^{Sect. 41.}

The next Year affords Us no *Assemblies* of the *Clergy* either in *Parliament*, or *Convocation*. Anno 1444. By a ¹¹ *Writ* dated *July* the 12th the King required Archbishop *Stafford* to call his *Convocation* before the Feast of *All Saints* following. He appointed it to meet *October* the 19th; and being met it continued to the 26th of the same Month, and so was Dissolved. ¹² In this *Convocation* the King, by his *Commissioners*, first demanded a *Subsidy* of the *Clergy*, and then sent his Letter to them for a *Decree* to be pass'd by them for the Solemnizing of the Feast of the *Translation* of *St. Edward*. The *Clergy* granted a *Tenth* to the King, and at their request

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request the Feast of St. Edward was order'd by the Archbishop to be observed as a double Feast. The rest of their Debates were spent upon the Subject of such things as needed Reformation; and for which they appointed certain *Proctors* and *Solicitors* to Attend at the next *Parliament*.

¹ Dugd. Sum-
monit. Parl.
pag. 434.

² Rot. Clauf.
23. Henr. vi.
m. 17. dorf.

Sect. 42.
1445.

³ Rot. Parl. 23.
Henr. vi.
numb. 10.
⁴ Ibid. num. 11.
⁵ Ibid. num. 12.
⁶ Ibid. num. 15.

It seems probable by this Procedure, that tho' the *Lower Clergy* still continued to be summon'd to *Parliament*, as they had before been; and several Returns were made upon the *Pramunientes* to it; Yet now the numbers that actually went thither were not very great; and therefore the *Clergy* were forced to appoint what *Proctors* should come up to the next *Parliament*, and pursue the *Redress* of these *Grievances* on their Behalf. ¹ This *Parliament* was not Summon'd till the xiiith of *January*; almost 3 Months after the *Convocation* was Dissolved. It met upon *Thursday*, February the 25th: and sate till *March* the 15th, and so was prorogued to the beginning of the next Year.

About a Fortnight after the calling of this *Parliament*, ² by another *Writ* to the *Archbishop* of *York*, the King directed the Assembling of the *Convocation* of that *Province*. Had the *Archbishop* thought fit, He might have made it an *Attend* upon the *Parliament*. But that time would have been inconvenient both to Himself, and his *Clergy*; and He knew of no such Obligation in this Case, as is now pretended; and therefore he delay'd it to the time which we shall hereafter see. In the mean while, I cannot imagine what can be more demonstratively Evident in Vindication of the Freedom of the *Prerogative* in this Case, and of the Independance of these *Assemblies* upon one another, than the Procedure of this Year Affords us. First here is a *Convocation* of the *Province* of *Canterbury* called in *July* by the King; and held in *October* by the *Archbishop*. Then a *Parliament* is summon'd in *January*, and sits the *February* following. And after both, a *Convocation* of the *Other Province* is called about a Month before the *Parliament* met, with no limitation of time; and not Assembled till *September* the Year following. If Dr. A. can reconcile this to his New-Model of our *English Constitution*, He is a Man of Art; for my part I despair of ever being Able to do it.

The *Parliament* of the last Year, was, as I before observed, not Dissolved, but Prorogued to the beginning of this. ³ Accordingly it resumed its Session, *April* the 29th; and, as I understand, it sate till *June* the 5th; and was again prorogued to *October* the 20th. ⁴ On the 20th of *October* it met again, and continued to *December* the 15th. ⁵ From thence it was a third time prorogued to *January* the 24th: ⁶ and so sate to *April* 9th; and was finally dissolved.

Amidst so many Sessions of *Parliament*, continued with three small interruptions for a Year and Quarter, if the *Convocational Attendance* fail, what can we conclude but that certainly the Men of that Age understood nothing of what is now Asserted concerning it. Yet this is the very truth of the matter. In *February* 1444 The *Parliament* began: It lasted till *April* 1446. and in all that time no Assembly of the *Province* of *Canterbury* was held; which met the *October* before this long *Parliament* Assembled; and sate not again, till the latter End of *June*, after it was dissolved. 'Tis true, the *Province* of *York* did meet in the Year 1445: But it met as much to the destruction of this New Hypothesis, as it was possible for it to have done. For it met during the time that the *Parliament* was Adjourn'd: A most rational procedure upon their Principles who deny any Obligation in the One to Attend upon the Other; but as Irrational on theirs who make it a Rule, the Fundamental Law of our Constitution, that the *Parliament* of *England* ought never to sit without a *Convocation*, Essentially joyn'd with it: And affirm, that neither the King, nor the *Archbishops*; nor *Clergy*; no nor the very *Parliament* its self; can, without breaking our *Form of Government*, make a Separation between them.

⁷ Registr.
Kemp. fol. 43.

⁸ Registr. Nor-
wic. x. tem-
pore Thome
Episcopi. fol.
96.

But I must represent the History of these things as I find it truly was, not as some men would have it thought to have been. The ⁷ *Convocation* of *York* met the last of *September*: It Granted a *Tenth* to the King; and that is all that I can find was done by it.

While the *Parliament* was sitting; ⁸ Pope *Eugenius* having laid a Tax upon the *English Clergy* of a *Tenth* for the defence of *Christendom* against the *Soldan* of *Babylon*, his Legat came hither to the King about that Affair. The King told him he would advise with his *Bishops* what Answer to make to Him. Accordingly he consulted with the *Archbishop* of *Canterbury*, and Four of his *Suffragans*, being all that were present at the *Parliament*; and agreed with them, that every

Bishop

Bishop should Assemble his *Diocesan Synod*, and therein Raise a Penny in the Mark for this Purpose. This resolution the Archbishop of *Canterbury* order'd the Bishop of *London*, by his *Mandate* dated *March* the 14th. 1444. to communicate to all the Bishops of his *Province*: In which this Passage is upon more Accounts than One to be observed: — “ *Ne Prælati & Clerus deberent Onerari super Novâ decimâ Solvendâ Regi, Dom. Cantuar. cum Prælati Supradictis, Convocationem non fiendam deliberaverunt; Et voluerunt quod Singuli Episcopi in suis Diocesis facerent ista Exponi, & summam prædictam concedi.* The Archbishop knew very well what they were to expect if they met in *Convocation*; and therefore to avoid the *Kings Demands*, chose by this Other Way to comply with what the *Pope* had required of Them.

To proceed therefore to the next Year 1446. in which the ¹ *Parliament* was called to sit at *Cambridge* upon *St. Scholastica's* day, *February* the 10th; but by Other *Writs* was adjourn'd to ² *St. Edmunds-bury* on the same Day. It met there, and ³ continued to the 3^d of *March*, and then was Dissolved.

I have before said that the ⁴ *Convocation* of the *Province* of *Canterbury*, was Assembled this Year in *June*. The King in his *Writ* had limited the time to be within the Feast of *St. John Baptist*, the Archbishop named *June* the 22^d. And the Clergy accordingly met upon that day. ⁵ It continued from thence to the 8th of *July*, when having agreed to a *Tenth* for the *Kings* Use, it was Dissolved. After this I do not meet with any other Assemblies of the Clergy in either *Province* this Year; So that the *Parliament* at *Bury* sat, as the other before had done, altogether by its self, without any *Convocation* to Attend upon it.

The Year following neither *Parliament* nor *Convocation*, that I can find, were called. In the next after 1448, ⁶ A *Parliament* met tho very late; so that beginning in this Year, it continued on for a Great part of the *Summer* in the next. Its ⁷ first Session was at *Westminster* from *February* the 12th to *April* the 4th. Then it was prorogued to *May* the 7th. From *May* the 7th it sat to *May* the 20th, and was again prorogued to *June* the 16th, and order'd to meet at *Winchester*. There it met as it was appointed, and Continued to *July* the 16th, which was the last day of this *Parliament*.

In this ⁸ *Parliament* the Petition of the *Abbots* and *Priors* for a remedy against the *Archbishops* and *Bishops* in appointing them to be *Collectors* of the *Tenths* granted in their *Convocations*, at an inconvenient distance from their place of dwelling, was again renew'd: It was again rejected with this full Answer; that “ Forasmuch as the deputing of the *Collectors* of the *Dismes* granted by the *Archbishops*, and *Bishops*, and the *Clergies* in the *Convocations* of this *Roiatme* belongeth to the said *Archbishops*, and *Bishops*; the King will that the matier contentyn'd in the said Petition be Committed to them to put such remedie therein as may be thought best after their *Wisdomes* and *Discretions*.

With the first, and second Sessions of this *Parliament*, no *Convocation* was held. With the third that of our ⁹ *Province* met, (for I cannot say Attended) by order of the *Kings Writ*, dated *May* the 19th, and by the *Archbishops* *Mandate* sent forth thereupon: The *Parliament* sitting at *Winchester*, *June* the 16th; The *Convocation* at *London*, *July* the 1st. In this *Convocation* the Clergy granted one *intire xib*, besides a *Subsidy*, to the King, ¹⁰ as by the *Writs* for the Collection of them it appears.

What this *Subsidy* was, the *Rolls* of the *Parliament* which met at the same time inform us. ¹¹ The *Commons* petitioned the King on the Behalf of the Clergy to grant a *General Pardon* of All Crimes and *Forfeitures* to them to the first day of *June* past; and for this They (the *Commons* in *Parliament*) by the Assent of the *Lords Spiritual*, and *Temporal*, Granted a *Subsidy* to Him of 6 s. 8 d. to be taken and received of all manner of *Priests*, *Saculars*, *Stipendiaries* and *Chantry Priests* within the Realm. The King accepted the Condition, and Granted the Petition upon the Terms proposed. ¹² And the Clergy in *Convocation* agreed (besides the *Tenths* which they gave as Usual) to the payment of it.

By new ¹³ *Writs* dated the 23^d of *September*, another *Parliament* was Summon'd to meet at *Westminster* upon *Thursday* the 6th of *November*. The 1st day of its meeting it was Adjourn'd from *Westminster* to *London*. There it continued till the 4th of *December*, when it was adjourn'd back to *Westminster* where it first met. At *Westminster* it sat on to the 17th of *December*; and then was prorogued to ¹⁴ *January* the 22^d. From *January* the 22^d it Continued till *March* the

K. HENRY
the VIth.1446.
Dugd. Sum.
monit. Parl.
p. 436.

Ibid pag 438.

Rot. Parl. 25.
Henr. vi. num.

17.

Registr. Gil-
bert. London.

fol. 99.

Registr.
Carpenter. Wi-

gorn. par. i.

fol. 53.

Sect. 43.

1448.

1449.

Dugd. Sum-
monit. Parl.

pag. 440.

Rot. Parl.
27. Henr. vi.

num. 10, 12,

13.

Ibid. num. 23.

Registr.

Burchier.

Eliens. fol. 21.

Registr.

Waynfleet.

Winton. fol.

1. 4. Lib. i.

par. 3.

Rot. Parl.
27. Henr. vi.

num. 25.

Registr.

Roffens. Lib.

iii fol. 219.

Dugd. Sum-
monit. Parl.

pag 442.

Rot. Parl.

28 Henr. vi.

num. 8.

Ibid. num. 9.

30th:

K HENRY
the VIth.

¹ Registr.
Waynfleet. Lib.
i. par. ij. fol. 5.

² Registr.
Lumley. Linc.
fol. 62.

1450.
Sect. 44.

1451.
³ Rot. Parl. 28.
Henr. vi. num.

11.
⁴ Dugd. Sum-
monit. Parl.

pag. 443.
⁵ Rot. Parl. 29.
Henr. vi. num.

10.
⁶ Rot. Ib. num.
num. 11.

Sect. 45.
1452.

⁷ Rot. Clans.
30. Henr. vi.
m. 9. dorf.

⁸ Registr.
Kemp. fol. 159.

⁹ Registr.
Booth. fol. 151.

¹⁰ Registr.
Kemp. Can-
tuar. Arch. fol.

219.

1453.
¹¹ Dugd. Sum-
monit. Parl.

pag. 446.
¹² Rot. Parl.
31. Henr. vi.

n. 12. 20, 22,
23.

¹³ Registr.
Booth. fol. 330.

30th: What became of it then we shall see when we come to the next Year. In the mean time let us enquire How the *Convocations* Attended upon the two *Sessions* which we have already mentioned of it.

By a ¹ Writ directed to the *Archbishop* of *Canterbury* under the *Privy Seal* dated at *Eltham* the 2d of *October*, the King order'd the *Convocation* of this *Province* to be Assembled. The *Archbishop* the same day issued out his *Mandates* for it to meet upon the 14th of *November*; a week after the *Parliament* began. How it sate, or when it rose, I am not able to declare: ² But by the *Kings Writs* for Collecting what was Granted by it, it appears that by several *Prorogations* it was continued till the 17th of *July* following; which is all that I know of it.

If any *Convocation* met either with this, or the foregoing *Parliament* in the *Province* of *York*, 'tis more than I have yet been able to discover: However, as I do not know that any did; so neither will I determine that there was none held this Year in those Parts.

How the last *Parliament* sate till the 30th of *March* I have before shewn. ³ It was then prorogued to meet at *Leicester* *April* 29; after which we hear no more of it. On ⁴ the 5th of *September* New *Writs* were issued out for a *Parliament* to meet at *Westminster* on the Feast of *St. Leonard*, the 6th of *November* following. Being met it ⁵ sate to the 18th of *December*, and was prorogued to the 20th of *January* after. From thence it sate again to *April* 29th. 1451. ⁶ Then it was again Prorogued to *May* the tenth; which is the last account we have of it.

Had any *Convocation* been held with this long *Parliament* in either *Province*, I can scarcely think that our *Rolls* and *Registers* should have been so Generally silent, as I have some Reason to think that they are, of it. Let *Dr. A.* try his better Fortune; whilst I beg leave to conclude, till I shall see some good Evidence to the Contrary, that with all these *Sessions* no *Convocation* was Called; nor did any, in his new phrase, *Attend* upon it.

But it may be the Procedure of the Next Year, may help to make up the defects of the Foregoing. On the 6th of *March* 1451. The King issued out a ⁷ Writ to the *Archbishop* of *York* to Summon a *Convocation* of his *Province*. ⁸ The *Archbishop* appointed it to meet upon *June* the xiith this Year. He presided by his Commissioner; who (not being able as I conceive to obtain any Subsidy of the Clergy) prorogued it to the 6th of *October* following. In the mean time the *Archbishop* was Translated (*July* the xxist) from the See of *York* to that of *Canterbury*; and *William Booth* removed to *York* in his Stead. ⁹ The *Convocation* thus Prorogued in the time of One *Archbishop*, met according to its Assignment under Commissioners delegated by the Other. Thus was it Adjourned from time to time till *January* the 29th; when the Clergy agreed to a Grant of Half a Tenth; and so were Dissolved.

¹⁰ On the 15th of *December* the King, by his Writ, commanded his New *Archbishop* of *Canterbury*, to Summon his Clergy; leaving both the Time and Place to Him. He held His *Convocation* at *St. Pauls* *London* *February* the 7th: And continued it on till the 3d of *March* following.

Having thus, at such different times, required the *Archbishops* to Call their *Convocations*; He last of all, at another Season, Summons his *Parliament*, ¹¹ by *Writs* dated *January* the 20th; to sit at *Reding* the 6th of *March*. It met and ¹² sate till *March* the 28th. 1453: And was then Prorogued to *Westminster* on *April* the 25th. From *April* the 25th, it continued to sit there till *July* the 2d. When it was prorogued again to the xiith of *November*; and that to meet at *Reding* where it began. It was then further Adjourn'd to the 11th of *February* first; and again to the 14th. From thence it sate on to the Middle of *April*; 1445- about which time it seems to have been Dissolved.

This was a long, and a remarkable *Parliament*; and it must be very strange if some Assembly or Other of the Clergy did not happen to sit concurrently with it; and thereby, in the New Phrase, to *Attend* upon it. Yet so it was; That the Clergy having made their Grants a little before it began, they were not once Summon'd to sit within the *Compass* of it; no nor yet, that I can find, the whole next Year after it. The *Archbishop* of *York* held indeed ¹³ his *Diocesan Synod* after *Michaelmas* 1453: Had He held a *Provincial Convocation*, the same Register which Recorded the One, would doubtless much more have made some Entry of the Other.

Anno 1455. The King¹ called his *Parliament*, to meet at *Westminster*, July the 9th. It sate till the End of the Month, and was² prorogued to the 12th of November following. On the 12th of November it met again, and continued to the 13th of December. ³ Then it was again prorogued to January the 14th. At which time resuming its *Session*, it sate till towards the End of February. Here now was another Long, and Busie *Parliament*: It lasted viii Months; and Ordered many things of the Greatest Consequence. Yet with none of these *Sessions* did any *Convocation* meet; nor for some Years before, or after.

Towards the latter End of the Year, we hear of an⁴ Assembly called by the Name of a *Parliament*, appointed to meet at *Westminster*. And if I mistake not in the Time (for the date is wanting) either the same Adjourn'd, or a New Great Council summon'd, by Other Writs dated January the 27th to meet at *Coventry* February the 14th: But of this I can give no farther Account; nor does it concern my Subject to Enquire after it.

From this Year we must make a large Step forward, to 1459. before which I cannot find that either *Parliament* or *Convocation* was held. The King⁵ then call'd his *Parliament* to *Coventry* November the xxth: It⁶ sate till the same day of the Month following, and so was Dissolved.

And here we have again another Evidence Against Dr. A's Pretensions: A *Parliament* sitting without any *Convocation* in Either Province to Attend upon it. Three Months after this *Parliament* began, and two after it was Dissolved; the King sent forth his⁷ Writs to the *Archbishops* for the meeting of their *Convocations*. The⁸ *Archbishop* of *York* first Assembled his upon the last of April; Above four Months after the *Parliament* had been Dissolved. ⁹ It was prorogued first to the 9th of June, then to other times: Before which the Next King came to the Crown.

The¹⁰ *Convocation* of our Province met at the time Appointed by the *Archbishop*, May the 6th. and continued to the 17th of the next Month. On the Ninth of May, being the third *Session*, the King sent a Letter to the *Archbishop* and his Clergy; which was publickly read in the Upper House, and then Ordered to be read also in the Lower. After which the *Archbishop* commanded the Clergy to choose their *Prolocutor*, and so prorogued the Meeting till the Saturday following.

On¹¹ Tuesday the 20th of May, the *Prolocutor* presenting to the *Arch-Bishop*, and Upper House, certain Articles relating to the Advantage of the King, and Realm and Church of England; the *Archbishop* with the Consent of his Brethren, chose certain Persons of Eminent Knowledge out of the Lower House, to be present, to treat and consult with them concerning the said Articles.

How this *Convocation* proceeded after the first *Session* of it, I cannot tell, nor do the Acts of it clearly inform us. ¹² It continued by *Prorogations* from time to time, till the xvth of July the Year following; and then Granted a Tenth to the King.

In this time ¹³ One of the last *Parliaments* of King Henry the viith met October the viith 1460. On the 25th of that Month the solemn agreement between the King and the Duke of York was made in it: How much longer it sate I cannot tell, nor is it at all Material to our purpose to determine. That it had no *Convocation* to Attend upon it is plain from the account I have before given: From which it appears that One of our *Convocations* was summon'd in April, the other in May before; and both now were continued by *Prorogations* from time to time, without ever coming to any New *Sessions*, till after this *Parliament* was Dissolved.

Thus passed this long, but weak Reign; in which we meet with much fewer *Parliaments* than in the foregoing, active, and busie times, of the other HENRY's; but the *Sessions* much longer; and the *Prorogations* more numerous than they were wont to be. Yet still, even in this Reign, we find all things contrary to the New Pretences now set on foot, without either Law, or History, to support them. For

1. In all this Reign of 38. Years; We do not meet with any One Instance of a *Parliament* that was held, with the two *Convocations* Assembled during the *Session* of it. Whether this could have so hapned, had it then been thought a Rule of our Constitution, for these two evermore to meet together; that the *Parliament* had a right to Demand the Attendance of the Clergy in their *Convocations*, and the

K. HENRY the VIth.

Sect. 46.

1455.

Dugd. Sum-

monit. Parl.

pag. 449.

Rot. Parl.

33. Henr. vi.

num. 28.

Ibid. num. 49.

Dugd. Sum-

monit. Parl.

pag. 451.

1459.

Dugd. Ibid.

pag. 452.

1460.

Rot. Parl. 38.

Henr. vi. num.

39.

Rot. Claus.

38. Henr. vi.

m. 29. dor.

Registr.

Booth. fol. 333.

Registr.

iv Dec. & Ca-

pit. Dunelm.

fol. 146.

Registr.

Bourgchier.

fol. 12, 13.

Ibid. fol. 14.

Ibid. fol. 16.

Dugd. Sum-

monit. Parl.

pag. 454.

K. EDWARD the IVth. the Clergy a Right (for so I must speak, tho not very properly, in the modern Phrase) to Attend upon it; I shall leave it to any impartial Person to Judge. And I think it must be strange that this Concurrence with, and Attendance of the Convocation upon the Parliament, should have been any Rule at all, much more an Essential Law of our Constitution, and yet neither King nor Clergy; Lords nor Commons, have ever been aware of it.

¹ Ann. 1422. 2. ¹ Seven, or, at the most, Eight Parliaments only there were, which had any meeting of One of the Convocations only (either Synod, or State Convention) held during any part of their Sessions. And for this,

¹ 425. ¹ 429. ¹ 430. ¹ 433. (2 Sess.) ¹ 435. 3. ² There were Seventeen or Eighteen Parliaments, and many of those of a long continuance, with several Sessions; which Sate without any Convocation of either Province, Assembled, or Meeting together with them.

¹ 439 (1 Sess.) ¹ 449 (3 Sess.) ¹ 449 (2 Parl.) 4. The Province of York wants not some instances in this Reign also to vindicate its Freedom. For besides that it sometimes met not at all, for ought appears, when Ours both met and Granted a Subsidy: We are sure that at other times it gave in a much lesser Degree than ours did; as in their Convocation of 1432, not to mention any other Instance, do's Appear.

¹ 444. ¹ 445.

¹ 445. ¹ 449.

(1. 2 Sess.)

¹ 450. [1452.

¹ 453] ¹ 455.

¹ 459. —

Sect. 48.

¹ 461.

³ Dugd. Sum-

monit. Parl.

pag. 457.

⁴ Rot. Parl. 1.

Edw. iv. num.

39.

Sect. 48.

¹ 461.

³ Dugd. Sum-

monit. Parl.

pag. 457.

⁴ Rot. Parl. 1.

Edw. iv. num.

39.

Sect. 48.

¹ 461.

³ Dugd. Sum-

monit. Parl.

pag. 457.

⁴ Rot. Parl. 1.

Edw. iv. num.

39.

Sect. 48.

¹ 461.

³ Dugd. Sum-

monit. Parl.

pag. 457.

⁴ Rot. Parl. 1.

Edw. iv. num.

39.

Sect. 48.

¹ 461.

³ Dugd. Sum-

monit. Parl.

pag. 457.

⁴ Rot. Parl. 1.

Edw. iv. num.

39.

Sect. 48.

¹ 461.

³ Dugd. Sum-

monit. Parl.

pag. 457.

⁴ Rot. Parl. 1.

Edw. iv. num.

39.

Sect. 48.

¹ 461.

³ Dugd. Sum-

monit. Parl.

pag. 457.

⁴ Rot. Parl. 1.

Edw. iv. num.

39.

Sect. 48.

King EDWARD the IVth.

About the End of the Year 1460. King Edward the IVth came to the Crown, March the 4th. On the 23d of May following, He summon'd his first Parliament to meet at Westminster, July the 6th: But "Eo quod Scotorum Rex Regnum intravit apud Carlionem, hoc Parliamentum fuit prorogatum usque ad quartum diem Novembris; & tunc tenebatur; as the minute on the Roll informs us. It was therefore the 4th of November before the first Parliament of this King sate, It continued till the 21st of December; and so was prorogued to the viith of May the next Year.

With this first Parliament no Convocation was held in either Province: A clear demonstration that the Rule now set up, was not then known, for if it had we may be confident that at this Parliament at least, (the first of a New King, and of a King Restored by Parliament to his Rights,) it would most certainly have been Observed. But the Clergy of Canterbury had granted their Subsidy the xvth of July before: The Clergy of York were at this time only under a Prorogation; * by Vertue whereof they met March the 23d, three months after the Session of Parliament was over, and then Granted their Tenth to the New King.

On the Sixth of May: 1462: ⁵ The Parliament met according to its Prorogation: But the King being not able to come to it, He the same day by Commission, Dissolved it.

Towards the End of the Year, ⁶ a second Parliament was called to sit at York, February the 5th. But by other ⁷ Writs dated about the End of the same Month, we find a New one called to meet at Westminster the 29th of April; and therefore we may conclude that the Other either never met, or if it did, it was also presently Dissolved.

The King having so lately before received a Subsidy of the Clergy, declined Assembling them with his first Parliament. But no sooner was that Dissolved; and the Year of the Grant come about, but he issued out his Writs for their meeting again without Regard to any Parliament, which was neither Summon'd, nor intended to Sit at the same time with them. ⁸ In obedience to this Authority, the Archbishop of Canterbury held his, at London, July the xxith. It ⁹ continued till the 2d of August; then Granted a Tenth, and so was Dissolved. The Archbishop of York Assembled not his Clergy till the first of September following. ¹⁰ And then instead of following the Example of the other Province, according to the New Rule advanced by Dr. A. in their Favour, they gave by an Old one of their Own, much practised under the late Reign, but half as much; A half Tenth to our Whole One. This was a Remark which was not for that Authors Purpose, and therefore he did not think fit to take any Notice of this Matter. But another Action there was of the Clergy in this Assembly, which because he supposed it favour'd his Paradox; he fail'd not to make what Advantage he could of it. I will set it down in his own Words.

¹¹ Rights, &c. ¹² Even in CHURCH ACTS, as well as STATE AIDS, what had ¹³ passed

“ passed the *One* (that is the *Convocation of Canterbury*) was held to be a kind of *K. EDWARD the IVth.*
 “ *LAW* to the *Other*. So that in 1463. we find the *Convocation of York* adopting
 “ at once *ALL* the *CONSTITUTIONS* made by that of *Canterbury*, and as yet
 “ not received : † *A Practise* that I doubt not was often in *Elder times* repeated, † *Ibid. marg.*
 “ and we know is still *Continued*. *Registrum*

It is a strange Aversion that some men have for *Truth*, that they will not see *Boothé Arch. Ebor. f. 143.*
 it even when it lies the most plainly before them. To set this matter to rights
 I must observe ; First, that this *Convocation*, was the *Convocation* of 1462. not as
 Dr. *A* reports it of 1463. Next, that the Place of the *Register* is fol. 341 ; not
 143. In the words of the *Minute*, He is many ways out ; and in one place at
 least, materially so. The words of the *Register* run thus : “ *Memorandum quod*
 “ *prædicti Prælati & Clerus* in prædicta *Convocatione* *VOLUNT & concedunt, &c.*
 But these (the last excepted) are things of little Moment : and I should not
 have Observed them, but only to set the *Reader* right ; and at the same time to
 induce this vain Writer to learn a little more modesty, if not Good-Nature ;
 and to teach Him not to triumph over the *trivial mistakes* of *Other Men*, who is
 so very faulty in *these*, as well as in much *Greater Ones*, himself.

But what shall we say to his Assertion ? Or how shall we Excuse him for giv-
 ing so false an Account in *English*, of what his Own Margin, imperfect as it is,
 Confutes in *Latin* ? “ Even in *Church Acts*, as well as in *State Aids*, the Pro-
 “ ceedings of our *Convocation* were, he says, held to be a kind of *LAW* to the *Other*.
 Witness the Procedure of this very Assembly ; which as I have before observed,
 Granted only *Half a Tentb*, at the same time that we had given a *Whole One* be-
 fore them. But we will consider his own Instance, and the proof of it : “ So
 “ in 1463. We find the *Convocation of York* adopting at Once *ALL* the *CONSTITU-*
 “ *TIONS* made by that of *CANTERBURY*, and as yet not received. — But how
 did they Adopt them ? As a matter of *Obligation* incumbent upon them ? Or by
 their own free Choice, as a matter of Prudence, and the better to preserve the U-
 nity of the Church ; That so those who lived under the same *Civil Government*,
 might also walk by the same Rules in their *Ecclesiastical Discipline* and *Customs*.
 Let the form of their Mandate determine this, “ *Prælati & Clerus VOLUNT, &*
 “ *Concedunt ; The Prelats and Clergy WILL, and GRANT, that the Constitutions*
Provincial of the *Other Province* be received in theirs. Words of *Authority* and
Independence : which argue indeed a Brotherly Respect in them to their Neigh-
 bour *Prelats* and *Clergy* ; but, at the same time, sufficiently vindicate their own
 Liberty. For I hope Dr. *A*. will not tell us that every Neighbouring Church
 which agreed to observe the same *Common Rules* with another, did thereby Sub-
 ject its self to the Authority of that Church whose *Canons* it received.

But still the main thing of all is to be accounted for : “ We find them, says
 “ this Bold Author, Adopting at once *ALL* the *CONSTITUTIONS* made by the
 “ *Province of Canterbury*, and as yet not received. Do's his *Minute* from the *Re-*
gister say this ? No, but much otherwise. It puts in such Limitations as utterly
 argue the Contrary of his Assertion. “ Dr. *A*. says they Agreed to Adopt
ALL our *Constitutions*. The *Minute* says, That they agreed to Admit not *ALL*,
 but such *ONLY* of them as were by *NO MEANS* *REPUGNANT*, or *PREJUDICIAL* to
 the *CONSTITUTIONS* of the *PROVINCE* of *YORK*. They were desirous to walk by
 the same Rules with their *Brethren* ; but yet they would not so pursue this *Unity*,
 as, for the sake of it, to Give up their own *Provincial Authority*. And therefore
 they qualified their *Vote*, with this *Memorable Condition*, not only *Omitted* in,
 but *perverted* by, his Report ; That the *Constitutions* so to be Received were not
REPUGNANT or *PREJUDICIAL*, to the *CONSTITUTIONS* of the *PROVINCE* of
YORK.

Again Dr. *A*. makes short work in his Representation, They *ADOPTED* these
Constitutions, says he : But the *Clergy*, in their Order, were more Cautious and
 Deliberate. They not only again Limited the *Constitutions* which they received,
 with a *HUJUSMODI CONSTITUTIONES* ; that they received all SUCH *CONSTITUTI-*
ONS, as were no way *prejudicial* to their Own ; but enter'd an Open Manifesto
 against such of Ours as should come in Competition with theirs ; “ *ET NON ALI-*
 “ *TER, NEC ALIO MODO*. That they admitted them no *OTHERWISE*, NOT AFTER
 ANY OTHER MANNER, but as they were *AGREEABLE* with, and did no *PREJUDICE*
 to, their Own *CONSTITUTIONS*.

And now what could more plainly have shewn the Independent Authority of
 the

K. EDWARD
the IVth.

the Province of York, upon that of Canterbury, both in *Spirituals* and *Temporals*, than the *Acts* of this Convocation have done? In their *Subsidy* they departed from our Example; and Gave but *half* what we gave. In their *Decree*, They received freely, without the Constraint, or Authority of any, the *Constitutions* of our Province; but with this Limitation, that they were not *repugnant* or *prejudicial* to their own *Provincial Constitutions*; which they still resolved should take place, and be of chiefest Force with them. Thus they received them, *Et non aliter, nec alio modo*. And thus the *Antient Churches* observed one *Another's Rules*; without pretending thereby to any *Superiority* over Each Other by their so doing; to preserve the *Unity*, and *Promote* the good Order and *Discipline* of the whole.

His Conclusion is as faulty, as his Premises: It is not only defective, but Untrue. "A Practise (says He) that I doubt not was often in *Elder times* repeated, and WE KNOW IS STILL CONTINUED. That any such thing was ever done by them before, much more that it WAS OFTEN REPEATED; Dr. A. has no proof; nor is he much concern'd for any. He makes no doubt of it; and therefore troubles not himself to Enquire any farther about it. And WE KNOW IT IS STILL CONTINUED? What, for the Province of York to receive in a way of Subjection, ALL our PROVINCIAL CONSTITUTIONS as a kind of LAW to Them? Will Dr. A please to give us but One Instance of this? Let Him shew Us, if He can, *when*, and *where* they Ever Received the many *Canons* and *Constitutions* that were made here in the time of *Queen Elizabeth*? The *Articles of Religion* were not Received from Us, but joyntly Agreed to, at the same time, and in the same Convocation, by the *Bishops* of both *Provinces*. The *Canons* of 1603. Were indeed first pass'd by our *Bishops* and *Clergy*; and by Vertue of the Kings *Royal Supremacy* were enjoyn'd to be observed in both *Provinces*; as some Other things had in like manner been imposed upon them by his Predecessor, *Q. Elizabeth*. Yet after all, they received them not as their *Provincial Constitutions*, till they had, as Dr. A speaks, Adopted them in their *Own Convocation*; and that with as much *Freedom*, and *Authority*, and with all the same Ceremony of *License* from the King, and *Votes* in their *Own Council*, that we had before agreed to them. The *Liturgy* by Law Establish'd was not received by them from us neither; but by their *Bishops*, and *Commissioners*, they settled it joyntly with us. In short: If the Smalness of their Province, but especially their distance from the *Ordinary Residence* of the Courts of our Kings, and the *Sessions* of our *Parliaments*, have given Occasion to matters of public Concern to be commonly begun with Us, rather than with Them; and they have afterwards come into our Measures, and agreed in the same Resolutions; Yet has it still been with a sufficient Regard to their *Own Authority* and *Independence*, both in *Spirituals* and *Temporals*, upon Us. Our *Prelats*, and *Clergy*, have, for the most part, Concerted the matters of both kinds with theirs before they have pass'd them here; the better to preserve that good Understanding, and Uniform practise, that ought to be kept up in all such public Matters between Us, and them: Nor do I know of any One that, till now, ever made this Use of their *Joynt Agreement*, to infer a *Superiority* in the One Province over the Other; A Right which I am pretty sure neither hath any Law of the Land Given Us in *State Matters*; nor any Law either of the Church, or *Realm*, convey'd to Us in *Ecclesiastical*.

After both these Convocations were over, another Meeting there was of the Clergy of our Province in November following: Of which I find only this Note in One of the ¹ Registers of the Church of Canterbury, that the Commemorations of *St. Thomas*, *St. Frydeswide*, and *St. Ethelrede*, were on the 24th of November, decreed in it.

¹ Registr.
Eccles. Cant.
M. f.

Sect. 50.
1463.
² Dugd Sum-
monit. Parl.
pag. 461.
³ Rot. Parl.
3. Edw. iv.
num. 9, 11, 13.

But I return to the Course of our History. By ² Writs dated at Westminster, February the 28th 1462, the King order'd his Parliament to meet at Westminster on Friday April the 29th 1463. Being accordingly Assembled, it continued to sit till the 17th of June: ³ Then it was prorogued to the 14th of November, And from thence to the 20th of February, at York. Being met there, it was again Adjourn'd to the same Place, May the 5th the next Year; Where we shall again resume the Sessions of it.

⁴ Antiq. Brit.
pag. 293.

"At the same time that the King held his Parliament at Westminster, the Archbishop and Clergy Assembled in Synod; say our ⁴ Antiquitat. Britann. But we must not stretch the Words too far, if we mean not to injure either the Truth

of the History, or the Authority of the Historian: Nor should I have taken this Notice of it, but to shew Dr. A. (as I am ready at any time to do in Abundance of other Places) that an Argument drawn from these kind of Expressions, is of no Weight. For indeed the *Parliament* and *Convocation* did not meet together; but the former was prorogued three weeks before the latter Assembled.

To give therefore a more exact Account of this Assembly: On the 3^d of May, the *Parliament* being then sitting, the King issued out his Writs to the two *Archbishops* to call their respective *Convocations*. The ¹ *Archbishop* of *Canterbury* Order'd our *Clergy* to meet at *St. Pauls* London, July the 6th. They met; and the *Clergy* having chosen and presented their *Prolocutor*, the King's *Commissioners* came to the *Synod* and represented to it the *Necessities* of the King, and the *Dangers* of the *Kingdom*; and exhorted the *Bishops*, *Prelates*, and *Clergy*, to grant a *Subsidy* to Him. On the 15th of July, they return'd a second time, and acquainted them with the *Scot's Invasion*; who were besieging the Castle of *Norham*, and pressed them more earnestly to a Grant, than they had done before.

On the 23^d of July they agreed to a *Tenth* for the King; and at the same time granted a *Charitable Subsidy* to the *Archbishop*. This being done, the *Archbishop* order'd that the *Charter* of their *Liberties* should, by certain Persons delegated for that Purpose, be Reformed, before the next *Parliament*; who should also consider how it might best be put in Execution: And having publish'd two *Constitutions*, set forth in the last preceding *Convocation*, He Dissolved the Assembly.

Such was the Process of this *Convocation*; which met about three weeks after the *Parliament* was prorogued; and was in less time than that Dissolved, tho' the *Parliament* was only Adjourn'd to November following. In the ² Other *Province* the distance of the *Convocation* from the *Parliament*, was yet Greater. It sate not there till the 8th of August, and Granted a *Tenth* as Our *Province* before had done.

I shall not insist upon the two *Prorogations* of the *Parliament*, which, as I before said; were made in this same Year; because there was no *Session* Consequent upon either of them. This only may be observed, that with neither of them was the *Convocation* Summon'd; so that had the *Parliament* then sate, the *Clergy* would not have Attended at all upon it.

The *Parliament* was now to meet upon its third *Prorogation*, at *York*, May the 5th. But instead of sitting it was again adjourn'd to November the 26th. And in November continued again to January the xxixth, at *Westminster*. Then it sate and Granted the King a *Subsidy*, and did other Business; the cheif of which were the attainting of several Eminent Persons who had taken part with King Henry the 6th, and an *Act* of *Resumption*; with which I am not concerned.

Neither with these *Prorogations* first, nor with this *Session* at the last, was any Assembly of the *Clergy* Convened, in either *Province*. That which comes nearest to it, if my information be Right, was an *Ecclesiastical Synod* of the *Province* of *York* which met the Year following, April the 26th. This I take to be the same, wherein those *Provincial Constitutions* publish'd in the 2^d Volume of our *Councils* were made: and which the *Cotton MS.* Places on the same day, the next Year, 1466. Be it which it will the matter is not Great: It was a *Church Council*, and no *Attendant* on the *Parliament*; tho' we should allow it to have met the former of these Years, as the *Durham Registers* tell us that it did.

But tho' neither in this, nor the following Year (the doubtful *Synod* of *York* excepted) did any *Council*, or *Convocation*, meet in either *Province*, yet the whole *Provinces* Assembled severally in their respective *Diocesan Synods*; and that upon an Occasion which I must here take some notice of. The *Pope* having purposed to go himself in Person to the *Holy Land*, upon an Expedition against the *Turks*, laid a *Tenth* upon this *Nation* for the Expence of his Journey,

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the IVth.Registr.
Bourghier.
fol. 18, 19.Registr.
W. Boote.
fol. 343.Sect. 51.
1464.Rot. Parl.
num. 15, 16.Registr.
Dec. & Capit.
Dunelm. iv.
fol. 168. b.
Concil. Vol. ii.
p. 699.

1464.

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and issued out his *Bulls* for the raising of it. The King forbade the *Bulls* to be brought into the Kingdom, or the Money to be levy'd upon it; but took advice to raise a *Subsidy* for this Expedition by his *Own Authority*, to satisfy the *Pope*, and prevent the Execution of such *Bulls* for the future.

In pursuance of this resolution He issued out his *Letters* to the *Archbishops* for the raising of it; and appointed *Commissioners* to receive the Product at their Hands. ¹ The *Archbishop* of *Canterbury* having received the King's Letter, and Instructions, sent them forthwith to the *Bishop* of *London* to be *Communicated* to his *Suffragans*. These called together their *Clergy* in their several *Diocesses*, who Granted *6d.* in the Pound for this Purpose. When these several *Synods* met, it concerns us not to enquire: At ² *Canterbury* the *Clergy* assembled the *Wednesday* after *Midsummer*. At ³ *Worcester* the last of *July*: In the *Province* of *York*; ⁴ the *Clergy* of *York Diocese*, met at *Doncaster*, *July* the 13th. There they agreed to the same *Subsidy* of *6d.* in the Pound: And so they did in all the other *Diocesses* of the *Whole Realm*.

Thus passed these two years; in which we have two *Prorogations* and One *Session* of *Parliament*, but no *Convocation* either *summon'd* with the *One*, or held with the *Other*.

The next Year 1466, neither *Parliament* nor *Convocation* were Assembled. Anno 1467, ⁵ a *Parliament* was held at *Westminster* *June* the 3d, and continued to the Beginning of *July*. ⁶ It was then prorogued to the 6th of *November* at *Reading*: ⁷ And from thence to the 5th of *May* 1468, at the same Place. On the 5th of *May* it was finally prorogued to the 12th of the same Month at *Westminster*, where it sate till the beginning of *June*, and gave a large *Subsidy* to the King.

With the first *Session* of this *Parliament* 1467: No *Convocation* was held in either *Province*: Nor was any called to sit with it, on the two *Prorogations* following. ⁸ On the 3d of *March*, 7th *Edward* the ivth, a *Writ* was sent to the *Archbishop* of *Cant.* to *summon* his *Convocation*. The *Archbishop* assigned *May* the 12th for the meeting of it. By this means the last *Session* of this *Parliament*, and the *Convocation* of this *Province* began both on the same day. They did the same *Business* too; ⁹ for on *June* the 3d they Granted the King a *Tenth*, besides a *Subsidy* of 6 s. 8 d. upon all such *stipendiary* *Priests* as had any yearly *Pensions*, exceeding the value of a 100 s. whether in *Ready money*, or in any thing else equivalent thereunto.

The Year following pass'd, as I suppose, without any *Publick Meetings* of *Church* or *State*. Anno 1470 ¹⁰ a *Parliament* was Called to sit at *York*, the second of *September*, but by other *Writs* was put off, and not suffer'd to sit at all. This Year was unfortunate to King *Edward*; who was forced for the present, to retire into *Flanders*, whilst the faction at Home brought King *Henry* out of the *Tower*, and under Him held a *Parliament* at *Westminster* in *November*, 49 *Henry* the 6th.

Before this Resolution, ¹¹ by *Writs* directed to the Two *Archbishops*, *June* the 11th: (10 *Edward* the 4th.) That Prince had order'd the *Convocations* of both *Provinces* to be Assembled. The *Archbishop* of *Canterbury* call'd his *Clergy* to *St. Pauls* *London*, *July* the 27th. To suppose that this *Synod* call'd by King *Edward* the 4th in *July*, was an *Attendant* on the *Parliament* of King *Henry* the 6th held 4 Months after in *November*, would be an *Absurdity* too *Gross* to deserve, or need a *Confutation*. Yet this *Dr. A.* must affirm, or he must allow that we have here another *Parliament*, without any *Attending Convocation*; which is indeed the *Truth*, tho' such a *Truth* as He must assert any thing rather than allow of.

The next Year the Fortune of King *Edward* the ivth again prevailed: Who returning into *England*, took King *Henry* the 6th Prisoner, slew the *Earl* of *Warwick*; and in the two *Battels* of *Barnet*, and *Tewksbury*, came off victoriously over his *Enemies*. Toward the latter End of the Year, ¹² by Order of the King's *Writ*, the *Archbishop* held his *Convocation* at *London* the morrow after *St. Vincent*, *January* the 23d. ¹³ The *Clergy* met at the time appointed, and sate from thence

¹ Registr.
Bourchier, fol.
22, 23, 24, 25.

² Registr.
Ecclef. Cant.
R. fol. 14. b.
³ Registr. *Car-*
penter, fol. 190.
Decan. &
Capit. I. fol. 35.

⁴ Registr.
W. Booth. fol.
345, 346, 347.

Seft. 52.
1467.
1468.
⁵ *Dugd. Sum-*
monit. Parl.
p. 463.
⁶ *Rot. Parl.*
7 & 8 *Edw. iv.*
num. 15.

⁷ *Ibid. num.*
17, 18, 34.
⁸ Registr. *Me-*
morand. 70.
Chedworth.
Linc. fol. 87.

⁹ *Ibid.* fol. 91.
Et Registr.
Carpenter Wi-
gorn. par. I.
fol. 232, 235.

Seft. 53.
1570.
¹⁰ *Dugd. Sum-*
monit. Parl.
pag. 464.

¹¹ Registr. *Ched-*
worth. *Linc.*
fol. 1105. *Car-*
penter. *Wig.*
II par. fol. 12.

1471.
¹² Registr.
W. Gray. *Eli-*
ens. fol. 163.
¹³ Registr.
Rotherham.
Lincol. fol. 16.
Carpenter.
Wig. II par.
fol. 30.

thence to *February* the 21st. They Granted to the King *One* whole *Tenth*; which was what the King Called them for; and all that I know of that was done by them.

This Year no *Parliament* was Assembled: The next Year began One of the longest Continuance that had ever yet been held in this *Realm*. Its first meeting was upon the 6th of *October*: From whence it sate to the 30th of *November*, and so was prorogued to the *February* following. With this Session no *Convocation* was held; nor did the *Clergy* of either *Province* meet with it, or Attend upon it. By *Writ* dated three days after the *Adjournment* of this *Parliament*, the King commanded the *Archbishops* to Summon their *Clergy* within their respective *Provinces*. What the Other *Archbishop* did in pursuance of his *Writ*, I cannot certainly say: A minute I have which speaks of a *Convocation* held at *York* the *Morrow* after *Trinity*, *May* the 25th; but of what Authority I do not know. This is certain, that by Vertue of this *Writ* the *Clergy* of our *Province* were Assembled in *Convocation* *February* the 3^d, a few days before the *Parliament* was Resumed at *Westminster*. It sate till the 9th of *April*, and granted a *Tenth* to the King: And then was not Dissolved, but Prorogued only, to the 11th of *October* following.

How fortunate had the Cause of *Dr. A.* been, had this *Convocation* but met the Session before, and Attended the *Parliament* as Exactly as now it did? The *Parliament* sate again according to its *Prorogation*, *February* the 11th: It sate to the 8th of *April*; within a day of the *Convocation*; and then was prorogued to the 6th of *October*; within five days of the Time to which the Other was Adjourned. On the 11th of *October* the *Parliament* Re-assembled; and sate from day to day to the 13th of *December*. It was then prorogued again to the 20th of *January*. When Resuming its Session the fourth time, it continued to the first of *February*, and so was once more Adjourn'd to *May* the next Year.

And here the Doctrine of Attendance received a new Interruption. The *Convocation*, prorogued to the 11th of *October* as I have before said, was instead of Sitting, Adjourn'd again to the 15th of *December*: Whether it was then Dissolved I cannot certainly tell; but do suppose it was only Continued again to the 24th of *January* following. Then it sate with the *Parliament* again, and after it to the 21st of *February*, and Granted, as before, *One* intire *Tenth* to the King. So that in 4 Sessions of this *Parliament*, already pass'd, two we have with a *Convocation*, of this *Province* at least, and two without that, or any Other Assembly, that I know of, to wait upon it.

The 9th of *May*, according to its Adjournment, the *Parliament* met again; and sate till the Eve of *Whitsunday*, *May* the 28th. For the Sake of that Festival, it had another short Prorogation to *June* the 6th: When Assembling again it Continued till the 18th of *July*; and then was prorogued yet Once more to the 23^d of *January* after. To make an End of this Long *Parliament*; On *January* the 23^d, it began its last Session: It sate till the 14th of *March*; and then was Dissolved.

These were the three last Sessions of this *Parliament*; let us see how the *Convocations* this Year Attended upon Them. With the First, and Second, in *May*, and *June*; No *Convocation* at all was Called, or Sate in either *Province*. With the last of all, there was a double *Convocation*; such a Happy Concurrence as we have not yet once met with in all the 14 Years of this Reign. To give therefore some Account of it, I must observe, that when the last *Convocation* had Granted its Subsidy, tho' the *Parliament* still sate on, yet that Assembly was unfortunately Dissolved; and thereby intirely broken off from all Dependence upon; or Relation, to this *Parliament*. Two Sessions pass'd, and no *Convocation* in being: At last the King, toward the End of this Year, by his *Writ* ordered another to be called; and the *Archbishop* Summon'd it accordingly to *St. Pauls London*, *February* the 9th. It sate to the 15th of *March*, a day after the *Parliament*, and Granted a Charitable Subsidy to the *Archbishop*. Whether it gave any thing at that time to the King I cannot tell: The *Antiqu. Brit.* tell us that it did. But having several Accounts of this Aid to the *Archbishop*, without any notice taken of any Other that was then Granted by the *Clergy*, I must beg leave, till I meet with some proof of it, to suspend my Belief in that Particular.

By the same *Writ* by which our *Convocation* was held *February* the 9th, that of *York* met *February* the 6th. The *Clergy* there granted two intire *Tenths* to the King; and thereby sufficiently assure us, that as we hear of no *Convocation*

K. EDWARD in their *Province* held with all this long *Parliament*, so neither was any before *Assembled*: There being no other account to be given of such an unusual *Liberality* from them Now, but that they were run so far behind hand with the *Other Province*; and therefore were prevailed with, once for all, at the End of this *Parliament*, to make up for their defect in not Meeting, or (to be sure) not *Granting* any thing before.

The next Year another *Convocation* is mentioned in 'One of the *Registers* of the *Church of Canterbury* to have begun the 23d of *January* 1475, and to have ended the 25th of *February* following: Which is all I know of it; if yet there was any such meeting at all held this Year.

The Year following I find no Mention either of *Parliament* or *Convocation*. Indeed the *Antiq. Brit.* place the *Pope's* demand of a *Tenth* for his *Expedition* to the *Holy Land* in this Year: But that in this there must have been an Error as to the time, the Account which has before been Given of that Transaction *AO. 1464*, sufficiently evinces.

The Year after, ² a *Convocation* was called to sit at *York*, *October* the 21st: And in *January* following a ³ *Parliament* was held at *Westminster*. In the *Other Province* no *Convocation* met till *April* following; So that here again the *Parliament* fate without any *Assembly* of the *Clergy* concurrent with it. The One of the *Convocations* rose above two Months before it met; the *Other* was not held till as many after it was Dissolved.

To proceed therefore to the next Year 1478. ⁴ The *Convocation* of the *Province* of *Canterbury* met, as I have said, at *St. Pauls London*, *April* the 10th; and fate till the 7th of *May*. It granted a *Tenth* to the *King*; and so was prorogued to the 25th of *May*; then it continued from day to day to the 26th of *June* 1479: if my [†] Information deceive me not. By what Authority this *Convocation* was called, I cannot tell: But by a ⁵ *Writ* dated *September* the 13th, *Anno Edwardi* 4. xviii, an *Assembly* of the *Clergy* was Ordered to be held in the *Other Province* on the Eve of *St. Simon and Jude*, *October* the 27th. The *Clergy* being met, agreed to a *Subsidy* of *Half a Tenth*, but went no farther, notwithstanding the Example *Our Province* had set them the Spring before. ⁶ The *King* being desirous that they should come up to the full Proportion of what the *Others* had done, Called them again together, by new *Writs* dated *December* the 6th; They met on the *Wednesday* after *Valentine*, *February* the 18th: And consented to another *half Tenth*, and so were dismissed.

The next Year affords us no *Assembly* of the *Clergy* either in *Parliament*, or *Convocation*.

Towards the latter End of the Year following 1480. The *King* issued out his ⁷ *Writ* to the *Archbishop* of *Canterbury* dated *February* the 1st, to Call together the *Clergy* of his *Province* with all convenient Speed. In pursuance of this Order they were appointed to meet at *St. Pauls London*, *March* the 23d. But little was done besides opening the *Synod* this Year; the *Prolocutor* not being presented, till *Munday March* the 26th; the beginning of the Next.

On ⁸ that day two things there are which ought to be taken notice of; first that the *Archbishop* constituted all his *Suffragans* his *Commissioners* "ad Continuum" *Convocationem in Absentia sua*. And next that the *Kings Commissioners* being come, after the Usual manner, to the *Synod*, demanded a *Notable Subsidy* of them; which being a General demand, the *Clergy* requested that the *Archbishop*, and his *Brethren*, would wait upon the *King* at the *Tower*, to know his mind more clearly in that respect.

The 3d of *April*, the *Prolocutor*, in the Name of the *Clergy*, Granted a *Tenth* to the *King*, and a *Charitable Subsidy* to the *Archbishop*; and at the same time presented two *Cedules*; In the One a *Petition*, that by the *Intercession* of the *Archbishop* the *Ecclesiastical Liberty* might be defended against the *Injuries* of the *Laity*: In the Other, a Request relating to the *Institution* and *Observation* of some *Festivals* therein mentioned.

But there was another thing transacted in this *Synod* which must not be overlook'd. On the 9th of *April*, the *Pope's Collector* came to it, and ask'd, in his Name, an Aid against the *Turks*, who were then invading of *Rhodes*. To elude this demand, They agreed that the time of *Easter* drawing on, at which the *Clergy* could not be absent from their *Cures*, the *Archbishop* with Six *Bishops*, Six *Abbots*, and as many *Other Prelats*; Three *Deans*, Six *Archdeacons*, and Six

Proctors

Proctors of the Clergy to be named by the Archbishop, should meet upon some certain day before *Whitsuntide*, to conclude upon such a *Subsidy* as had been required of Them.

The *Synod* being dissolved *April* the xvth, the Archbishop nominated the Persons, as it had been resolved, and appointed the 5th of *June* for their Assembling. Nothing being then done, the Committee was adjourn'd from time to time; first to *November*; then to *May* the next Year: After that to *November* following; and finally to the next *Convocation*. Thus was the design frustrated, and as One of our best Authors expresses it, *Inanem, & dignum Papali Commento Exitum (res) fortita (est)*.

Dr. A. in his 2 Additions, pretends to Give an exact and full account of this Committee. He takes notice, in the first place, of the Authority by which they were Cited, "Auctoritate Convocationis prædictæ, and in that I agree with Him. The Archbishop had no Authority to Appoint a Committee to Give away the Clergies Money, without their Own Consent: All I desire is that He would not carry the Application to Other matters, in which the Archbishops then had, and the King now has, by his Ecclesiastical Supremacy, Authority to Appoint such Committees; nor infer that all such Committees, which we afterwards read of, must needs have sate by the like Authority of the Convocation. 3 "He tells us "that being assembled (*June* the 5th) they were for want of a full Number adjourn'd to *June* 12th: and that then being full, they did Business, and came to a Resolution of not answering the Pope's Demands without the Kings Consent first obtain'd. But in this He will give me leave to Correct his haste. The Committee 4 first met by the Archbishops appointment, on *Tuesday June* the 5th. Being not a full Number the Archbishop continued the meeting to the next day. The next day, the Archbishop being absent, the Bishop of London continued them again to *Friday June* the 8th. And from thence to the 7th of *November* following. On the 7th of *November* they were again Adjourn'd to the 12th: and then upon the debate it was alledged how the Clergy were too much impoverish'd, and aggrieved, in those days: That in such a Case as this, nothing ought to be Granted, without the Kings Consent first obtain'd: Which Communication being had, the Affair was adjourned to the Munday following; and so on. Their Conference was at their Meeting in *November*, not in *June*; and then the two Reasons before mentioned were alledged, among Other Considerations, against the Grant which had been demanded. But it do's not appear that they came to any Resolution thereupon; but on the Contrary, They Adjourn'd the farther debate of this Matter to the Munday after: An intimation, at least, that they had not yet resolved upon any Thing.

Such was the issue of our Convocation: By another 5 Writ from the King of the 13th of *September*, the Archbishop of York Assembled his Clergy, as the Archbishop of Canterbury had done His the Spring before. They met the 29th of *October*; Granted a Tenth to the King, and a Charitable Subsidy to their Archbishop, and so were Dissolved.

In this whole Year the Parliament never met, tho' Both the Convocations did: The Year following we shall find that to have Assembled, and no Convocation to have met with it. It began to sit 6 January the xxth. 7 On the 15th of February it Granted the King a Subsidy, and then, as I conceive, was Dissolved.

A Fortnight after this Parliament began, the King sent out his 8 Writ to the Archbishop of Canterbury, dated February the 3d, to Summon the Convocation of his Province. 9 The Archbishop Obey'd, and appointed it to meet April the xviii after. All things were prepared for the Meeting of this Assembly. The Archbishop had issued out his Mandate to the Bishop of London; the Bishop had sent out his to the Provincial Bishops: They had directed theirs to their Clergy: The Elections were made, and Certificates return'd thereupon. But the King dyed April the 9th: And therefore, as I conceive, it either met not; or if it did, it entred not on any Business; for I have not found in our Registers any other accounts of it.

This last Parliament 10 Dr. A. I know not why, places in the Year 1433. and to prove the Convocation to be a meeting Co-incident with the Parliament, alledges this passage from the Continuer of the Annals of Croyland, as little to the Purpose as any thing could well have been imagined. "In his Account (says "He) of Edward the ivth's last Parliament He tells Us, that the King nihil à Com-

K. EDWARD the IVth.

Registr. Bourghier. fol. 29, 30.

Addend pag. 78, 79, 80.

Ibid. 79.

Vid. Registr. Bourghier. loc. cit.

Registr. Laur. Booth. fol. 290, 291; 294.

Sect. 57. 1482.

Dugd. Summonit. Parl. pag. 472.

Rot. Parl. Edw. iv. numi.

Rot. Claus. 22 & 23. Edw. iv. m. 9. dorf.

Registr. Alcock. Wignorn. fol. 172.

Sect. 58. Rights, Sec. pag. 134.

"muni-

K. EDWARD *“munerate subsidii pecuniarii expetere ausus, betook himself to the Clergy, quasi, adds the Monk, semel Comparantibus Prelatis & Clero in Eorum Convocatione quicquid Rex Petit id fieri debeat. But shall I take the liberty to tell Dr. A. that He neither gives a fair representation of this passage; nor can He argue any thing pertinently to his Purpose from it. The King having call'd his Parliament, VOCATO PARLIAMENTO, says the Historian, did not think fit to ask any thing yet of of the Lay Commons; but Erga PRÆLATOS necessitates suas non dissimulat, but acquainted (he do's not say the CLERGY, but the) PRELATS, who were then present at the Parliament (which the Clergy were not) with his Necessities: Requiring gently of Them, præ manibus, the Tenths, quæ proximo concedentur; which should next be Granted; viz. in the Convocation which by his Writ, issued out about the Middle of this Parliament, He had Ordered to be Summon'd. As if, says the Historian, the Prelats and Clergy being once come together in their Convocation, whatsoever the King asks, ought forthwith to be done by them. The plain meaning of which is this; The King would have had the Prelats to have promised a present payment to Him of the Tenths, which he concluded would be granted in the Convocation now called; Not doubting but that as soon as ever they met, they would Give whatsoever He should demand of them. The King therefore treated not with the Convocation Clergy, as Dr. A. represents it; but with the Parliamentary Prelats; who alone were at that time present to be treated with; And that about the advance of the Subsidy which should afterwards be Given in the Convocation, already called, but not to sit till above two Months after.*

Decimas quæ proximo concedentur; quasi semel Comparantibus Prelatis & Clero in Eorum Convocatione, quicquid Rex petit, id fieri debeat. Hist. Groyland. Contin. p. 563.

Now this renders his instance utterly impertinent to the proof of a Concurrence in point of time, between that Parliament and that Convocation. And the Account before Given shews yet more the insignificancy of it: It being certain, that if the Convocation that Year sate at all, it must have been so far from being Coincident with the Parliament, or Attendant upon it; that It could not have Assembled till above Two Months after the Parliament must have been Dissolved.

Such an Unfortunate Choice has Dr. A. made to Close up his Induction in proof of that, which I have from more than an Hundred Instances proved to be absolutely false. As for the Clergy of York they were not yet Summon'd, when the King dyed; so that that Province Assembled not at all at this Time.

King EDWARD the Vth.

¹ Registr. iv. Arch. Cant. fol. 175. b. King Edward the Fourth being dead the month before, ² on the 13th of May, Writs were sent out in the New Kings Name for a Parliament to meet June the 25th. But before that time came, the short Reign of that injured Prince was at an End; and so the Parliament fell with it.

King RICHARD the III.

¹ Registr. iv. Arch. Cant. fol. 176. b. King Richard the 3d came to the Crown, June the 22d. On ³ the 22d of September New Writs were sent out for a Parliament to meet November the 6th: But that, as I conceive, never sate. For on the ⁴ 9th of December another Parliament was called to meet January the 23d following; and sate according to its Summons. The same Month a Writ was also directed to the Archbishop of Canterbury for the Assembling of the Convocation of his Province: ⁵ Which accordingly was held February the 3d; and continued to the 24th of the same Month. It granted a larger Subsidy than Ordinary to the King; ⁶ and in recompence thereof, the King by his Charter dated the day before they Rose, confirm'd their Liberties, according to the Supplication of the Clergy presented to Him on that behalf.

⁷ Registr. Alcock. ib. fol. 84r. The Liberality of the Clergy the last Year, prompted the King to make a new Experiment of their Bounty the next following. On the 7th of December He again issued out his ⁷ Writ to the Archbishop of Canterbury to Call those of his

Pro-

Province together. The *Archbishop* Assembled them, *February* the 10th: where K. HENRY the VIIth. being met, they granted to the King another *Subsidy*; and at the same time presented the *Archbishop* with a *Charitable Aid*; as it was now become the Custom for them frequently to do. Besides this some Ordinances were made in this *Convocation*:² That no *Sæcular Officer* should Arrest, or cause to be Arrested, any *Spiritual Person* under Pain of *Excommunication*; and concerning the *Habit of Clerks*; with which Our Argument is not concern'd. Ibid. fol. 144. 146. Ibid. fol. 147.

What the Province of *York* did during this Reign, I cannot tell. This second Year no *Parliament*, I suppose, met; at least it do's not appear either by the Records, or Registers, which I have search'd, that any did.

And now to put together, in short, what has been said of these *Three Reigns*, during the space of about *four* and *twenty* Years. Of *Fifteen Parliaments*, or *Sessions of Parliament*, which fate within this time; *Eleven* there were without any *Convocation Concurrent* with them, or, as 'tis now called, *Attending* upon them, in either *Province*. Of the other *Four*, *Three* had only *One Convocation*, as far as yet appears, held within any part of the *Session* with them. Once only in all this Period did the *Parliament* and *Convocations* happen to meet all at the same time: A thing very necessary to be observed, least some future *Politician* should Reverse the Doctrine of *Attendance*, and Affirm (He might much more rationally do so) that the latter practice of *Calling the Convocations* at the same time with the *Parliament*, is a Violation of our *Antient Constitution*; Inconvenient to the public business, in which the *Bishops* are engaged in *Parliament*; and contrary to their first practice, to which therefore they ought to be Reduced.

King HENRY the VIIth.

We are now come to the Reign of a Wise Prince; whose Government was steady, who understood well both his Power and his Interest; and from whose Conduct therefore we may take the best prospect, of what was then at least accounted, the *Right of the Church*, and the *Prerogative of the Crown*, in this Particular. He began his Reign *August* the 22d. 1485. On the 15th of the next Month he issued out his *Writs* for the *Parliament* to sit the 7th of *November* following. It met, and continued to the 10th of *December*, and was then prorogued to *January* the 23d: Before which time, I suppose, it was altogether Dissolved. Sect. 59. 1485. Dugd. Summ. monit. Parl. pag. 476.

With this *Parliament* the *Antiq. Brit.* not only speak of a *Synods* meeting, but of its *Voluntary* giving a *Tenth* to the King. Authority for this there is none offer'd; and I have so many Reasons against it, as satisfy me that in this that *Author*, however accurate in Other matters, did fortune to be mistaken.

To begin with that, which I confess weighs more than all with me, the silence of our *Registers* in this Particular; which give Us such full and distinct Accounts of the other *Convocations*, which immediately precede, and follow, this supposed Assembly. Of the *Synods* of the next Year; The *Registers* of *York* and *Durham* in the Other *Province*; Of *Canterbury*, *Winchester*, *Eli*, *Worcester*, *Chichester*, in this; and possibly many Others, were they look'd into, particularly take notice. How can we think that every One of these should have been silent, had any such *Synod*, as is now pretended, been held in this? Where no *Authority* at all is offer'd on the One Hand, and such a fair *Presumption* lies against it on the Other, even this one Consideration must I think be allow'd its force, till something be produced to prove the Contrary.

Let me to this add, that the King neither when he Called, or Held his *Parliament*, had any thought of asking any *Subsidy* of his People. Now, let Dr. A. say what he pleases, certain it is that the General design which our Princes had in desiring the *Archbishops* to Call their *Clergy* to *Convocation*, was to obtain some Aid of them: Which seeing this Politic Prince at this time resolved not to demand, neither is it reasonable to think that he would give them the trouble of coming Unnecessarily together. The next Year He wanted their Assistance, and therefore then we see they met; and then our Records sufficiently tell us what they did, and wherefore they were assembled.

K. HENRY

the VIIth.

Antiq. Brit.
pag. 296.

Shall I without being being thought too free with an Excellent *History*, add, that in this part of the Relation, his Learned *Author* of it, fails much in that Exactness which he is elsewhere so particularly to be valued for. Let us hear his Account of the first beginnings of this Reign. "Richard the third, in the third Year of his Usurped Reign was the 11 of the Kal. of September, both overcome and slain by Henry Earl of Richmond. Henry having thus gotten the Government, contracted Marriage with the Lady Elizabeth, the Eldest Daughter of King Edward the 4th. The Archbishop of Canterbury married Them; and a little after Crown'd and Consecrated Both of Them at Westminster: Him King of England, by the Name of Henry the viith; Her Queen, the last of October. After this the King held his Parliament at Westminster; the Archbishop his Synod at London.

It is easie to see, at the very first View, what a strange Confusion of time, and what a Mistake of History there is in this short Narrative. The Archbishop, says our Author, first married Them, then a little after Crown'd and Consecrated Them Both at Westminster. But on the Contrary, the King was Crown'd, October the 30th: He was not married till the 18th of January after; And the Queen was not Crown'd till the 25th of November 1487, when that Archbishop was in his Grave; and another sitting at Canterbury, and employ'd in that office by the King. At such a Distance were they Crown'd and Consecrated from one another: Two Years interven'd; whilst this *History* represents both to have been Crown'd, and that together, in 1485. "After this the King held his Parliament at Westminster. That is after his Marriage; and his Own and the Queens Coronation. Whereas his Parliament was held November the 7th: His Marriage was not solemnized till January following; and the Queens Coronation was not till November two Years after the Parliament began.

Amidst so many Mistakes in this very part of the History, we may well allow for One more: At least I must beg leave to believe that with this first Parliament no Convocation sate in either Province; till from some Good Record, which may be depended upon, it shall be shewn that One or Both the Synods of the two Provinces were Assembled.

In the mean time, it is not improvable that the Mistake might arise from hence: In February 1484, a Convocation was held, and a Tenth therein Granted to the King. ² The limitation of the Grant was this, that One half should be paid at Midsummer 1485: The other the Year following, at Midsummer 1446. It was but a little while after the first of these Terms that King Richard was slain; and that, most likely, before the payment, then due, was made. The Clergy therefore were indebted a Tenth to the Crown, when King Henry the viith came to it. If either the King required the payment of it, as 'tis probable He did; Or the Clergy to ingratiate themselves with Him agreed to pay it, the Error may easily consist in this, that our Author finding some Writs, or Commissions, dated after this first Parliament, for Collecting a Tenth upon the Clergy; apply'd that to a Synod held with this Parliament of K. Henry, which had been Granted by the Convocation called by the Order of K. Richard the iiii the Spring before.

But what we cannot find in this Year, the next will supply us with: For ³ on the 16th of December, Regni 2do, the King issued out his Writs to both the Archbishops to Assemble the Clergy of their respective Provinces at such place as they thought fit; and at such time too, only with all Convenient Speed. The Archbishop of Canterbury first Obey'd; and Ordered his Convocation to meet ⁴ February the xiiiith: When being accordingly Assembled, the King by his Commissioners Declared his Needs to Them. They made such Good dispatch as to agree upon their Grant before the 26th of the same Month; not only for the King, but for the Archbishop too: Which being done, and Three Ecclesiastical Constitutions pass'd, One concerning Masses and Obsequies for Bishops deceased; another for the Feast of the Transfiguration of our Lord; and a Third, Concerning the Habits of Clergy Men; the Assembly was Dissolved.

⁵ On Munday the 19th of February the Convocation of the Other Province began: It Granted in like manner, a Tenth to the King; and so was Dismissed.

The Year following, ⁶ by Writs dated the first of September Regni tertio, the King summon'd his Parliament to meet at Westminster, the 9th of November 1487. But this whole Year no Convocation at all was held: The

Grants

² Registr.
Mem. Russell.
Lincoln. fol.
41, 42.

1486.
³ Registr.
Alcock. Eliens.
fol. 139.

⁴ Registr.
Morton. fol.
33, 34, 35.

⁵ Registr.
Rotheram. fol.
294, 296.
Sect. 60.

1487.
⁶ Dagd. Sum-
monit. Parl.
pag. 478.

Grants which the Clergy made in their *Convocations* the Year before not being yet Expired. K. HENRY
the VIIth.

The next Year the King called another *Parliament* by Writs dated at *Westminster* November the 19th, to meet at the same Place the xliith of *January* following. Being met at the day appointed, it sate to the 23d of *February*, and was then *prorogued* only to the 14th of *October* the next Year. ² On the very same day that these *Writs* were sent out for the Holding of this *Parliament*, Others were issued to the *Archbishops* for the Calling of their *Convocations*. The *Archbishop* of *Canterbury* assign'd, *January* the 14th, the day after the *Parliament* began, for the Opening of his *Convocation*; and continued it to the 27th of the Next Month, four days after the *Parliament* was *Prorogued*. 1488.
Dugd. Sum-
monit. Parl.
pag. 479.
Ex diar. Parl.
Registr.
Morton fol 41.

The Clergy being Assembled *January* the 14th; On the 19th the *Kings Commissioners* were sent to them to tell them that the King partly at the special request of the *Commons* in *Parliament*; partly, and chiefly, to prevent the dangers which Threatned him from the *French King*, did desire their *Aid*, and *Help*. ³ This they renew'd at a second Coming, *January* the 30th. The Clergy granted an *Aid* of 25000*l* to the King, and two *Subsidies* to the *Archbishop*, and so were dismissed. Ibid. fol. 43.

It is an Odious thing not only to Censure, but needlessly to remark the slips of Learned and Judicious Men: Nor should I yet this Once take notice of the unaccurate Account, in point of time, which is Given of these last *Convocations* in the same Excellent Work I before mentioned, but only to shew, that how justly soever we value it, yet it is not to be look'd upon as a *Record*; nor its sole Authority to be urged as a sufficient Argument in these Matters, where there are not some Concurrent Circumstances to Confirm it to Us. On the 6th of *October* *Archbishop Morton* was translated from *Eli* to *Canterbury*. "The first Year of his Translation, say the *Antiquities*, He held his *Synod* at *London*: And that (as the note in the Margin shews) Anno 1486. They are therein right both as to the Year of our Lord, and to that of the *Archbishop*. Indeed in the next page, the same *Synod* is placed under the Year 1487: But neither do's that alter the Case; it being held in *February*, according to One Computation 1486; to the other 1487.

"The beginning of the next Year, the *Convocation* again began: and Grant- ed to the King 25000*l*. to be paid the same Year. The Summ here mentioned plainly shews that this must have been the *Convocation* I just now spake of. The Circumstances of its being held the Beginning of the Year; and of paying the 25000*l*. the SAME YEAR, oblige us to date the *Chronology* of this Author from *Christmas*. Now according to this, the former *Synod* must have been Assembled *February* the 13th, 1487: This Latter *January* the 14th 1489: In either way it must have met, not as this Author reports it, *Initio proximi Anni*; but a whole Year after: Not as He places it, Anno 1488, according to his Computation; but as it is plain from the *Archbishops*, and other *Registers*, Anno 1489. If such a Mistake occurs in the Year of a *Synod*, where the *Archbishops Register* lay plain before Him; we may reasonably suppose, the like Error of a Year may have happened, where no Authority at all is referr'd to; and I much question whether there be any to be found for it. This is all the Use I would make of the present remark, and all that I design'd in taking Notice of this Mistake.

To return to the History of this Year: The *Convocation* of the Other Province summon'd at the same time by the *Kings Writ*, met not long after Ours, *January* the 27th: It granted to the King Two intire *Tenths*; and that as appears by the *Certificatory* made of it, as well upon the Opinion of the *Parliament* which met at the same time with it, as at the *Kings* request to them so to do. Registr.
Rocher. fol.
298, 300.

But the Province of *York* had other business to do; and it took the antient Method of doing of it. For this, the *Archbishop* Assembled, not a *Convocation*, but a *Provincial Council*, *February* the 27th, and therein passed his *Constitutions* for the Feast of the *Transfiguration* to be held *August* the 6th: The Feast of the Name of *Jesus*, *August* the 7th: The Feast of the *Dedication* of all and singular Churches at one and the same time, the Sunday after *St. Paul*; and the Feast of *St. Cedde*, the second day of *March*. Ibid. fol 245.

Thus pass'd this Year, favourable if any Other to Dr. A's Hypothesis; as having a *Parliament*, and the two *Convocations*, All held at the same time. The next Year the *Parliament* met, pursuant to its *Prorogation*, *October* the 14th. It Sect. 61.
1489.
Ex diar. Parl.

K. HENRY *the VIIth.* fate till the 4th of December, and was then prorogued to January the 25th. On the 25th of January it Resumed its Session, fate till the 27th of February, and then was Dissolved.

¹ Registr.
Alcock. Eliens.
fol. 164.

With this Parliament no Convocation was held. The Clergy the Year before had not only Granted to the King 25000 l. (which in the Instrument of their Concession they compute at more than two ¹ Tenths of the Province) but had by another Instrument made a farther Provision for the same to be levy'd a second Year, if the War then began, should so long Continue. There was therefore no need, to Call the Clergy again together for another supply at that time: And this being the only Reason the King had for their Assembling, we find that accordingly they were not Summon'd; tho' the Parliament in the mean time met twice; and fate, in the whole, between four and five Months. So little did that wise Prince know of this new pretence of *Parliamentary Attendance*, Or the Clergy care for it; that the One provided for two Years tax together to avoid it; and the Other being supplied effectually by them, gave them no trouble in that particular.

1491.

² Registr.
Alcock. Eliens.
fol. 199.

No sooner were the two Years of the *Subsidy*, which they hand granted, Expired, but to convince Us the more effectually that that was the Use which the King had to make of their Assembling, and the End of his Calling of them; without any regard to his Parliament, He presently Order'd the Archbishop to Summon them again. The ² Kings Writ to the Archbishop of Canterbury was dated May the 9th Regni Sexto. The Archbishop appointed June the xxist for the Meeting of Our Convocation; which assembled that day accordingly: But the Clergy had given too much before to be easily induced to Grant any thing more at this time. ³ The Archbishop therefore was forced to Prorogue them from time to time, till the 8th of November following; when they agreed to the Grant of One Tenth, and so were dismissed.

³ Ibid. fol. 204.

⁴ Dugd. Sum-
mon. Parl. pag.
479.

By this Backwardness of the Clergy to make any new Grant so soon after those they had before consented to, and the necessary Prorogations consequent thereupon; not by Any Design of the King or the Archbishop; they fortun'd to sit, four Months after their first Assembling, with the ⁴ Parliament which was held the 17th of October, and continued till the 4th of November following. For farther proof of which, if in so clear a Case there be need of any, let it be consider'd, that all this while neither with this Convocation, nor Parliament, was any Synod Summon'd, or Held in the Other Province; as supposing the Present Opinion of Dr. A. concerning the Necessary Connexion between our Parliaments and Convocations to be true, there ought to have been.

⁵ Registr.
Rotheram. fol.
303.

The Parliament being Prorogued to January the 26th, and the Convocation of the Province of Canterbury, Dissolved; on the 12th of January, above two Months after the first Session, and but a Fortnight before the Second, ⁵ the King issued out his Writ to the Archbishop of York to assemble that of the Other. The Archbishop Obey'd, and fix'd upon a time so far distant, that He might reasonably have supposed the Parliament would have been risen, before the day prefixed by Him should come; and have left Him at Liberty, to be present, with his Suffragans at it. The day appointed was ⁶ the 1st of March; when being Assembled, they Agreed to the Concession of one intire Tenth, as the Other Province had done before. But the Parliament lasted longer than this; it continued till the 5th of March: And so gave Opportunity to the Convocation of York, which met not at All with the former Session, to keep it company for 5 Days at the End of the Latter. If Dr. A. thinks this to be a Sufficient Attendance, his doctrine will be the more easie to the Clergy to comply withal: But then he must remember, that now the Other Province met not during this Session; as that of York had not met with the foregoing. The truth is, it was by meer chance that either of the Convocations fate at all with the Parliament: The King never design'd it; nor did the Archbishops in the least shew any regard to it.

⁶ Ibid. fol. 305.

Sect. 62.
1495.

King Henry having thus for some Years burden'd both the Clergy and Laity with his Impositions, now Gave a pretty long Respite to both. He held not his next Parliament till the 14th of October, in the 11th Year of his Reign: Nor did He till then Assemble any Convocation of the Clergy; as from the Course of our Registers, but especially that exact one of Alcock, Bishop of Eli, do's evidently Appear.

In this Parliament a notable Affair was transacted, of which I shall give a short account from the Rolls of it. Among the other Articles of the Peace concluded between

between King Henry and the King of France, One was this; that "Both Princes H. HENRY the VIIth.
 " should Cause the Several Heads agreed upon between Themselves, " per
 " TRES STATUS Utriusq; Regnorum Anglia & Francia, rite debiteq; Convocatos, Rot. Parl. 11. Henr. vii. num. 40.
 " Viz. per Prelatos & Clerum, Nobiles, & Communitatem Eorundem Regno-
 " rum, Ratificari, Approbari, & Confirmari. To this the Parliament being
 Assembled, agreed; and the resolution is thus Enter'd, "Nos prædicta capitula
 " la Observare, &c. volentes, &c. That the King desiring to Observe the Ar-
 " ticles aforesaid, had with the Advice, Assent, and Consent of the LORDS SPI-
 " RITUAL, and TEMPORAL, and COMMONS "hujus Regni nostri Anglia, says the
 " King, in the Present Parliament Assembled; and by the Authority of the
 " same Parliament, thought fit to Approve, &c. of Them.

The form of the Confirmation thus resolved upon, runs thus: "Nos autem
 " omnia & singula, &c. We—by the Authority of our present Parliament, by
 " the Advice, and Assent, of the LORDS SPIRITUAL and TEMPORAL, and COM-
 " MONS of our Realm of England Assembled in the same Parliament, Accept, Ap-
 " prove, &c. all and singular the Heads aforesaid; and have caused the same to
 " be Accepted, Approved, Ratified, and Confirmed, per TRES STATUS Regni
 " nostri, rite & debite Convocatos; Viz; per Prelatos & Clerum; Nobiles; &
 " Communitatem Eiusdem Regni.

There can nothing, I think, be more plain than that all this affair was transacted
 by the King, and THREE ESTATES of the REALM Assembled in Parliament: And who
 they were that now represented them there we are more than Once told in this
 Recital; namely, The LORDS SPIRITUAL and TEMPORAL, and COMMONS. They a-
 greed that the Treaty should be Ratified in Parliament. They joyn'd with the King
 in the Ratification of it: And what was Ratified by the King and Them, was declar-
 ed to be done by the Three Estates of the Realm duly Summon'd; The Prelats and
 Clergy, Nobles and Commons. The Clergy were duly Summon'd, as well as the
 Prelats. Had they continued to come to Parliament, as Once they did, they would
 have also joyn'd with the Prelats in this Great Affair. But not appearing ac-
 cording to their Summons, the Prelats, who were there present, acted alone as
 the Estate of the Clergy; and did not (according to Dr. A's vain fancy, and Pre-
 tensions) Call in the Convocation of the Province of Canterbury to Act, either as
 an Extrinsecal, or Intrinsecal; an Essential, or Non-Essential part of that State with
 Them. Yet in this Very Parliament the Premunitory Clause was Executed by the Bi-
 shops of Winchester and Worcester; and might possibly be so by several Others, were
 a more diligent Search made, than I have had the Opportunity of making, after it.

The King having thus Summon'd this Parliament, issued out his ² Writ August Registr. Alcock Eliens. fol. 219.
 the 12th to the Archbishop of Canterbury to assemble his Convocation. The Arch-
 bishop appointed the 19th of October for the holding of it; five days after the Registr. Langton. Win- ton. fol. 57.
 Parliament began. ³ It continued to sit till the 21st of December; and Granted Registr. Rof- fens. Lib. iv. fol. 11. b.
 a Tenth to the King. This would have been a Happy Conjunction had but the
 Other Province been Summon'd at the same time. But the Kings Omission of that
 till after the Parliament was Dissolved utterly spoils the Hypothesis; and proves
 the Concurrence of our Convocation with the Parliament, to have been only a
 matter of prudential Choice in the Archbishop, whom the King left to his Liberty;
 and who therefore might as well have Called it, had he been so minded, a Month
 before the Parliament met, as during the Session of it.

It was the 16th of March, several Months after the Other Meetings were over, Sect. 63. 1496.
 before the King sent forth his Writ to the Archbishop of York, to Call his Clergy Registr. Rotheram. fol. 306.
 together in Convocation. ⁴ The Archbishop Summon'd them to meet at York Dugd. Sum- monit. Parl. pag. 483.
 on the Munday after Ascension-Day; May the xvith. They Granted a Tenth, as
 for other Purposes, so especially for the Defence of the Marches of Scotland, in
 which that Province was so nearly concern'd.

Towards ⁵ the End of the Year on the 16th of January, the Parliament sate: Registr. Langton. Win- ton. fol. 63. &c. 1497.
⁶ The Convocation of our Province again Assembled with it January the 23d, and
 continued till the 11th of March after. It made a large Concession of 40000 l. a-
 mounting to between three and four Tenths upon the Clergy of the Province.

But here again the Other Province held back; and was neither Summon'd, nor
 sate, in due time. It was the 3d of March before the King issued forth his Writ Registr. Fox. Danelm. fol. 14.
 to the Archbishop to Call it: It sate not till the 26th of April; that is till above
 three Months after the Parliament, and the Other Convocation, began. ⁸ It grant-
 ed Two intire Tenths Absolutely to the King; ⁹ and a Third upon this Condition, Registr. Ro- ther. fol. 310.

K. HENRY
the VIIth.



1501.
Lichfield
Lib.iii. fol.45.

1 Registr.
Fox. Winton.
part. 1. fol.33.
35.

3 Registr.
Savage. fol.
90, 91.
1502.

Secl. 65.

1503.
4 Lib. Decan.
& Cap. Wi-
gorn. Hds.
fol. 30.

5 Registr.
Sylvester. Wi-
gorn. fol. 32.
6 Cum Præla-
ti & Clerus
Cant. Provin-
cie in Ultima
Convocatione
sive Sacra Sy-
nodo in Eccle-
sia Cathedrali
S. Pauli Lon-
don xvi. die
mensis Febru-

arii A. D. 1503. inchoata, & usque ad & in xviii diem
mensis Maij prox. ex tunc sequent. de diebus indies
Continuat. Congregati, ex eorum Consensu pariter & As-
sensu, Ordinaverunt, Statuerunt, Decreverunt atq; Conces-
serunt, quod Excellentissimus in Christo Princeps &
Dominus noster, Dominus Henricus Dei Gratia, &c. ex
certis Causis & Considerationibus tunc expressis [in
qualibet Missa principali ad Majus sive Summum Altare
in cunctis hujus REGNI] Sacris Aedibus tam Cathed-
ral. quam Regular. & Collegiat Ecclesiis, Exemptis &
non Exemptis, per inibi Ministros † quoscunq; nume-
rum xiii Virorum Clericorum habent, Celebrand. in
Omnibus Orationibus & Suffragiis — pro ipsius Re-
gis nostri Salute & Incolumitate, prosperoque Statu & fe-
lici Successu dum in humanis egerit, & postquam ab hac
luce migraverit, particeps erit, &c. — MS. Bibl. Cotton.
Cleopatr. E. fol. 209.

that the King did either in Person, or by his Lieutenant, March against the
Scots, before the first of November next ensuing.

After such an Unpresidented, extensive Grant, of three Tenths made at one
time; We ought not to wonder if we do not presently hear of any more Par-
liaments, or any more Convocations. Yet the latter of these met a Year or two
before the former, upon an Occasion which I must here give some short ac-
count of.

Pope Alexander the sixth having imposed a Tax of a full Tenth upon the
whole Christian Church in defence of the Catholic Faith, against the Turks, sent
his Bull hither for the Assessing and Collecting of it. The King being unwil-
ling to give Countenance to such a Precedent, prevailed with the Pope to with-
draw his Bull, and to leave the management of that Affair to Him. To raise
this Subsidy, the King issued out his Writs of the 4th of December to both the
Archbishops in which he makes this recital, and commands them to Call their
several Convocations, and to recommend the Granting of such an Aid, as was de-
sired, to their Clergy. The Archbishop of Canterbury Summon'd his Convocation to ap-
pear before him February the 14th: It continued till May, and then Consented to a
Subsidy of 13000 l. which was somewhat more than One Tenth. But the Pro-
vince of York did not so soon agree upon their Part. They met in pursuance of
the same Writ from the King by the Archbishops Mandate 3 February the 21st. But
they were continued till the 15th of October the Year following; and then grant-
ed One Tenth, "ad tuitionem & defensionem Christianæ Religionis contra perf-
dum Turcam.

These last Years the King Assembled the Clergy for the Pope's Advantage: He
now Summon'd both his Parliament, and the Convocation of the Province of Can-
terbury, for his Own. And first by his Writs dated November the 3d, He ap-
pointed his Parliament to meet at Westminster the 25th of January following.
Then by another 5 Writ to the Arch-Bishop of Canterbury, January the 22d; (but
three days before the Parliament met) He Ordered the Assembling of the Convo-
cation of that Province. The Archbishop appointed February the 16th for the
Holding of it. What else was done in this Convocation I cannot tell: 6 This One
thing must not be omitted, that by the solemn Act and order of the Synod, it
was Constituted, Decreed and Granted, "that for certain Causes and Considera-
tions them thereunto moving, the King in every Principal Mass at the High
Altar in all the Cathedral, Regular, and Collegiate Churches of the Realm, Ex-
empt and not exempt, where there were above xiii Clerks; shall He have a
part in All their Prayers, and Suffrages, both for his Safety and Prosperity while
he lives, and for his Happiness in the Other World, after he shall depart this
Life.

Summ. Constit. Ebor.

* Omnium Missarum, Orationum, Lejuniorum, Vigili-
arum, Disciplinarum, & Bonorum Operum quæ in
cunctis hujus Regni.

† Add. Operari aut Fieri dignabitur Clementia Salvatoris
tam in Vita quam post mortem particeps erit. Adjicientes
similibus Consensu & Assensu quod in qualicunq; Missa
principali ad Majus sive Summum Altare supradict. —
Certe Orationes & Suffragia pro ipsius Dom. nostri Re-
gis Salute & Incolumitate Prosperoq; statu & felici Suc-
cessu dum in humanis egerit; aliaq; nonnulla tunc
etiam in specie designata postquam ab hac luce migrave-
rit sol. miniter legerentur & fierent, &c.

How long the Parliament sat I cannot tell: The Convocation continued till
May the 18th, and then was Dissolved. It is not improbable but that here again
these two Assemblies sat for some time together; tho' the Kings Writ came
out so late that they could not have any long Concurrence of Session with one
Another. But then the same misfortune again Returns here, that we have seen
in former Years: The Province of York not only sat not all this while, but
was not so much as Summon'd to meet, as I come now more particularly to shew.

1504.
7 Registr.
Savage. fol. 52.

The Clergy of Canterbury continued their Sessions till the 18th of May, 1504.
By a 7 Writ to the Archbishop, dated 4 days after May the 22d; the King com-
manded

manded the Convocation of York to be Assembled. It met the Munday after the Feast of St. Peter ad Vincula, August the 5th: and granted One intire Tenth to the King. They then made the like Order for the intituling of the King to a part in their Prayers, and Suffrages that the Other Province had done, and so were Dismissed.

From this time I meet with no more State Conventions either of the Clergy, or Laity, during this Reign. About 4 Years after, the Archbishop of York held his Provincial Council at York, February the 7th. He summon'd it by his Own Authority, and held it wholly for Church purposes; so that this Assembly has only the Name of a Convocation, but was indeed a proper Ecclesiastical Synod.

Here then we have the Result of this Reign; and such an Account as seem'd Necessary to our present Purpose of the Assemblies of the Church during the whole Course of it. The Summ is in short this; That of Ten Sessions of Parliament, which were held under this King, four met without any Convocation in either Province Concurrent with them. Of two Others, the Convocation met, in one but just before the Parliament rose; with the other it sate by meer chance, upon a Prorogation with it, after having been begun by its self several Months before the Parliament was Assembled. With three Parliaments, the Convocation of One Province alone was held: With One only, during this whole Reign, did Dr. A's Rule and Law of our Constitution prevail; Anno 1488: The Single time that the Parliament, and Convocations truly Met together. For this (to say nothing of the Provincial Council held by the Archbishop of York, Anno 1508) the King required, and the Archbishop held Eight several Convocations, when no Parliament was Sitting; so that hitherto I think the Prerogative of the Crown, and the Independence of these Assemblies upon One Another is not to be doubted of.

Let us see how it continued during the First Five and twenty Years of his Son;

King HENRY the VIIIth.

King Henry the vijth being dead the beginning of the Year, on the 17th of October the Young King issued out his Writs for a Parliament to meet January the xxist. He followed the Pattern which his Father had set him; and called it for Other State Ends, not to charge his Subjects with a needless Burden at his first Entrance upon the Government. For this Cause he Assembled not the Clergy in Convocation: Which in One of the Provinces met not at all; in the Other Sate indeed, but by the Archbishops Mandate, not by the Kings Writ; as a Provincial Council, not a State Convocation.

Now this Dr. A. himself allows, and therefore ought not to except against my Representation of it. And tho' from the time, and manner of the Archbishops Summons; and the Declaration of the Clergy in their Submission to this King, which I shall hereafter speak of, I was once of an Opinion that the Archbishop did not do this without the Kings Order, if without his Writ: Yet not finding any Subsidy granted by them to the King; nor any other Use made by him of their Assembling; nor being able, after a diligent Search, to discover the least footsteps of any such Order or Writ; Or that any the like Meeting of the Clergy was held in the Other Province either in this, or in the following Year; I am apt to think that this Synod was truly Called by the sole Authority of the Arch-Bishop; to promote the Interest of the Church in the Parliament which was then to Sit; or, at least, to prevent any Prejudices from being done to it, by any Attempts of the Laity, in the beginnings of the Reign of a Young and Unexperienced Prince.

Be this matter as it will (for I prescribe not to any Ones Judgment;) By the Archbishops Authority we are sure, if not by the Kings, the Clergy were Assembled January the 26th; within five days after the Parliament began, and so continued to sit on with it. In favour of this Meeting, the first day on which it began the Lord Treasurer, by the Kings Order, Adjourn'd the House of Lords from Saturday to the Munday following, because the Chancellor, and other Spiritual Lords, were Absent, and Engaged in Convocation. This was Repeated four times afterwards during this Session: And it is the first Parliament in which either the Rolls, or Journals, afford the least footsteps of any such Practise.

The

K. HENRY
the VIIIth.
Ibid. fol. 98.

Sect. 66.

1508.

Regist.

Bainbridge.

fol. 91.

Vid. Proc.

rator. Decan.

& Capit. Ebor.

Append. Ann.

1508.

Ann. 1485.

1487, 1489.

1489.

Ann. 1491.

(2da. Sessio.)

Ann. 1489.

(1ma. Sessio.)

Ann. 1488.

1496, 1503.

Sect. 66.

1509.

Dugd. Sum-

monit. Parl.

pag. 485.

See before

pag. 27.

Regist.

Fix. James.

Lond. fol. 10.

K. HENRY
the VIIIth.

Sect. 67.

1511.

1512.

¹ Dugd. Sum-

² monit. Parl.

pag. 487.

Registr.

Fitz. James.

Lond. fol. 33.

³ Registr.

Fox. Winton.

Part. lii. fol.

21.

⁴ Registr.

Dec. & Cap.

Wigorn.

Ildum. fol.

86.

⁵ Registr.

Sylveſter.

Wigorn. fol.

102.

⁶ Brev. Reg.

dat. Novembr.

28.

⁷ Registr.

Bainbridge.

fol. 80.

⁸ Registr.

V. Dec. &

Capit. Dunelm.

fol. 147.

⁹ Registr.

Bainbridge.

fol. 83.

Sect. 68.

1513.

¹⁰ See Statutes

5 Henr. viii.

1514.

¹¹ Registr.

Sylveſter. Wi-

gorn. fol. 108,

109. Booth.

Heref. fol. 14,

26. b.

¹² Registr.

Sylveſter fol.

141. Append.

ad Ann.

Reg. Booth.

fol. 26. b.

¹³ Registr.

Dec. & Cap.

Ebor. ab Ao.

1544 fol. 71. a.

Appendix. ad

Ann.

The next *Parliament* of this *Reign*, was ' Summon'd in *November*, and ſate *February* the 4th. 1511. It continued to the firſt of *April* following; and was then prorogued to the 4th of *November* after. In this, as in the following *Parliaments*, the Custom was continued of *Adjourning* the *Lords* on ſuch days as the *Bishops* and *Prelats* were to be abſent in *Convocation*; and was five ſeveral times practiſed in this *Session*.

² On the 28th of *November*, the *King* order'd his *Writ* to the *Archbishop* of *Canterbury* to Call the *Convocation* of his *Province* with all Convenient Speed. He Summon'd it accordingly to meet at *St. Pauls London*, *February* the 6th; two days after the *Parliament* began. Being thus Aſſembled it continued by ſeveral

³ *Sessions* to the 20th of *October* following; and Granted to the *King* a *Subſidy* of 24000 *l*. ⁴ On the 6th of *November* it Re-Aſſembled again; and continued to the 17th of *December*: ⁵ It enlarged its Grant to four *Tenths*; and ſo was Diſſolved.

With this laſt *Session* of this *Convocation*, the *Parliament*, prorogued, as I have before ſaid, to *November* the 4th, again ſate: So that here all went as exactly on this Side, as *Dr. A.* himſelf Could Wiſh. But the *Clergy* of *York* were not ſo well inſtructed in this Doctrin of Attendance as They ought to have been. The *King* ſent his ⁶ *Writ* to the *Guardian* of the *Spiritualties* to Aſſemble the *Convocation* of that *Province*, at the ſame Time that He did to the *Archbishop* of *Canterbury* to Call together the *Clergy* of Ours. Yet ⁷ it met not till the 26th of *April*; above three Weeks after the *Parliament* was riſen. The *Clergy* there, granted two Whole *Tenths*; the proportion of the *Subſidy* Given by our *Convocation*.

Thus did that *Synod* begin and End when no *Parliament* was Aſſembled: Nor did it do any better the next *Session*: ⁸ It met not till the 17th of *January*, a Month after the *Parliament* was diſmiſſed; and ſitting till the fourth of *February* ⁹ Granted One Other *Tenth*; The half only of the Additional *Subſidy* preſcribed to it by the Example of our *Province*. So that in theſe two *Sessions* however the *Province* of *Canterbury*, not by any direction from the *King*, or *Necceſſity* of our *Conſtitution*; (for the *Province* of *York* had the ſame *Writ* from the One, and lay under the ſame *Obligation* to the Other) but meerly by the Prudential Choice of the *Archbiſhop*, and for the viſible Convenience of the thing its ſelf, met together with the *Parliament*: Yet by the ſame Choice and Authority of the Other *Archbiſhop*, and for the ſame Obvious Convenience of that *Province*, the *Clergy* of *York* were not Aſſembled with Either of them; and thereby clearly ſhew Us that it was by their Own Will, not in Attendance upon any Other Perſons, that they ſo Met.

But the next Year, will yet more evidently prove the truth of this remark, and overthrow the pretences of our new Eccleſiaſtical Politicians. The *Parliament*, by *Prorogation*, met again at *Weſtmiſter*, *January* the xxij^d: It ſate, and made ſeveral ¹⁰ *Acts*; Yet the *Clergy* having Granted ſuch large *Subſidies* in their *Convocations* the Years before, were not Aſſembled at all with it; nor did they in Either *Province*, as we muſt now ſpeak, tho' I confeſs Abſurdly, Attend upon it.

This *Parliament* was but juſt Riſen, when the *King* iſſued out his *Writ*, Dated *March* the 15th, to the *Archbiſhop* of *Canterbury* for another *Convocation*. ¹¹ The *Archbiſhop* appointed *June* the xxij^d for its ſitting; and the *Clergy* then aſſembled according to his Appointment. This was an unexpected *Summons* to them; who hoped to have been at reſt for at leaſt two Years longer, till the *Tenths* before Granted were expired; the laſt of which was not due till the firſt of *May* 1516. In teſtimony of their Diſſatisfaction, they came to no Reſolution at this Meeting; but were adjourn'd by the *Archbiſhop* from time to time, till the 13th of *November* 1515, the Year following. Being then met, they ſate till the 20th of *December*, ¹² and Granted two other *Tenths* to the *King*; to be pay'd by four equal Portions, the Firſt at *Michaelmas* 1517, and the Other Three at the ſame Feaſt, the Three next Years. Thus they carried their Point, notwithstanding the Anticipation made by the *King* in his New *Summons*: and provided againſt any future trouble of Aſſembling for at leaſt Five Years to come; in which time we ſhall find, that that they were not Once Summon'd by the *King* to *Convocation*. If this be not a clear proof, that the End which the *King* had in Calling of them together was for *Aid*, not for any Other either *State*, or *Church Affairs*; Let *Dr. A.* be pleaſed to give us ſome Reason, why the *King* Called them ſo often before this, why He did not Call them ſo long after.

Towards the End of the ſame Year 1514. the ¹³ *Archbiſhop* of *York* by his *Mandate* of the 12th of *November* Aſſembled his *Provincial Council* at *York*, *Janua-*

ry the 22d. This was properly an *Ecclesiastical Synod*; Called by the Authority of the *Metropolitan* for the Affairs of the Church in that Province.

After both these *Assemblies*, the ¹ King last of All Summon'd his *Parliament* to meet at *Westminster* February the 5th. It sat till Thursday April the 5th; and was then Prorogued till the 12th of November following. So that to state then the Case of this *Parliament*: In the Province of *York* no *Convocation* properly speaking was Called; In that of *Canterbury*, the *Convocation* was held June the 22d; The *Parliament*, the 5th of February, Seven Months after.

But in the next Year we shall find these *Assemblies* somewhat nearer to Another; not out of any such Principle as Dr. A. supposes, but by the Casual *Adjournment* of the One and the Other. The Archbishop of *Canterbury*, by the Backwardness of his *Clergy* to Grant a *New Subsidy* so long before the *Tenths* already given were to Expire, was forced, as we have seen, to Adjourn his *Convocation* to a long day; ² November the 13th. 1515: The King prorogued the *Parliament* to the 12th of the same Month. By these several *Adjournments*, they now sat within a day of Each Other. And so they Ended too: The *Parliament* being Dissolved December the xxiiid; The *Convocation* Dismissed December the 20th, but two days before it.

At the End of this *Parliament* two Minutes there are in the *Journal* of the *Upper House*, that may deserve to be taken Notice of. The former is to this effect:

" This *Parliament* was Dissolved, and Ended, the 22d of December 1515: Joh.

" Taylor, Dr. of Canon Law, being Clerk of the *Parliament*, and at the same time *Prolocutor* of the *Convocation* of the *Clergy*, which seldom Happens.

The Other Remark is this: " In this *Parliament*, and *Convocation*, most dangerous Seditions rose between the *Clergy*, and *Secular Power*, about the Liberties of the *Ecclesiastics*; One Standish, a *Franciscan Fryar*, being the Minister and Promoter of all the Mischiefs, Anno 1515. The Case of Dr. Standish, and the Mischiefs here spoken of, our *Law Books* set out to us, and from thence I have given elsewhere such an Account, as may suffice, of this Matter.

About a Fortnight after the dissolution of this *Convocation* and *Parliament*, the King, who had not yet at all Convened the *Clergy* of the Other Province, to meet with either *Session* of this *State Council*, ³ now issued out his *Writ* to the Archbishop of *York* for the Assembling of Them. The Archbishop appointed the 9th of April for their meeting: When being come together, they Granted to the King two *Tenths*, and so were dissolved. So that even this last *Session* of *Parliament* was again defective: It sat indeed with the *Convocation* of One Province Concurrent with it; but that of the Other met not till almost four Months after it was Dissolved.

In the following Years an Affair began, which being not commonly known, will oblige me to Enlarge a little the more upon it. ⁴ Archbishop Warham, for the Reformation of several great Enormities in his Province had design'd to hold an *Ecclesiastical Council* of his *Suffragans*. In Order thereunto He had acquainted the King with his Purpose; and, as He affirmed himself, had obtain'd his Consent so to do. Cardinal Woolsey, who now drew all things into his own Hands, being angry at this, wrote a sharp Letter to the Archbishop; and, as it appear'd by the Event, so order'd Matters, as to oblige Warham to recal his *Monitions*, which were already issued out for it, in Expectation of a *Legantine Council* to be held by the Cardinal for the Reformation of the same Enormities.

In pursuance of this Resolution upon the ⁵ last of December the same Year the Cardinal, by his Letters, Summon'd the Several Bishops of the Realm to a *Synod* at *Westminster* the first Munday in Lent. This Council was intended to have been held before on the morrow after the *Nativity* of the Blessed Virgin, September the 9th: But the Pestilence raging at that time in the City, ⁶ the Cardinal, by his Letters dated August the 21st: 1518. Adjourn'd the Council till the first Munday in Lent following; March the 14th; and by his *Monitions*, bearing date December 31st, summon'd the Bishops of both Provinces to come to it. Some Articles were agreed upon in this meeting, which the Bishops were required to publish in their respective *Diocesses*. How this was done in other places I cannot tell. ⁷ The Bishop of Hereford called his *Diocesan Synod* in Order thereunto; and therein caused the said Articles to be publish'd; As by the Acts of this *Synod*, as far as they concern the present Business, transcribed into the Appendix, may more particularly appear.

K. HENRY
the VIIIth.

Dugd. Sum-
monit. Parl.
pag. 489.
Sect. 69.
1515.

Vid. Sum-
monit. Arch.
in Append. ad
ann. 1515.

1516

Registr.
Woolsey: fol.
111, 112.

Sect. 70.
1518.
Sec Card.
Woolsey's Let-
ter to the AB.
of Cant. Ap-
pendix. ad an-
num

Registr.
Fitz-james.
Lond fol. 137.
Appendix ad
ann. 1518.
Vid. Append.
ad ann. 1518.

Vid. Append.
ad ann. 1519.

The

R. HENRY
the VIIIth.

Sect. 71.

1523.

¹ Registr.
Booth Heref.
fol. 90. b.

² Registr.
Tonstall. Lond.
fol. 33. b.
³ Registr.
Woolsey. fol.
129.

⁴ Registr.
Tonstall. loc.
cit. Append.
ad Ann.

⁵ Bibl. Cotton.
Titus. B. I.
fol. 113.

⁶ Registr.
Tonstall. fol.
137. Append.

The King had now tarried a long time without either *Parliament*, or *Convocation*. The Terms of his *Subsidies* were all Expired; and He began therefore to think of *Summoning* not only the *Laitie*, but the *Clergy* of the *Realm* too. And first by his ¹ *Writs* dated *January* the 23^d, He cited his *Parliament* to meet at the *Preaching Fryars London*, *April* the 15th. Having sate there for some time, it was from thence Adjourn'd to *Westminster* the last of *July*; and there continued till it was Dissolved.

Before the *Parliament* met, *February* the 6th, the King issued out his ² *Writs* to the *Archbishops* for the *Assembling* of their respective *Convocations*. The *Cardinal* ³ *Archbishop* of *York*, was the first who *Assembled* his *Province* upon it: They met, by his Order, *March* the 22^d. almost a month before the *Parliament* began. On the first day of their *Assembly* they were prorogued to the *Conventual Church* of *St. Peters Westminster*, *de ipsorum Prælatorum & Cleri atque Abbatibus & Conventus dicti Monasterii voluntate & Assensu Expressis*; there to meet *April* the 22^d; for what End we shall presently see.

But the ⁴ *Archbishop* of *Canterbury* chose the time of the *Parliament*, as most Convenient for the *Bishops* and *Prelats* of his *Province*. He order'd his *Convocation* to meet *April* the 20th, but five days after the *Parliament* was to begin. No sooner were the *Clergy* *Assembled*, and the *Mass* said, but a *Monition* was sent to the *Archbishop*, by the *Cardinal* of *York*, to appear with the *Prelats* and *Clergy* of his *Province* before Him at *Westminster*, two days after, viz. *April* 22: there to hold a *National, Legatine Council* with the *Prelats* and *Clergy* of the *Other Province*, Whom he had before, with this design, summon'd to appear there. What the Result of this suddain meeting was, I shall chuse rather to deliver in the Words of One who was then upon the Spot, and gave this Account of it in a *Letter* concerning the *Quarrels* which rose in the *House of Commons* about the *Subsidy* which was passing there, and added what follows relating to the proceedings of the *Clergy* at the same time. ⁵ "Also the *Convocation* among the *Priests* the first day of their Appearance allone as the *Mass* of the Holy Gooste at *Pauls* was done, my Lorde Cardynal assited all them t'appear before Him in his *Convocation* at *Westminster*; Whiche soo did; and there was another *Mass* of the Holy Gooste: And within Six or seven daies the *Prestes* proved that all that my Lord Cardinals *Convocation* shoulde do, it shuld be voyde, because that their *Summons* was t'appere before my Lord of *Canterbury*. Which thing soo espied my Lord Cardinal hath addrested oute of new *Citations* into every *Countrey*, commanding the *Prestes* t'appere before Him Eight days after th'effencyon; and then I thinke they shall have the third *Mass* of the Holie Gooste. I pray God the Holy Gooste be amongest them and Us both: I doo tremble to Remember the End of thies hye and new Enterprizes.

It is in Effect the same account that the *Cardinal* himself Gives of the Issue of this *Assembly* in his *Mandatory Letters* for the *Other Council* here spoken of, which was ordered to appear before Him ⁶ first on the *Munday* next after *Corpus Christi* Day, *June* the 8th; and afterwards, on the *Tuesday* before, *June* the 2^d: as by an authentic Copy Return'd from the *Archdeacon* of *Buckingham* to the *Bishop* of *Lincoln*, which I have Publish'd in my *Appendix*, do's appear. The *Clergy* were required to bring full *Powers* with them; but what was done farther in this Case, I am not able to say. In the meantime, is it to be imagined, that if *Cardinal Woolsey* had thought the *Convocation* *Assembled* under *Archbishop Warham* to have been by the *Law* of our *Constitution* an *Essential* part of the *English Parliament*, and to have met as such; He would have presumed by his *Legatine Authority* to have broken up the *Meeting*, and to have turn'd it into a *Legatine Synod*; which every body must see, could have no such Relation to the *Parliament* of *England*? Dr. A. may fancy what he will; but had the *Cardinal* believed, as he pretends, that there had been any such near Dependence of these Great Bodies upon, or Relation to, One another; He would have as soon undertaken by his *Legatine Power* to have Adjourn'd the *House of Commons*, as to have prorogued the *Convocation*; over which, in that Case, He could have had no more pretence of Power, than over the Other. But the *Cardinal* look'd upon it, as a *Provincial Synod*; called by the King for a *State purpose*; and which being met by the Authority of the *Archbishop*, was capable of being Employ'd to any Other *Ecclesiastical Use*. And therefore by a Stretch of his Power, such as never had been before

fore attempted, He Called it before Him to *Westminster*; intending when they were there, (would the Proctors of the *Clergy* have permitted it,) to have done at once both the *Kings Business*, and to have ordered his *Own Church Affairs*.

They sate not many days at *Westminster*, before the *Archbishop*, and his *Bishops*, and *Clergy*, return'd again to their Assembly, to which they had been called at *Pauls*. They were cited by the *Cardinal* to his *Council*, *April* the 22^d: And on the 2^d of *May*, his Orders went out for another Meeting; so that before that time therefore they must have been dismissed by Him. Being return'd to their proper place they Continued to sit there till *August* the 14th, and then granted a *Subsidy* to the King. The *Clergy* of *York*, did the same four days after, *August* the 18th; and so Concluded their Assembly.

What became of the *Legatine Synod*, appointed to meet in the beginning of *June*, I am not able to say. That it gave no money, both the nature of the Assembly, and the account we have of the *Convocations* in which the *Subsidies* of this Year were Granted, Assure us. On *August* the 14th our *Province* (as I have before said) made their Grant. On the 17th of the same month, the *Province* of *Tork* was prorogued from *Westminster Abbey* to the *Cardinals Own House*, called in the Register *Locum utique nostre Jurisdictionis Ebor. Solitum & Consuetum*. Being met there the next day, *August* the 18th, They agreed to the *Subsidy* of One half of their Ecclesiastical Revenues, for the five next Years, the same that our *Clergy* had Given before.

Such was the issue of this *Parliament*, and of the *Convocations*, and *Synods*, which met with it. Never was the *Civil Council* more pompously Attended than Now. The two *Convocations* not only sate at the same time with it, but that of *Tork* was Called up to *Westminster*, to sit in the Neighbourhood of it. *Cardinal Woolsey* would have made the Relation more near still; by Convening both *Provinces* into One *National Assembly*, and that at *Westminster*, close by the *Parliament*. Let *Dr. A.* make what Advantage He can of it: But let him remember withal; that One of these *Provinces* began to meet above three weeks before the *Parliament*; the Other was treated by the *Cardinal*, not as a *Parliamentary*, but an *Ecclesiastical Assembly*; and for a while turn'd by Him, during the Session of *Parliament*, into a *Legatine Synod*: And whether then, and in that Capacity too it, was an *Attendant*, under the *Pope's Legat*, upon the *Parliament* of *England* by vertue of our *Constitution*; is a Case, which being pretty singular, I must leave to those who are better versed in the *Laws* of the *Realm*, than I must pretend to be, to determine.

But here *Dr. A.*, being a Man of Nice Honour and Respect to his Own *Living Benefactors*, impleads me in an Action of Ingratitude towards a *Dead One*. I must bespeak the Readers Patience to stop so long as to clear my self of that Imputation, or I may chance in the Opinion of some very Ignorant persons (for of any Others there is no danger) to lie under the Scandal of it.

In my former Book I had from the *Antiqu. Brit.* given an *Erroneous* indeed, but I think otherwise a *Candid Account*, of the History of these *Synods*, in these Words: ³ "I shall close up these Remarks with the account of One other *Convocation*, and that such as is not to be parallell'd, in all its *Circumstances*, in any part of our History. King *Henry* the viiith having called a *Parliament* to *Westminster* Anno 1523. (so it should have been printed) Commanded *Warham* *Archbishop* of *Canterbury*, to Summon a *Convocation* of the *Clergy* to meet about the same time in *St. Pauls Church London*. *Cardinal Woolsey*, who, as *Archbishop* of *York*, had no place in the *Convocation*, and was desirous to bring every thing within his *Own Management*, by his *Legatine Power* Dissolves the *Convocation* held at the *Kings Command* by *Warham*, and Orders the same *Synod* to appear before himself, as the *Pope's Legat*, the next day at *Westminster*. Where having got a sufficient *Subsidy* granted by them to the King, he soon dismissed the Assembly. These are my Words; In which I think there is nothing severe upon any One, but all delivered in as soft a Strain as the Subject could possibly have born. Let us now see how my *Author*; (an *Author* of that Credit and Authority in these Matters, that I do not yet think it any shame to have been misled by Him) reports this History. — ⁴ "Parliamentum Westmonasterii Celebratum est; Mandatoq; Regis Warhamus Archiepiscopus Cleri Synodum Londinum convocavit. In qua Wolcens, INTOLERABILI MOTUS ELATIONE, ROQUE FASTU TUMENS QUO OMNIUM JURA VIOLAVIT, INAUDITI EXEMPLI FLAGITIUM

"lebratum est; Mandatoq; Regis Warhamus Archiepiscopus Cleri Synodum Londinum convocavit. In qua Wolcens, INTOLERABILI MOTUS ELATIONE, ROQUE FASTU TUMENS QUO OMNIUM JURA VIOLAVIT, INAUDITI EXEMPLI FLAGITIUM

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Registr. Tonstal. fol. 40.

Registr. Woolsey. fol. 129.

Sect. 72.

3 Authori- ty, &c. pag. 244.

4 Antiquit. Britan. p. 313.

HENRY⁸ COMMISIT. Cum enim ei non fuit in *Cantuariensis Provincia Synodo locus*, ut
 the VIIIth. “ omnia ad suam *Legatinam* potestatem raperet, Concilium in templo *Paulino*,
 “ *Warhamo Archiepiscopo* atq; *Præsidente*, inceptum, *Papæ Autoritate* dissolvit;
 “ et idem *Postridie* coram se *Legato Papæ*, *Westmonasterii* adesse mandavit.
 “ Quod paucis postea diebus, simul atque subsidium bello gerendo competens,
 “ a Clero Regi concessum esset, iterum dimissum fuit.

And now let Dr. A. himself be the Judge; Or rather let the Equitable Reader Judge between Him, and Me: In what have I varied from my Author in the Relation of this matter? Or what have I Omitted excepting only his REFLECTION upon the CARDINAL; over which indeed I drew a Charitable Vail; and pass'd not the least Censure upon his Attempt, in a Matter, which had it been transacted as it is here represented, and as I verily supposed it to have been, Dr. A. himself confesses, “ Dr. Wake would have had reason to say, “ (it is all that he do's say of it) that it was an Assembly not to be parallel'd in all “ its Circumstances in any part of our History. Nay he adds; that it would have certainly been put among the Articles of his Impeachment preferred against Him in Parliament. So Great a Crime do's Dr. A. himself account this Action, as it was represented to me. Yet so Gentle a Reflection, and as to the Person of the Cardinal None at all, did I, at last, make upon it.

1 Rights, &c.
 pag. 453.

But where then is my Crime? How do's my Ingratitude Appear? Why it seems I ought “ to have done the Cardinal Justice in this particular; Who had “ REAL FAULTS enough, not to be loaded with Untrue ones. Will this Gentleman please to bear a little with me: I truly thought that I had done the Cardinal much more than Justice; that I had spared his Memory in an Action in which Others had Reflected with Severity, and, as I understood the matter, with Justice too, upon him. That I did not set the Story right in some Circumstances, (for as to the substance of it, it did not need my Help) was not for want of any good Will, but of Memorials to do it by. I had then only our Printed Authors before me; and I took my Narrative from One whom I accounted the most Correct of Them.

2 Rights, &c.
 pag. 454.

However let us hear how He harangues upon this Occasion; for indeed there is somewhat very Extraordinary in it. “ Common Justice obliged me to say “ thus much in behalf of that Great Minister.—Dr. Wake had much nearer Obligations to have done this; who has eat the Bread of Woolsey — near half his “ Life. Would any one that reads this imagine that Dr. A. as well as Dr. Wake had once been a Student of Christ Church Oxon; and that, if I mistake not, for as many Years as ever Dr. Wake was? “ Common Justice Obligated Him; — but “ Dr. Wake had a nearer Obligation. Dr. Wake, while He was Student of that AMPLE (for I must not now give it the Other Character, of ROYAL) FOUNDATION; Eat the Bread of WOOLSEY; but Dr. A. He eat the Bread only of his own Merits and Endowments.

But it may be this is not the Bread that so much moves his Indignation: A Students Pension is not large enough to raise a Gratitude above the pitch of COMMON JUSTICE; tho' somewhat else may. We will therefore go on with his Reflection. “ Dr. Wake had much nearer Obligations to have done this, who has “ eat the Bread of Woolsey near half his Life; and now owes his Comfortable “ Summer Retreat to THAT CARDINALS BOUNTY. Is Dr. A. in Good Earnest so ignorant as to believe this? Or do's he hope that his Readers may possibly know so little of these Matters, as to be misled by Him? Did Cardinal Woolsey then found the Cathedral of Christ Church Oxon? Did he place the Episcopal Chapter there? Or do's it appear that among all the Other parts of his Magnificent Scheme, he ever design'd any such thing? Was not this Foundation dependant upon the Erection of the New Bishopricks? And those Consequential to the Final Dissolution of the Monasteries? And both many Years after the Cardinal was in his Grave? What strange Ignorance; or unpardonable prevarication do's this Writer here betray; because King Henry the viiith, xvi Years after the Cardinal was dead, having Erected a New Bishoprick of Oxford, and settled it with its Capitular Body at Osney Abbey, afterwards thought fit to remove both the See, and Chapter, to Christ Church, and Unite it to the Colledge, which pursuant to the Cardinals design and beginning, He had Establish'd there; to call this Cardinal Woolsey's Cathedral, and to represent the Bread which the Dean and Chapter Eat there, not as the Kings, but the Cardinals Bread? But let Dr. A. set up his New Noti-

ons as He pleases : and, to make his Performance all of a piece, be as extravagant-ly Erroneous in his *By-Points*, as he is in his *Main Principles* : His Confidence shall not make me ashamed to Avow that I eat the Bread of *Kings*; and as I thankfully Acknowledge that I owe my *Promotion* to the Bounty of my *Royal Master*, (whose *Legal Rights* therefore, *Gratitude*, as well as *Duty*, obliges me to defend) so to affirm that the *Church* in which I Enjoy it Owes its Establishment to the Munificence of his Illustrious Predecessor, *King Henry the viiith*. A Prince whom 'this Author not very Gratefully Rails at, tho' bred up in the *School* of his *Daughter*; and Nourished in the *Foundation* which that Prince himself Establish'd. This is a Profession which this *Author* has more than Once publicly made in his *Solemn Devotions*, whilst he was of that *Society*; and I think, should not have forgotten it in his *present Writing*. Not but that after all I have as just an honour for the *Cardinal* as is Consistent with *Truth*: I spared his *Memory* in an *Act* for which Others had severely Censured Him; and how far this *Author* has justified Him, or indeed given a true Account of his *Procedure*, after all his insulting over Other mens *Errors*, I now proceed to Enquire.

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Rights, &c.
p. 148. Having in general called King Henry the viiith an ill-Prince; He thus proceeds: "HENRY the 8th was such, IF EVER ANY

"PRINCE UPON EARTH WAS: And *Sr. Walt. Raleigh* therefore says of Him, that if all the Pictures and Patterns of a *Merciless Prince* were lost in the World, They might all again be painted to the Life out of the Story of this King. And in the next Sentence He speaks of his most *Exorbitant* and *Oppressive Acts* of Power, &c. Yet this very King *Dr. A.* has often Own'd for the Founder of *Christ Church*, and twice a day, for many Years together, has publicly Given God Thanks, with that *Society*, for Animating him with his *Spirit* to found that *Colledge*, which now nevertheless, He not only transfers wholly to *Card. Woolsey*, but throw's the *Cathedral* too into the bargain; in which the *Cardinal* had no manner of Concern.

The main thing disputed in this Case, allowing for some lesser Mistakes of an Eminent Author, whom *Dr. A.* is pleased to fall upon both here, and in many Other places, I think, with as little *Gratitude*, as *Decency*; is this: Whether the *Cardinal Suspended*, and, in his Intention, had things proceeded according to his Expectations, *Dissolved Archbishop Warham's Synod*, Called in Obedience to the *Kings Writ*, and actually Convened thereupon at *Westminster*, April the 20th? Or Whether He only Summon'd a distinct *Legantine Council* to meet at *Westminster*, two days after the Other was Appointed to begin at *Pauls*? *Dr. A.* Affirms the Latter, and refers us to the *Cardinals Mandate* for the proof of it. I have not only Examined that Mandate, but that Others may have the better Opportunity of Examining it too, have put it into my *Appendix*; and do nevertheless in Opposition to his *New State* of this Matter, Affirm the former; and desire him to shew me any One Word in that Mandate that says, what He pretends to be so Clearly Written in it. Let us hear How he delivers His Judgment in this Particular. "Had his Lordship, says He, given himself the trouble to peruse the Mandate to *Tonstall*, which He Cites from his *Register*, He would have found that there is not a Syllable of a *Dissolution*, or a *Re-Assembly* mentioned in it; and would THERE have litt upon a true Account of this Mistaken Story. For that MANDATE Recites that the *Cardinal* had SENT OUT his LEGANTINE SUMMONS, CONCURRENTLY with the BISHOP OF CANTERBURY'S PROVINCIAL CITATION, for the Clergy of Both Provinces to meet at *St. Peters*, April the 22d. — That they did accordingly thus Meet by Adjournment from *Pauls*.

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The Bishop
of Sarum.

He who charges Another with Error, and pretends to Set things to Rights which had been for an Age and Half mistaken by the best Authors; should take some Care not to Err too Grossly in the very thing in which He insults over the Negligence, or Frailties, of Other Men. The Bishop of *Sarum* was mistaken in his Representation of this matter: It is allowed; So were some of our best *Historians* before Him. Let me Add, and so is *Dr. A.* now; and that more Unpardonably than any of Them, because he pretends to Greater Exactness; and to relate matters of fact from a *Publick Instrument*, which, after all, says not One Word of what He is pleased, with such Assurance, to build upon the Authority of it. The *Cardinal* sent out no LEGANTINE SUMMONS CONCURRENTLY with the *Archbishops Mandate*: If he had, an Execution must have been made of them; *Proctors* of the *Chapters*, and *Dioceses*, would have been Chosen, and Empower'd thereupon; and there would have been no disappointment of the *Cardinals Designs*, for want of *Procuratorial Letters* to warrant the Clergy to Act in his *Synod*. But as I have before shewn from a *Contemporary Relation* of this matter; the *Cardinal* upon the First Day of the Meeting of *Archbishop Warham's Convocation*, as soon as the *Mass* of the Holy Ghost was said, Cited the whole Assembly to

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Pol. Verg.
Hist. Angl.
lib. 27. ad
Ann. 1523.

Deinde de
re pecuniaria,
Cujus Causa
Eo conventum
erat, agere
Coepit (Sc.
Cardinalis.)
And again;
Ita Sacerdo-
tum, ac Principum
Concilium uno tempore habebatur; ac Unum tantum agebatur ut pecunia impetraretur.
Pol. Verg. ib.

appear before Him at *Westminster* two days after. This was the truth of the Matter; and this was the Reason why the *Proctors*, who were Deputed to Come up to the *Convocation* at *Pauls*, and to Act with their *Archbishop*, and the *Provincial Prelats* and *Clergy* there, could not, by such their *Deputation Act*, in the *Cardinals Legantine Council* at *Westminster*, as He Intended they should have done.

Would Dr. A. have some farther proof of this; let him take it from One who was a member of the *Archbishops Convocation*, and went down with Him to the *Cardinals Synod* at *Westminster*. "Four days after the Opening of the *Parliament*, the *Clergy* began to hold their *Convention* in *St. Pauls Church*. *Woolsey* had also Called thither (to *London*) the *Clergy* of his *Province of York*: And because their Smalness did not seem sufficient to Adorn his *Pontifical Dignity*, He ask'd the *Archbishop* of *Canterbury's* Consent, that the whole Assembly of the *Clergy*, Ejus jussu Convocatus, ad suum Conventum, quem in Cœnobio ad *Westmonasterium* facere instituerat, accederet; Ibiq; de Summâ Rerum Consultaretur.

Now by this Citation of his, thus Unseasonably made; He did, in effect, Dissolve the *Archbishop's Convocation*. For He commanded that very Assembly of *Prelats* and *Proctors*, which had been Called by the *Archbishop* to Sit at *Pauls* by the Authority of the *Kings Writ*, to Leave his *Synod*, and come down with their *President* to *Westminster*, and there sit under his Own Direction as the *Pope's Legate*. And I make no doubt but that could the *Clergy* have Acted, and Granted the *Subsidy* demanded on the *Kings* behalf there, which the same *Historian* observes, was their main business, they had never been sent back again to *Pauls*, to their Own *Convocation*. So that however there was no Formal Dissolution of *Archbishop Warham's Convocation*; but, as Matters fell out, the *Clergy* were forced to Return to it; and with Dr. A's Favour to Re-Assemble in it; yet a Suspension of it there was for several Days; and it is more than probable that had not that Mistake hinder'd it, it would have proved, in the Effect, a final Dissolution.

Concilium uno tempore habebatur; ac Unum tantum agebatur ut pecunia impetraretur.

But where has Dr. A. learnt, that the *Clergy* of our *Province* Called by distinct Writs to a *Legantine Council*, did ever meet in such a Council by Adjournment from their Own *Provincial Convocation*? That the *Archbishop* in such a Case, might have Prorogued, or Dissolved his *Convocation*, to give the Better Opportunity to the *Bishops* and *Prelats*, and to such of the *Proctors* of the *Chapters* and *Clergy* as should have been chosen for both, to Attend upon the *Legantine Council*, is not improbable. But to meet in One Kind of Council, by Adjournment from Another; is, I am Confident, a New Term, and fitted to a Notion altogether as New. He may as well say that the *Archbishop* Adjourns his *Suffragan Bishops* from the *Jerusalem Chamber* to the *House of Lords*, when for the Business of the *Parliament*, He prorogues his *Convocation*; as that *Archbishop Warham*, according to his Report of the Matter, Adjourn'd them from his Own *Convocation* at *Pauls* to meet in the *Cardinals Legantine Council* at *Westminster*; in which He had no more Authority than He had in the *Parliament*. The *Cardinal* indeed Adjourn'd his Own *Convocation* from *York* to *Westminster*: And they sate by Adjournment there. They were his Own *Provincial Convocation*, He presided in it, and had the Power over it. But for the *Archbishop* of *Canterbury*, He would never have Adjourn'd his Own Authority out of doors, if He could have helped it: And I have before shewn, that both Himself and his *Clergy* met at *Westminster* by the *Cardinals Citation*, not by their own Adjournment.

There is Yet One little Exception worthy the Confutation of Dr. A. for I verily think no Body else either could have mistaken it, or would have seriously endeavour'd to Answer it. The *Antiquit. Brit.* give this Reason of the *Cardinals* thus Ill-Entreating the *Archbishop* of *Canterbury*, that "having no Place in the *Synod* of the *Province* of *Canterbury*, and being desirous to draw all things under his Own *Legatine Power*, He Called the *Convocation* of our *Province* before him to *Westminster*. Well, and what says Dr. A. to this? Why He seriously Assures us that this is a great Mistake; for tho' as *Archbishop* of *York*, He had, indeed, no place in our *Synod*, yet as *Bishop* of *Bath* and *Wells*, and *Abbot* of *St. Albans*, he had. Will He give me leave to Ask Him; Do's he think that the *Learned Writer* of that Book, who so thoroughly understood the *Constitution*, and

and *History of our Church*, did not know that the *Cardinal* had such *Preferments*? K. HENRY the VIIIth. Or knowing it, was He yet ignorant that the *Bishop of Bath and Wells*, and *Abbot of St. Albans*, had places in our *Synod*? Yes certainly, That Learned Writer knew both, as well as Dr. A. But he knew withal that those were not *Placs* for the *Cardinal* to appear in; and meant no more than Dr. A. himself Allows, that being not *President* there, either as *Legat*, or *Archbishop*; Having not any *Place of Eminence and Authority* in the *Convocation of our Province*, He resolved by an *Extraordinary Use of his Papal Character to Usurp*, what regularly He could not Obtain.

We are now come to the *Last Convocation of this Period*; which began the 5th of *November* 1529; and continued till after the *Submission of the Clergy*, which enters us upon a *New Establishment*, and must be the *Subject of a New Chapter*. I shall here only briefly represent the *several Sessions of the Parliament*, and *Convocation*, till the passing of the *Act of Submission*, and so conclude the *Present Chapter*. Sect. 74. 1529.

By *Writs* dated the 9th of *August*, the King Summon'd his *Parliament* to meet at *London* upon the 3^d of *November* following. It sate there 44 days, to the 17th of *December*, and was then prorogued to the 27th of *April* the next Year. Dugd. Summ. monit. Parl. pag. 494. 1530.

By other *Prorogations* it was continued from thence to the 16th of *January*, the 22^d of *Henry* the 8th. Then it sate again to the End of *March*; and was prorogued to the 23^d of *October* following. 1531.

After Other *Prorogations*, the same *Parliament* was held a third time upon the 15th of *January* Anno 1531: And again, a fourth upon the 4th of *February* 1532; from which time it continued till the 7th of *April* 1533. 1532.

By farther *Prorogations* it was from thence Adjourn'd to the 15th of *January* the same Year: It then sate to the 30th of *March*, and was again Prorogued to *November* following. This was that *Parliament* which pass'd the *Act of the SUBMISSION of the CLERGY*; and of which an Account will hereafter more properly be Given. In the mean time having thus seen what were the *Several Sessions of this Parliament for 4 Years*, from its first beginning; We will now as briefly enquire, how the *Sessions of the (2) Convocations* kept pace with them, and so put an End to this part of our *History*. 1533.

The King having issued out his *Writs* for the *Parliament August* the 9th; about ten days after, sent forth his *Provincial Writs* to the *Archbishop of Canterbury*, to Summon, with all Convenient Speed, the *Convocation of his Province*. The *Archbishop* accordingly appointed it to meet upon the 5th of *November*; two days after the *Parliament* was to begin. It continued from thence to the 24th of *December*, and so was prorogued. 1529. Registr. Toustal. Lond. fol. 165.

In the beginning of *January* 1530, a Week, or more, before the *Parliament* Resumed its *Session*, the *Convocation* renew'd its *Assemblies*: A difference of no great Moment, but that it shews Dr. A's mistake, who roundly affirms them to have met within a lesser distance throughout this Reign. It sate till the first of *April*; and was then Prorogued to the 16th of *October*; a Week short of the *Parliamentary Adjournment*. 1530.

The next *Session of Both* began within a Day of each Other. The *Parliament* was open'd the 15th; the *Convocation* the 16th of *January*: 1531. They sate both together till the middle of *May*; and were prorogued too within a day of One Another. 1531.

The same was the Case of the next *Session*: The *Parliament* began *February* the 4th, the *Convocation February* the 5th. 1532. The *Parliament* sate till the 7th, the *Convocation* till the 8th of *April* the next Year 1533. 1532.

To remove all scruple concerning the Continuance of this *Convocation*, after the Death of the *Arch-Bishop*; the King first by His *Writ*, dated 28th of *October* Regn. 24. Commission'd the *Prior and Chapter of Canterbury* to proceed with it; and They by their *Mandate* dated *February* the 10th; Orderd a *New Summons* to be made out to the *Bishops, Prelats and Clergy* to appear in *Convocation March* the 17th; either in their *Persons*, or by *Proctors* sufficiently empower'd to Act for Them. Upon the Authority of this *Mandate*, I doubted not to fix the meeting of this *Convocation* to that day, but to avoid mistakes, must here give a more clear and distinct account of it. The Case was plainly this: The *Convocation* was first adjourn'd to *November* the 5th. Being then assembled, the *Bishop of St. Asaph* as Commissioner for the *Prior and Church of Canterbury*, prorogued 1532. Vid. Mand. Dec. & Capit. Cant. in Append. Ann. 1532.

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rogued it to the 5th of February following. To take off all Scruples concerning the proceeding of the Convocation, which might seem to have been put to an End by the Death of the Archbishop, on the xth of February, the Dean and Chapter issued out their Mandate to the Bishop of London for a New Summons of the Members of the Convocation, and for new Elections of Proctors for the Cathedral and Diocesan Clergy. These were appointed to be Return'd March the 17th. But in the mean time the Bishops and Prelats who were present, went on as before; and were Continued from time to time, and some little business was Once at least done by Them. On the 17th of March the Bishop of London made his Return, and from thenceforth the Convocation proceeded regularly in a full Body, as it had done before the Archbishops decease.

1533.

The Year following the Parliament sate again the 15th of January 1533. and Continued to the 30th of March. The Convocation met the next day, January the 16th: And was prorogued from time to time till the very End of the Parliament, by the Archbishops Authority; and the next day after it rose was Continued to the 4th of November, by the Kings Writ.

1529.

1530.

Such was the Case of our Convocation: In which, when we shall consider what Affairs were now in Agitation, and how much it concern'd the King to Unite the Sessions of this Parliament and Convocation very near to one Another; we shall find no Cause to wonder that He who had freely Called them at different times before, as freely summon'd them to meet about the same times Now. Of the Assemblies of the Convocation in the Other Province, I can give but a short and Un-accurate Account. When it met, or whether it met at all with the first Session of the Parliament in 1529, I cannot tell. Cardinal Woolsey being dead in November 1530 the King issued out His Writ to the Guardians of the Spiritualties dated the 7th of December, to Assemble the Convocation at York. They Called it thereupon January the 12th: From thence it continued to the 4th of May 1531: And then, five Weeks after the Parliament was prorogued, made the Grant of 18840 l. to the King.

1531.

¹ Registr.
Dec. & Capit.
Ebor. ab Ao.
1504. fol. 181.

The See of York being now fill'd, on the 23d of December Regn. xxiii: the King again issued out his Writ to the New Archbishop to Call his Convocation, cum omni celeritate accomoda. The Archbishop appointed it to Assemble ¹ February the 7th: somewhat more than three Weeks after the Parliament began. But there were great Reasons why it should sit then: The King and Parliament bore hard upon the Clergy; Their Submission was now transacting in the Convocation of the Other Province; and we cannot doubt but that a Correspondence was held between them; and that the One were not Idle, whilst the Others were so fully Employ'd.

Sect. 75.

How they proceeded in this, or when they met in any following Convocations, the Registers of that Province seem to be wholly silent; so that I must here put an End to this part of King Henry the 8ths Reign, and with that to the History of this Third Period. The Sum of what we have seen under this last Princes Administration is briefly this. Of 11 Parliaments, and Sessions of Parliament held within his first four and twenty Years; One sate without the Attendance of any Convocation at all. With ² four Others, only One Convocation sate, during any part of their several Sessions. Of ³ two I can give no Account whether the Convocation of the other Province met with them or Not. ⁴ Thrice only do we find the Parliament and Convocations to have met together: And for that we have as many, if not more, Convocations Called and Assembled out of the time of the Parliament. ⁵ Two sate not in any part of the same Sessions with it: ⁶ One met before it; tho' afterwards continued by Prorogations with it: And another if it did not meet, yet ⁷ acted and did its Great Work, several Weeks after the Parliament was Risen.

² Ao. 1509,
1511, 1511,
1515.

³ Ao. 1529,
1532.

⁴ Ao. 1523,
1530, 1531.

⁵ See Ao. 1511,
1514, 1516.

⁶ Ao. 1523.

⁷ Ao. 1530.

And thus have I done with what concern'd the Second Argument offer'd by Dr. A. to prove the Right of our Convocations to meet, and sit with every Parliament; namely, That by our Constitution it is, and has been, accounted for four or five hundred Years past, a NECESSARY ATTENDANT upon the PARLIAMENT of ENGLAND. How effectually I have made Good my Own Assertions, and Answer'd this Authors, I must leave it to Others to Judge: That I have declined no part of his Argument, but come up to Every thing that look'd like Reasoning in it, will best appear, by taking a brief review of his own Summary Recapitulation of his Positions; and of my Allegations in Opposition to Every One of Them.

His

His Words are these. — “ I have been large upon this Head, and I fear, by reason of the Variety of the Matter, somewhat Confused. It may be proper therefore Here at the close of it, to recollect the several Branches of the Proof there advanced : They stand in this Order.

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the VIIIth.
Sect. 76.
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pag. 73, 74.

I. “ That as far back as we have any Memoirs of the *Civil* or *Ecclesiastical Affairs* of this *Kingdom*, it appears that the *Clergy* and *Laity* met together in the *Great Councils* of the *Realm*.

If by the *Clergy* Dr. A. means the *Greater Clergy*, *Bishops* and *Prelats* ; Or such Others as by their *Offices* or *Tenures* were obliged, or required to Come to them, I have Agreed that they did : But If the *Body* of the *Lower Clergy* ; I have plainly and evidently proved that they did not. In the former Sense his Allegation is true, but impertinent : In the latter it is pertinent, but false ; Let him chuse how he will Explain it, the Cause is neither Way in danger by it.

II. “ That this they did in the *Saxon times*, and for some *Reigns* after the *Conquest*, *Nationally* ; Joyning Closely with the *Laity* in *Civil Debates*, and taking their *Sanction* along with them in ALL *ECCLESIASTICAL ACTS* and *Ordinances*.

This I have shewn to be no way true, neither on the *State Side*, nor on the *Church*. The *Lower Clergy* (for of them it is that He Speaks) never joyn'd any otherwise than as I before observed with the *Laity* in *Civil Debates* : Nor did the *Bishops* and *Prelats* take them into their *Ecclesiastical Acts* and *Ordinances*. The *Affairs* of the *Church* were transacted by the *Bishops* and *Prelats* alone in their *Ecclesiastical Councils* : If afterwards the *King*, and his *Lords*, thought fit to Confirm by a *Civil Law*, what the Others had Order'd by their Own *Spiritual Authority* ; it is no more than what is often done still ; without ever intituling the *Prince* and *Parliament*, to any joynt *Synodical* power with the *Bishops* and *Clergy*.

III. “ That they divided afterwards from the *Laity* and from One Another ; and Attended the *Parliament* not in One *Body*, but in Two *Provincial Synods*, held under their Several *Archbishops*.

Here Dr. A. clearly shews whom he before meant by the *Clergy*. The *Bishops* never divided from the *Laity* : They always continued, as they still do, to sit and Act with them in *Parliament*. The *Clergy* therefore of whom He speaks, must be Those under the degree of *Bishops* : Let us see what it is that He farther affirms to this Purpose of them.

IV. “ That tho' it do's not Clearly appear when this Practise first had its rise, yet SURE WE ARE, that it is between *four* and *five hundred Years* Old ; and has for SO LONG, AT LEAST, REGULARLY, OBTAIN'D ; excepting only the *Interruption* that was given to it by the *Premunitory Clause*, inserted into the *Bishops Writs* ; which ONCE AGAIN WARN'D, and brought the CLERGY *Nationally* to *Parliament*.

We have here another plain declaration whom we are to understand by the CLERGY : They are those who by the *Premunitory Clause* were, and are *summon'd* to *Parliament* ; that is to say, the *Body* of the *Lower Clergy*. In opposition to these two Assertions, I have fully proved, that the *BODY* of the *LOWER CLERGY* never did Attend upon the *Parliament* in the times of which he speaks ; And I do here once again Call upon him to prove if He can, by any tolerable Evidence either of *Law*, or *Fact*, that they did. SURE WE ARE, he says, that for SO LONG AT LEAST (i. e. from the *middle* of *King HENRY* the 2d's *Reign*, as He elsewhere states it) this practise REGULARLY OBTAIN'D. A practise which REGULARLY OBTAIN'D ; and of which a Man can truly say WE ARE SURE, may, I suppose, be Evidently proved. Let Him therefore make such a proof of it, as may convince us that it is true : Or, at least, let him plainly and clearly Answer what I have before Offer'd to prove that is certainly false.

V. “ That a strict Compliance with this Clause was at first Exacted by the Crown and paid by the Clergy ; but that they SOON found ways of being Released from the Rigor of it ; And PREVAIL'D UPON THE KING to Accept of their former way of Assembling with the *Parliament*, in Two *Provincial Synods*, in lieu of that Closer Attendance, which the *Premunientes* Challenged ; the Forms however being still kept up, by which the Kings Right of Sum-

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"moving them Immediately to Parliament was declared all along, and
"their Obligation to Obey his Summons in the Way it prescribed was duly
"Acknowledged.

This is the Great Assertion on which the present Argument depends, and therefore ought to have had a suitable proof? How has Dr. A. Confirm'd it? Has He produced the Original Contract, the Articles of Accommodation between the King, and the Clergy? Has he Offer'd any One Record; nay or so much as the Report of any One Credible Author, to prove that ever there was any such Agreement made in this Case? But it may be He Collects it from History, and has shewn that the Clergy did thus Exchange their Parliamentary, for a Provincial Attendance upon the Parliament; and that the King made no Remonstrance against it? This therefore I have proved to be Both ways intirely false. * That the Clergy did not so soon give up their Parliamentary Attendance, as He would make us believe: * That they Continued it to the time of King Henry the 6th: * That they fell off gradually from it; and the King, who had his Business done in Convocation, troubled not himself about it. As for their Attending upon the Parliament in two Provincial Convocations, 'tis so apparently Untrue; so contrary to the Evidence of Fact, that nothing was ever more Erroneously Asserted. I have taken some Pains to Examine this Matter from the time that the *Premunientes* was first put into the Parliamentary Writ, to the passing of the Act of Submission. By my Account not above One Parliament in Thirty had the Two Provincial Convocations Concurrent with it; or, by consequence, Attendant (as He calls it) upon it. Which those were, the Scheme of this whole Period, which I shall therefore here subjoyn in the following Tables, will shew him. Let him try how far he can reduce the Proportion, and fill up the Vacuities which Occur in it: And answer the Offer which I here freely make to Him, "that if
"from the Time of King EDWARD the 1st, to that of King HENRY the 8th, He
"can prove by the like Records, that One Parliament in Ten had the Two Convo-
"cations so Attending as he says, upon them, I will give up the Cause;
"and Confess Him to be as Extraordinary a Man, as his Friends speak
"him; Or (which is, I believe still more) as He himself thinks Himself
"to be.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1295.	Parliament. Westminster. Aug. 1. Another Summon'd to the Sunday before St. Martin. Sate the Sunday before St. Andrew.	A Provincial Council at London. July the 15th.		K. EDW. I.
1296.	Parl. at St. Edmundsbury : Novemb. 3. At New-Sarum on St. Matthias day.	Convocation at London, Sunday in Mid-Lent : March. 13.	Parl. at London after Hilary : with the Convocation of the Prov. of Cant. summon'd by the Archbishop.	
1297.	Parl. London. Aug. 1. Another on the Octaves of Mich. At York, the Octaves of Hillary.	Convoc. of Canterb. on St. Laurence day, Aug. 10. Another on St. Edmund the King : Nov. 20. Convoc. of York, on St. Andrews Eve, Novemb. 29.		
1298.	A Great - Council : Palm-S. Mar. 30. Parl. at York. June. 2. At London, 1 Sund. in Lent.	Convoc. Lond. June 25.		
1299.	Parl. Lond. xv days after Easter. Great-Council, on St. Lukes day. Parl. at York St. Martins day, Nov. 11. At London, 2d Sund. in Lent. March. 14.	Convocat. Lond. 2d Court day after All-Souls.		
1300.	Parl. at Stanford : after Easter. At Lincoln : Octaves of Hilary.	Ecclesiast. Council of Cant. June. 13.		
1301.	Parl. London: in Mid-Lent.			
1302.	Parl. on the Octaves of St. John Baptist. Another the next day after the Feast of St. Edward the King.	Convoc. Lond. day after Ascension-day, June 8. Convoc. Lond. Mund. after S. Nich. Dec. 10.		
1304.	Parl. London : the Sunday next after St. Matthias : March 2.			
1305.	Parl. Westminster, on the Octaves of the Nat. B. V. Septemb. 15.			
1306.	Parl. at Carlisle : Octaves of Hillary.	Ecclesiast. Council at York. Sept. 30.		
1307.	Parl. at Northampton : xv days after Mich. Octob. 13.			K. EDW. II.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convoc.	Parliaments with Both the Convocations.
1307.	Parl. Westminst. 1st S. in Lent.			
1308.	Parl. a fortnight after Easter. A second iii Weeks after Michaelm. A third, 2d Sund. in Lent.			
1309.	Parl. Westminster, a month after Easter. At Stamford, S. after St. James, July 27. At Westminst. S. after the Purific. B. V.	Eccles. Council Lond. Novemb. 24.		
1310.	Parl. Westm. Octav. of St. Jo. Bapt. Jul. 1.	Eccles. Council, York, May 20. Eccles. Council, Cant. Sept. 23. Conv. Cant. Wednesday after St. Nicholas, Decemb. 9.		
1311.	Parl. S. before St. Laurence. August 8. Two Sess. in Nov. and Decemb.	Eccles. Council Cant. Friday after the Octaves of Easter. April 18. Eccles. Council, York, May 24: and Jul. 1. Convocat. York, May 24.		
1312.	Parl. Westm. S. after the Assumpt. B. V. Aug. 20. Parl. Westminst. 3d S. in Lent.	Eccles. Council, Cant. April 18. Legatine Synod, Novemb. 9. Council of Provincial Bishops of Cant. with the Parliament in Lent.		
1313.	Parl. Westm. xve of S. Jo. Bapt. Jul. 8. Parl. Westm. S. after St. Matthew. Sept. 23.	Eccles. Council, Cant. Friday after Ascension day, May 25. Convoc. of York, Septemb. 3.		
1314.	Parl. York, Sept. 9. Parl. Westm. Octaves of Hillary.	Convoc. of Cant. the day after Ascension day. Convocat. of York, Morrow after Trinity S. Convoc. York, Wednesday after St. Joh. Bapt. Jun. 26. Convoc. Cant. Morrow after the Translat. of St. Thomas, July 8.		
1315.	Parl. Lincoln, xv days after Hillary.			
1316.	Council at Lincoln, July 29.	Convoc. Cant. Wednesday, fortn. after Easter.		

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1316.		Convoc. York: a month after Easter. Convoc. York. Morrow after Trinity S. Ecclef. Council of Cant. Sund. after the Octav. of Michaelmas. Convoc. York, Octob. 26. the day after the Transl. of St. Jo. of Beverley.		
1317.	Great Council at Nottingham July 18. Parl. at Lincoln, xv days after Hillary: Prorogued to the 1st S. in Lent.	Conv. of Canterb. the morrow after St. Peter in Cathedr. Febr. 23.		
1318.	Thence to the morrow after Trinity: [but it never sate.] Parl. at York: 3 Weeks after Michaelm.	Convoc. York, Octav. of Hillary. Convoc. Canterb. the day after the Purificat. Convoc. York, Munday after Mid-Lent Sunday.		
1319.	Parl. York: a Month after Easter, May 6. At the same place, Octaves of Hillary.	Convoc. Cant. Friday seven-night after Easter, April 20.		
1320.	Parl. Westminst. Munday in the Octaves of Michaelm.			
1321.	Parl. Lond. 3 Weeks after St. Jo. Bapt. Nativ. Jul. 15.	Ecclef. Council, Cant. Decemb. 1.		
1322.	Parl. York, S. after St. Martin, Nov. 14.	Convoc. Cant. Wednesday after Trinity. Convoc. Cant. morrow after Hillary, Jan. 14. Convoc. York, 1st Court day, after the Convent. of St. Paul, Januar. 26.	Parl. York, 3 Weeks after Easter. Convocat. of York, Munday after St. Jo. ante Port. Lat. May 10.	
1323.	Parl. Westm. 3 Weeks after the Purificat. B. V. M.			
1324.	Parl. Sarum, 3 Weeks after Michaelmas.			
1325.	Great Council, Westminst. Octaves of Easter. Parl. Westminst. day after Nativ. St. Joh. Bapt. Parl. Westm. Octaves of St. Martin.			

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1326.	Parl. morrow after Epiphany, Januar. 7	Council Summon'd a fortnight after Mich. forbidden by the King. Ecclef. Council of Cant. Friday after Hillary: January 17.		
1327.	Parl. Lincoln, Sept. 15. Parl. York, Sund. after the Purification.	Convoc. Cant. at Leicester. Wednesd. after All-Souls: Novemb. 4. Convoc. York Octob. 12.		K. EDW. III.
1328.	Parl. Northampton: 3 Weeks after Easter. At York, Sunday after St. James. At Sarum: Sund. after the xve of Mich. The same, by prorogation, Lond. Octav. of the Purification V. M.	Ecclef. Council, Cant. Friday after the Convers. of St. Paul. Januar. 29.		
1329.	Great Council, Windsor, July 23. Parl. Winchest. S. before St. Greg. Mar. 11.			
1330.	Great Council at Osney, July 9. Another at Nottingham, Octob. 15. Parl. Munday after St. Catharine, Novemb. 26.	Convoc. of Both Provinces summon'd by the Kings Writ to Munday after SS. Tyburtius & Valerianus, Apr. 16.		
1331.	Parl. Westm. Morrow after Michaelmas. --- Ibid. Octaves of Hillary. --- Ibid. Munday after St. Geegory, March 16.			
1332.	Parl. Westminst. Septemb. 9 Parl. York, Decemb. 4 Ibid. Octaves of Hillary.	Ecclef. Council of Cant. Sept. 4.		
1333.	Parl. Munday before the Feast of St. Peter in Cath. Febr. 21.	Convoc. of Both Provinces Summon'd to Munday after Epiphany.		
1334.	Great Council: Nottingham, July 13. Parl. Westminst. Munday after the Exalt. of the H. Crofs. Septemb. 19.	Convoc. Cant. Munday after St. Matthew. Sept. 26. Conv. York. Wednesday after St. Luke. Octob. 24.		Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1335.	Gr Counc at Nottingham. March 26. Parl. York, day after the Ascension. Parl. Westm. Munday after Mid-Lent-Sund. March 11.			
1336.	Great Council, Northampton: about Whitsuntide. Parl. Nottingham. Munday after St. Matthew, Sept. 23. At York, Munday after St. Matthias.	Convoc. York, May 6. Convoc. Cant. at Leicester. Munday after Mich. Sept. 30		
1337.	Gr. Council, Stamford, the morrow after Ascension-day. Gr. Council Westm. Munday after S. Margaret, Jul. 21. Parl. Westm. day after the Purification V. M.	Convoc. York, next Court-day after St. Martin. Nov. 12.	Parl. Westm. Friday before Michaelmas, Sept. 26. Convoc. cant. Tuesday after Michaelm. Sept. 30.	
1338.	Parl. Northampton. day after St. James. July 26. Parl. Summon'd a fortnight after Mich. --- Again the day after Hilary. Held, the morrow after the Purification.	Convoc. Cant. Thursday after Michaelm. Octob. 1. Of York, at the same time.		
1339.	Parl. Westm. a fortnight after Mich.	Convoc. York, the beginning of the Year.		Parl. Octaves of Hilary, Jan. 20. Convoc. Canterbur. Jan. 27. Of York, Februar. 9. Summon'd Febr. 2.
1340.	Parliament Westm. Wednesday after Mid-Lent-S March 29. Parl. Westm. Wednesday after the Translation of St. Thomas, Jul. 12. Great Council. Munday after Michaelmas.	Convoc. York, December 11.		
1341.	Parl. a fortnight after Easter, April 23. Gr. Council, Jul. 11.	Eccles. Council, Canterbur. 1st Court-day after St. Luke: about Octob. 19.		
1342.	Great Council held Munday after St. Mark. Gr. Council, Wednesday after St. Edward the Confessor. October 16.	Convoc. Canterb. 3d Court-day after St. Faith: Octob. 9. Ecclesiastical Council, Cant. Munday after the Translation of St. Edward, October 14.		

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1342.	Great Council, morrow after St. Lucie, Dec. 14.	Convoc. York, morrow after the Concept. B. V. M. Decemb, 9. Eccl. Council, Cant. March 20.		
1343.	Parl. a fortnight after Easter, April 28. Gr. Council, Wednesday after the Nativ. B. V. M.			
1344.	Gr. Council: a fortnight after Easter.			Convocat. Canterbur. Morrow after Trin. May 31. Parl. Westm. Octaves Trin. June 7. Conv. York. Wednesday after St. Barnabas, June 16.
1345.	Great Council, morrow after the Purification.			
1346.	Parl. Westm. Munday after the Nativ. B. V. M. Sept. 11. Gr. Council. March 3.	Eccles. Council, Cant. 1st Court-day after Invent. H. Cross, May 4. Convocat. Canterbur. Munday after Translation St. Edward, Octob. 16. Convoc York. Munday after Conv. St. Paul. Jan. 29.		
1347.	Parl. morrow after Hillary. Parl. Munday after Midlent-Sunday.	Eccles. Council, Cant. the beginning of October.		
1348.	Parliam. Summon'd Munday after Hillary. Prorogued to a fortnight after Easter. It never sate.	Convoc. York Friday in Whitsun - Week, Jun. 13.		
1350.	Parl. Octav. of the Purificat. V. M.			
1351.	Parl. Westm. Hillary-day, Jan. 13.	Convoc. Cant. Munday fortnight after East. May 2. Conv. York. Wednesday before St. Dunstan, May, 18.		
1352.	Great Council Westminster. morrow after the Assumpt. B. V. M.			
1353.	Gr. Council, Munday after St. Matthew.			
1354.	Parl. Westm. Munday after S. Mark. Apr. 28.			

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convoc.	Parliaments with Both the Convocations.
1355.	Parl. Westm. Mund. after St. Edmund the K. Nov. 23.	Conv. Cant. Nov. 16. Convoc. York, morrow after St. Nicholas, Decemb. 7.		
1356.		Eccles. Council, Cant. May 16. Of York, morrow af- ter the Ascens. Jun. 3.		
1357.	Parl. Westm. Mund. after Purific. V. M.	Convoc. York, Friday after Ascension May 19.	Parl. Westm. Munday after Easter. Convoc. Cant. April 26.	
1359.	Gr. Council, Nov. 10.	Convocat. Canterbur. Munday after Con- vers. St. Paul. Janu- ary 28. Convoc. York, Fe- bruar. 12.		
1360.	Parl. Morrow after Ascension-day. Parl. Sunday before the Conversion St Paul.			
1361.	Great Council after Easter.	Council of Cant. mor- row after the Ascen- sion, Conv. Cant. morrow after the Octaves of Trinity.		
1362.	Parl. a fortnight af- ter Michaelmas.			
1363.	Parl. Lond. Octaves of Michaelmas.	Convoc. Canterb. De- cemb. 2.		
1364.	Parl. Munday in the the Octaves of Hil- lary.			
1366.	Parl. London, Munday aft. Invent. H. Cross, May 4.			
1368.	Parliam. Westminst. May 1.			
1369.	Parl. Westm. Octaves of Trinity.	Convoc. Cant. Mun- day after SS. Fa- bian and Sebastian, Jan. 21. Convoc. York, Mun- day after Purificat. B. V. M.		
1370.	Parl. Westm. 1st Mun- day in Lent.			
1371.	Parl. Winchest. Octav. Trin. Jun. 1.	Convocat. Canterbur. Thursday after St. George, April 24. Convocat York, Ju- ly 10.		

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1372.	Parl. Morrow after All Souls, November 3.			
1373.	Parl. morrow after St. Edmund the King. Novemb. 21.	Eccles. Council. Cant. May 30. Convoc. Canterb. Decemb. 1. Convoc. York, Munday after Purificat. B. V. M.		
1375.			Parl. Summon'd February 12: Sate in March or April after.	
1376.		Convoc. York, Jul. 28.	Convoc. Cant. Summon'd to Munday after Whitfund. Prorogued to June 23. Parl. Westm. fortn. after Hillary. Convoc. Cant. Morrow after Purificat. B. V. M.	
1377.		Convoc. York, April 15. The same Decemb. 1: And By prorog. Januar. 4. March 22.	Parl. a fortnight after Michaelmas. Convoc. Cant. Nov. 9.	K. RICH. II.
1378.	Parliam. Gloucester, Wednesday after St. Luke, Octob. 20. Gr. Cotuncil, Munday after Purificat. V. M.	Eccl. Council, Cant. Nov. 16.		
1379.			Parl. Munday after Hillary. Convoc. Cant. Saturday after Purificat. B. V. M.	Parl. fortnight after Easter, Apr. 25. Convocat. York, April 29. Convocat. Canterbur. May 9.
1380.		Convoc. York, Apr. 4. Convoc. York, Thursday after Epiphany, Jan. 10.	Parliam Northampton, Munday after All-Saints, Nov. 5. Convoc. Canterb. Decemb: 1.	
1381.	Parl. Westm. morrow aft. All-Souls. Nov. 3. By prorogat Jan. 24.			
1382.	Parl. Westm. May 7. Parl. Westm. Octob. 6. Parl. Westm. 3d Week in Lent, Febr. 23.	Convoc. & Council, Cant. at Oxford, Novemb. 18. Convoc. York, Dec. 15. Convoc. Canterb. (by prorog.) Octaves of Epiphany. Convoc. York. Summ by the Kings Writ, dat. Jan. 28.		

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1383.	Parl. Westm. Mund before All - Saints' Octob. 26.	Convoc. cant. Dec. 2.		
1384.		Convoc. York, morrow after Translat. of St. Thomas, Jul. 8.	Parl. Sarum, Friday before St. Mark, April 29. Convoc. cant. morrow after Ascension-day, May 20. Parl. morrow after St. Martin. Novemb. 12. Convoc. Cant. Decemb. 1.	
1385.	Gr. Council at Reading in June.	Convoc. Canterbur. May 4. Convoc York, January 14.	Parl. Octob. 20. Convoc. Canterb. Novemb. 6.	
1386.			Parl. Octob. 1. Convoc. Canterb. Novemb. 5.	
1387.			Parl. morrow after Purificat V. M. Convoc. Canterb. Februar. 26.	
1388.	Parl. (by prorog.) a fortnight after Easter.	Convoc. York, January 24.	Parl. Cambridge, Septemb. 9. Convoc. Cant. Lond. Octob. 12.	
1389.	Parl. Munday after ter Hillary.			
1390.	Parl. Morrow after St. Martin Novemb. 12. Great Council, Februar. 12.			
1391.		Eccles. Council, London April 17. Convoc. Cant. Decemb. 9.	Parl. Westm. morrow after All-Soul. Convoc. York, Munday after St. Clem. Novemb. 27.	
1392.	Parl. Winchest. Octav. Hillary, Jan. 20.	Convoc. Cant. summon'd Febr. 24. Held about March 3. Convoc. York, Munday after St. Gregory, March 17.		
1393.	Parl. a fortnight after Hillary.			
1394.		Convoc. Cant. about the middle of May. Ecclesiastic. Councils, York, June 1. July 20. Octob. 1.		Parl. a fortnight after Hillary. Convoc. Cant. on St. Agatha's - day, Februar. 5. Conv. York, Thursday after Purificat. V. M. Febr. 4.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1396.	Parl. on St. Vincent, Januar. 22.	Convoc. Canterb. Februar. 19. York, Summ. (by the Kings Writ) 10 Munday after St. Mattheias, Febr. 26.		
1397.	Parl. Westm. Munday after Exalt. H. cross, Sept. 17. By prorog. a fortnight after Hillary.	Convoc. Cant. Summ. Octob. 8. Ecclef. Council, York Octob. 5. Convoc. York, October 10. Convocat. Canterbur. March 2.		
1398.	Great Council Oxon, Munday after the Conversion of St. Paul.	Ecclef. Council, York June 20. Convoc York. March 11.		
1399.	Parl. morrow after Michaelm. Sept. 30.		Parl. Westm. October 6. Ecclef. Council, Cant. Octob. 6.	K. HENR. IV.
1400.			Parl. Westm. Octav. Hillary. Ecclef. Council, cant. Januar. 26.	
1401.		Convoc. York, Morrow after Corpus Christi day,		
1402.		Convoc. York, Thursday, fortnight after Easter. Tuesday before the Nativ. V. M. Convocat. York, Januar. 15.	Parl. Septemb. 30. Ecclef. Council. Lond. Octob. 21.	
1403.	Parl. Westm. Jan. 14.	Ecclef. Council, Cant. Octob. 6.		
1404.	Parl. Coventre, October 6.	Ecclef. Council, Cant. April 21. Convoc. York, Munday aft. Corp. Xsti. Convoc. Cant. Novemb. 24. Convocat. York, Decemb. 11.		
1405.	Parl. Westm. 1st Munday in Lent, Mar. 1.			
1406.	Parl. (by prorogat.) Octob. 25.	Convoc. York, Jul. 12	Parl (by prorog) April 25. Convoc. Cant. (by Summons) April 26. Sate May 10.	
1407.		Convoc. Cant. Lond. March 6	Parl. Gloucester, October 20. Ecclef. Council Cant. Oxon, Novemb. 28.	Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convoc.	Parliaments with Both the Convocations.
1418.		Convoc. York, sum- mon'd May 4. Summon'd and Held June 28. Ibid. (by prorogat.) Decemb. 10. Ecclef. Council, Cant. July 23. Ecclef. Council, York. August 20. Ecclef. Council, Cant. Januar. 14.		
1409. 1410.				Parl. Westm. a fort- night after Hillary, Januar. 27. Ibid. (by prorogat.) April 7. Convoc. Canterb. Fe- bruary 17. Convoc. York, Fe- bruary 15. Apr. 11. May 23.
1411.		Convoc. York, Janu- 18.		Parl. Westm. Novem- ber. 3. Convoc. Canterb. De- cemb. 1. Convoc. York, Tues- day after St. Martin.
1412.			Parl. Westm. Febru- ary 3. Convocat. Canterbur. March 6.	K. HENR. V.
1413.		Convoc. York, Jul. 27. Ecclef. Council, Cant. Nov. 20.	Parl. Westm. 3 Weeks after Easter. Convoc. Cant. (by prorog.) the same day. Thence pro- rogued to June 6.	
1414.	Parl. Leicester. April 30. At Westm. Munday af- ter the Octaves of St. Martin, Nov. 19.	Ecclef. Council, Cant. Octob. 1. Eccl. Synod of York, Munday after All- Saints, Nov. 5. Convoc. York, Janu- ary 9.		
1415.	Parl. Westm. Munday after All-Saints No- vemb. 4. Parl. Westm. Mar. 16.	Council Cant. Lond. Nov. 18. Convoc. York, De- cemb. 16.		
1416.		Council, York Apr. 30. Convoc. York Jan. 5.	Ecclef. Council, Cant. April 1. Parl. (by prorogat.) 3 Weeks after Ea- ster. The Ecclef. Council (by prorogat.) the same day. Parl. Westm. Octo- ber 19. Ecclef. Synod of Cant. Nov. 9.	Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1417.			Convoc. York, Ja- nuar. 20.	Parl. Westm. Nov. 16. Eccles. Council Cant. Nov. 26.
1419.			Convoc. York, Janu- ary 13.	Parl. Westm. Octo- ber 16. Convoc. and Council Canterb. Octob. 30.
1420.	Parl. Westm. Decem- ber 2.			
1421.	Parl. Westm. Dec. 1.		Convoc. York. Sep- temb. 22. Eccles. Council at the same time pro- rogued to Jan. 14.	Parl. Westm. May 2. Eccles. Council Cant. May 5
1422.	Parl. Westm. Nov. 9. Munday before St. Martin.	K. HENR. VI.	Eccl. Council, Cant. July 6. Eccles. Council, York. Sept. 23, and Nov. 18.	
1423.	Parl. Westm. Octo- ber 20. By prorogat. morrow after Hillary.			
1424.	Parl. Westm. Nov. 12.		Convoc. Lond. Octo- ber 12. Ibid. (by prorog.) Ja- nuary 29. Convoc. York, Octo- ber 6. By prorogat. Decem- ber 1.	
1425.	Parl. Leicester. Fe- bruary 18.			Parl. Westm. Apr. 30. Council Cant. April 23.
1426.	Parl. (by prorogat.) April 29.		Eccles. Council Cant. April 15. Convoc. York, Aug. 12. Octob. 5. Fe- bruar. 25.	
1427.	Parl. a fortnight af- ter Michaelmas. By prorogat. a fort- night after Hillary.			
1428.			Convoc. or Council of Canterb. July 5. By prorogat. No- vemb. 12. Council of York, Au- gust 2.	
1429.	Parl. (by prorogat.) Mund. after Hillary.			Parl. Westm. Sep- temb. 22. Council of Cant. (by prorog.) Octob. 19. Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1430.		Convoc. York, Aug.	Parl. Westm. Friday before Hillary. Convoc. Canterbur. Febr. 19.	
1432.	Parl. Westm. May 12.	Ecclef. Council, Cant. Sept. 15. Convoc. York, October 3.		
1433.	Parl. Westm. July 8.		Parl. (by prorog.) a fortnight after Michaelmas. Convoc. or Council Canterb. (by summ.) Nov. 7.	
1434.		Ecclesiastic. Council, Cant. Octob. 7.		
1435.			Parl. Westmin. October 10. Convoc. cant. Nov 12.	
1436.	Parl. Westm. Jan. 21.	Convoc. York, June 11. Convoc. Canterb. Novemb. 12.		
1437.		Convoc. Cant. April 29.		
1438.		Convoc. or Council Cant. Apr. 28, By prorogat. October 6. Convoc. York, Apr. 21.		
1439.	Parl. (by prorog.) Januar. 14.		Parl. Westm. Nov. 12. Convoc. cant. Novemb. 21.	
1440.	A Great Council.	Eccl. Council York, Aug. 17.		
1441.	Parl. Westm. January 26.			
1442.		Convoc. Cant. April 16. Convoc. York, October 4.		
1444.	Parl. Westminster. February 25.	Convoc. Cant. October 19.		
1445.	Parl. (by prorog.) April 29. Parl. (by prorog) Octob. 20. Parl. (by prorog) January 24.	Convoc. York, September 30.		

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1446.	Parl. Edmunds - Bury, Febr. 10.	Convoc. Cant. June 22.		
1448.	Parl. Westminster Fe- bruar. 12.			
1449.	Parl. (by prorogat.) May 7.		Parl. Winchester (by prorog.) June 16. Convoc. Cant. (by Writ of Summons) July 1. Parl. Westm. Nov. 6. Convoc. Canterb. No- vemb. 14.	
1450.	Parl. Westm. Novem- ber 6. Parl. (by prorog.) Ja- nuary 20.			
1451.	Parl. (by prorogat.) May 5.			
1452.		Convoc. York, June 12. Ibid. (by prorogat.) Octob. 6. Jan. 29. Convoc. Canterb. Fe- bruary 7.		
1453.	Parl. Westm. (by pro- rog.) April 25. Parl. Reading, (by prorog.) Nov. 12. Febr. 11. 14.			
1455.	Parl. Westm. July 9. Ibid. (by prorog.) No- vemb. 12. Ibid. (by prorog.) Ja- nuar. 14. Another Council or Parliam. 2?			
1459.	Parl. Coventry, Nov. 20.			
1460.		Convoc. York, Apr. 30. Ibid. (by prorogat.) June 9. &c. Convoc. Cant. May 6.		
1461.	Parl. Octob. 7.			
1461.	Parl. Westm. Nov. 4.	Convoc. York, (by prorog.) March 23.		K. EDW. IV.
1462.	Parl. (by prorogat.) May 6.	Conv. Cant. July 21. Convoc. York. Sept. 1. Convoc. Cant. Nov. 2?		
1463.	Parl. Westm. Apr. 29. Ibid. (by prorog.) No- vemb. 4. Febr. 20. York.	Convoc. Cant. July 6. Convoc. York, Au- gust 8.		

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convoc.	Parliaments with Both the Convocations.
1454.	Parl. (by prorogat.) May 5. &c. Januar. 21. Sate.			
1465.		Ecclef. Council, York. Apr. 26. 2 ^d		
1467.	Parl. Westm. June 3. Parl. Reading, (by prorog.) Nov. 6.			
1468.	Parl. (by prorogat.) May 5.		Parl. sate (by Proro- gation, May 12. Convoc. Cant. May 12. (by Summons.)	
1470.	Parl. Westm. Nov. 16. 49. Henr. vi.	Convocat. Canterbur. July 27.		
1471.		Convoc. Cant. Ja- nuar. 23.		
1472.	Parl. Westm. Octob. 6.		Parl. (by prorogat.) Febr. 8. Convoc. Cant. (by Samm.) Febr. 3.	
1473.	Parl. (by prorogat.) Octob. 6.	Convoc. Canterb. pro- rog. to Octob. 11. Dec. 15.	Parl. (by prorogat.) Jan. 20. Convoc. Cant. Janu- ary 24.	
1474.	Parl. (by prorogat.) Sate May 9. Parl. (by prorogat.) June 6.			Parl. (by prorogat.) Jan. 23. The two Convoca- tions by Summons York, Febr. 6. Cant. Febr. 9.
1475.		Convoc. Cant. Janu- ary 23.		
1477.	Parl. Westm. Janua- ry 16.	Convoc. York. Octo- ber 21.		
1478.		Convoc. Canterb. A- pril 10. Convoc. York, Octo- ber 27. And Febr. 18.		
1480.		Convoc. Cant. March 21.		
1481.		Convoc. York, Octo- ber 29.		
1482.	Parl. Westm. Janua- ry 20.			
1483.	Parl. Summon'd Jun. 25. Parl. Summon'd No- vemb. 6.	Convoc. Cant. Sum- mon'd April 18.	Parl. Westm. Januar. 23. Convoc. Cant. Febru- ary 3.	K. { EDWARD V. RICHARD III.
1484.		Convoc. Cant. Febru- ary 10.		
				Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1485.	Parl. Westm. Novemb. 7.			K. HENR. VII.
1486.		Convoc Cant. February 13. Convocat. York, February 19.		
1487.	Parl. Westminst. Novemb. 9.			
1488.		Eccles. Council York, Febr. 27.		Parl. Westm. Jan. 13 Convoc. Cant. Jan. 14 Convoc. York. Jan. 27
1489.	Parl. (by prorogat.) Octob. 14. Parl. (by prorogat.) Jan. 25.			
1491.	Parl. Westm. October 17. By prorogat. January 26.	Convoc. Cant. June 21. Convocat. York, (by Summons) March 1.		
1495.			Parl. Westm. October 14. Conv. Cant. Octob. 19.	
1496.		Convoc. York, Monday after Ascension-day, May 16.	Parl. Westm. Jan. 16. Convoc. Canterb. January 23.	
1497.		Convoc. York, April 26.		
1501.		Convoc. Cant. February 14. Convocat. York, February 21. Contin to Octob 15. 1502.		
1503.			Parl. Westm. January 25. Convoc. Cant. Febr. 16.	
1504.		Convoc. York, August 5.		
1508.		Eccles. Council, York. Febr. 7.		
1509.			Parl. Westm. January 21. Council or Convoc. Cant. Jan. 26.	K. HENR. VIII.
1511.			Parl. Westm. February 4. Convocat. Canterbur. Febr. 6.	
1512.		Convoc. York. April 26. Ibid. June 17.	Parl. (by prorog.) Novemb. 4. Convocat. Cant. (by prorog.) Nov. 6.	Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1513.	Parl. (by prorog.) Jan. 23.			
1514.	Parliam. Westminster, Febr. 5.	Convoc. Cant. June 22. Ecclef. Council, York, January 22.		
1515.			Parl. (by prorog.) No- vemb. 12. Convoc. Cant. Nov. 13.	
1516.		Convoc. York, April 9.		
1518.		Legatine Council: Summoned the mor- row after the Nati- vity B. V. M. Held 1st Munday in Lent.		
1522.		Convoc. York, March 22.		
1523.			Legat. Council, West- minst. April 22. Another summon'd June 8: Afterwards June 2.	Parl. London, April 15. Convoc. Canterb. A- pril 20. Convocat. York, at Westminst. Aug. 20. (by prorog.)
1529.			Parl. Lond. Novem- ber 3. Convoc. Cant. No- vemb. 5.	
1530.				Parl. (by prorog.) Ja- nuary 16. Convoc. Canterbur. Januar. Convocat. York, by Summons, Jan. 12.
1531.				Parl. (by prorog.) Ja- nuary 15. Convocat. Canterbur. Jan. 16. Convocat. York, Fe- bruar. 7.
1532.			Parl. (by prorog.) Fe- bruar. 4. Convoc. Canterb. Fe- bruary 5, & March 17.	
1533.			Parl. (by prorog.) Ja- nuary 15. Convoc. Cant. Janua- ry 16.	
1534.		Convoc. York, May 5.		

K. HENRY
the VIIIth.

Having given this Ocular Proof of Dr. A's Error in that upon which He was to build the Main force of his Argument, I shall need say very little to what follows. If the *Convocations*, as it now very Evidently appears, did not Commonly meet with the *Parliament*, as He pretends, nor had any Regard in their Sessions to it; If our Kings Called them, sometimes at the same time with it, but much more frequently at some Other; If when the King called Both the nearest to one Another, the *Archbishops* either *hasten'd*, or *delay'd* their *Convocations* for their own Convenience, and the Ease of their *Clergy*, to such Other times, as they liked better; If in fact, it appears, that sometimes no *Convocation* at all was held during the whole *Session* of *Parliament*; sometimes only *One*; Often the *Parliament* and *Convocations* met at three different times; nay and in *different* Years too; I think no Demonstration can be plainer in a Matter of this Nature than this must make it; that the *Parliament* and *Convocations* had no such Necessary Relation to, or Dependence upon, One Another, as Dr. A. Asserts; but that the *King* and the *Archbishops* were always at liberty to Call them when they thought Good, without any respect to the meeting of the *One*, in the *Assembling* of the Other. And if this relation fail, then all that follows must fall with it, and pass only for, what it truly is, a meer *Chimera*; The issue of a warm *Imagination*; not the *Law* or *Rule* of our Constitution. However let Us hear what He has farther to Offer.

Rights, &c.
pag. 75.

V I. " These *Provincial Assemblies*, tho' held apart from the *Parliament*, yet belong'd to it; Met by the *Parliamentary* no less than the *Provincial Writ*, and were *State Meetings* as well as *Church Synods*.

That these *Provincial Assemblies* belong'd not to the *Parliament*, I have sufficiently shewn. That they met not by the *Parliament Writ* is so plain, that One would wonder how any *Author* should adventure to Assert that They did. But I must not repeat here, what I have so largely proved before; That the two *different Writs* by which the *Clergy* were Called to *Parliament* and *Convocation*, do unanswerably prove them to be two *Different Assemblies*; and, in reverse of Dr. A's pretences, Evince the *One*, to have neither any Relation to, nor Dependence upon, the *Other*.

V II. " In them (the two *Convocations*) *Parliamentary Matters* were transacted, and *Parliamentary Forms* and *Methods* Observed: The *Members* of Them were intitled to *Parliamentary Wages*, and Enjoy'd *Parliamentary Privileges*.

Why Dr. A. adds the Word *Parliamentary* to the three first of these, I should be glad to know. Nothing is properly *Parliamentary*, but what is so peculiar to the *Parliament*, as not to Agree at all, or not to be Equally applicable to any Other *Assembly*. But now no matters were treated on in Our *Convocations*; No *Forms* or *Methods* Observed in them; No *Wages* paid to the *Members* of Them; but what were transacted, observed, and paid, in Our *Church Councils*, as well as in Them. And yet I hope Dr. A's *Parliamentary Affection* is not so warm, as to turn them too into *Parliamentary Assemblies*. As for *Parliamentary Privileges* they Enjoy'd None before the time of King Henry the 6th, and then that was by *Act of Parliament* Granted to the *Convocation* which had always been Enjoy'd by the *Parliamentary Convention*. A Plain Demonstration that the *Convocation* was not, as He affirms, by our Constitution, a *Parliamentary Convention*: For if it had, it would most certainly by the *Rules* of the same Constitution, have always Enjoy'd the Great *Parliamentary Privilege*; so late, and that by a positive Law, Extended to it.

V III. " The *Inferior Clergy*, tho' divided in Place from the *Lower Laity*, yet JOYN'D with them OFTEN in the same ACTS, and PETITIONS; and were still Esteem'd and Called the *Commons Spiritual of the Realm*. And what THEY, and the *PRELATS* (EGO ET REX MEUS) in *Convocation* did, was long after the *Separation* spoken of in Our *Records* as done in *Parliament*.

Dr. A. must bring some new Evidences of this if He means to be credited; for I will adventure to say He has not yet advanced any One proof of it that will bear an *Examination*; or that has not had a sufficient *Answer*.

I X. " These *Parliamentary Conventions* of the *Clergy* were held first near the time at which the *Laity* Met; afterwards with a *Latitude*: But this Irregularity

"gularity was Reformed before the Reformation of Religion, and their MEETING K. HENRY
 "ING and DEPARTING FIX'D within a DAY of the Assembling, and Dismission the VIIIth.
 "of the Parliament.

How our *Convocations* have been held, and what respect they have had to the *Sessions* of our *Parliaments*, for the last 240 Years, I have before shewn. How truly Dr. A. Represents their *near Meeting*, and *Departing*, since; I shall hereafter Enquire. In the mean time, this is clear from what has been already said; That during this *Period*, our *Convocations* have not been any such *Necessary Assemblies* as Dr. A. affirms, *Essential* to our *Constitution*, and by Rules thereof Obligated to *Attend* upon Every *Session* of *Parliament*.

But I must not close up this part of our History without taking Notice of One thing more, for which Dr. A. has been pleased to treat me neither with the *Civility* of a *Scholar*, nor the *Charity* of a *Christian*. I had affirmed, in my *Other Treatise*, that the main End and Design, for which our *Princes* were wont to *Summon* our *Convocations*, was for their *Aid*; to Obtain the like *Supply* of their *Clergy* there, which they Received from the *Laity* in *Parliament*.

Sect. 79:

How true this was I have now in the Course of my History Sufficiently shewn. Our *Kings* in their *Writs* of *Summons* plainly speak it; and scarce a *Convocation* was Called for the first Hundred Years, without a particular Declaration of it. Being met, for as many Years, little else was done by the *Clergy* on the *Kings Account* in them. If they took that Opportunity upon their Own account, to draw up their *Grievances*; to present them by the *Archbishop* and *Bishops* to the King; and by their Mediation to desire a Redress of them; yet was not this the End for which the King Assembled them; nor did they often find it, by the success of their Complaints, so to be. In short; the Points which I affirm'd, I still abide by: 1st * That the Main End of our *Princes* in Calling these *Assemblies* at all, before the *Act* of *Submission*, was to obtain a *Supply* from the *Clergy*, (This I have abundantly proved already :) And 2^{dly} * That the reason of their Calling them at the time of the *Parliaments Session* afterwards, was that the *Grants* which they should make, and which were wont to be Confirm'd by their Own *Spiritual Authority* before, might be Ratified by the *Authority* of *Parliament* Afterwards.

Well; and what says Dr. A. to this matter? "Why this is so FALSE and SCANDALOUS a REFLEXION upon our PRINCES, and those MEETINGS; and upon the CONSTITUTION its self, that I wonder how it could drop from the Pen of an English Divine, that had any Regard left for his Church or his Country: And how EVEN THIS WRITER, as meanly as he may think of SYNODS, and their Powers, could yet prevail with himself to say it.

Rights, &c.
 pag. 269.

The Man is in a Passion, and therefore must be excused if He do's not Write so Accurately, any more than so Civilly, as He ought to do. But pray Good, Little, Angry Sir, what have *State Convocations*, or as you call them, *Parliamentary Ones*, to do with *Church Synods*, and *Their Powers*? Or who Authorized you to apply what was spoken of the One, to the Nature, Business, or Power of the Other? *Ecclesiastical Synods*, we all know, were called for other purposes: They met not for *State Affairs*; and even when they did Grant Money, yet that was not the End, much less the main End, for which they Met. It was just the contrary in our *State Convocations*: They were held for Civil, not *Ecclesiastical Affairs*. And tho', in process of time, *Church Business* was sometimes transacted in them, yet that was not the End for which the King Called them; but an Occasional Use, which, being met, the *Archbishop* and *Bishops* made of Them.

Let us then Lay aside the *Ecclesiastical Synods* of our *Archbishops Assembling*, and reduce the Point to its proper Bounds: That the Great End for which the King Called, or rather Commanded our *Metropolitans* to Call their *Convocations*, was for the Aid of his *Clergy*: To receive that Help from them in those *Assemblies*, which they did not care to be brought to Grant in *Parliament*. And upon this true State of it, let this Warm Orator flourish as He please; I dare affirm He shall never be able to Answer the Arguments, which I have from plain, and positive Records, produced in Proof of it.

But I will Examine his Reasons, after having once again premised, what I have elsewhere Observed; That to make Good the Negative, that this was not the Great End for which our *Princes* required these *Convocations* to be held, it is not sufficient to shew that some Other things were Done by the *Clergy* when they

K. HENRY they were *Assembled*, but that it was for that *Other Business*, and not for their *Aid*, that they were Called by the King.

the VIIIth.
Sect. 80.
Ibid. pag.
270, 271.

To Dr. A's first Argument; That "Money has been as frequently given, by *Parliaments* as by *Convocations*, and has been as much the design of Calling them; Nevertheless the *Reason* and *End* of those *State Meetings*, is not to be fetch'd purely from *Money*, but *Redress* of *Grievances*; I have many things to reply. That the *Redress* of *Grievances* in those Cases wherein it properly becomes a *Parliamentary Affair*, is such a Work, as can be transacted no where else but in *Parliament*, and therefore must necessarily be done there. Will Dr. A. please to tell us, what *Other Peculiar Affairs* there were for *Convocations* heretofore, that could not have been transacted but only in those *State Meetings*? And then shew, that those *Affairs* were as *duly*, and *constantly* the *Business* of the *One*, as the *Redress* of *Grievances* has been of the *Other*. The *High Court of Parliament* has always been the *Supreme Court of Judicial Determinations*, as well as of the *Legislature* of this *Realm*. Its *Power*, and *Business*, has been not only to *Defend* the *Kingdom* by their *Counsel* and *Aid*, from its *Enemies abroad*; but to *Regulate* the *Civil Government*, to *make new Laws*, to *Repeal Others* already made; to *hear Causes*; to offer and receive *Impeachments* against the *Greatest Ministers of State*; And, in *One Word*, to keep the whole *Policy* in *Order at Home*. To exclude all the *Other Ends* of its *Assembling*, and to reduce the whole to *Aid*, would therefore be as *Absurd*, as it would be *False*. But what is there like this in the *Convocation*? The *Civil Interests* of the *Church*, the *State* of the *Clergy*, for that very Purpose Call'd to *Parliament*, were to take care of. For the *Spiritual Policy*, Each of our *Archbishops* had his *Provincial Council*, which He *Summon'd*, *Held*, *Managed*, and *Dismiss'd* at his Will; as the *needs* of the *Church* required. The *Convocation* was an *Assembly* Called by the *King* for *State Ends*; and of those, I again affirm the main to have been for *Aid*; to Demand and Obtain those *Supplies* of the *Clergy* there, which they would not be prevailed with to Grant Elsewhere.

Again: Can Dr. A. shew me in all the *Clause Rolls*, where our *Kings* have in their *Writs* of *Summons* expressly declared their design in Calling of their *Parliaments* to have been for their *Aid*? Where at the *Opening* of the *Parliaments*, our *Lord Chancellors*, by their Order, have Year after Year, Demanded a *Supply* of *Money*, and seldom or never mention'd any other End of their *Meeting*; any *Other Design* of the *King* in Calling of Them. Yet this I have shewn, not Once or Twice, but constantly to have been the Case of the *Convocation*. Our *Kings* in their *Writs* have avow'd the *Aid* of the *Clergy* to have been the sole Reason of their Call; And by their *Commissioners*, when met, have Declared it to be the main *Business*, on which He expected they should Consult.

There is therefore no Manner of *Parallel* in the Case between the *Parliament*, and *Convocations*, as to this Matter: Nor can any Argument be drawn from what is the *End* of holding the *One*, to what has been, or ought to be, the End of Calling the *Other*.

But Dr. A. Go's on; and in answer to what I alledged not as a Matter of Argument, but only as an Occasional reflection; viz. That little was done in these *Antient Convocations* more than Granting of *Subsidies* to the *King*; will Undertake to shew as a *Second Argument* against my Assertion, that this is a Great Mistake; for that much *Business* besides was done by them; nay that we Owe to these *Meetings* the whole *Body* of our *Provincial Constitutions*. Should He be in the right, yet still this would not come up to the *Point*, unless He could also shew of this *Other Business*, as I have done of their *Subsidies*, that it was for the doing of it, that the *King* Required them to be *Assembled*: The Question here being not what the *Clergy* did in their *Convocations* when they were met together; but what it was that Moved our *Princes*, at any time, to *Assemble* them. However I will follow him in his *Proofs*; and see what He has to Offer, even in a Matter not much to the Purpose, to justify his *Wrath*, or Rather his *Fury*, against me, for having spoken the plain truth in this Matter.

Sect. 81.
Authority,
&c. pag. 281,
282.

3 Rights, &c.
pag. 271, 272.

"That the *Clergy* when met had a great deal of other *Business* to do, besides raising money, appears from Numerous, and Undeniable Arguments. And if Dr. W. cannot find 'em, as he says, it is because he has not look'd where they ought to be found, or at least not with that care He ought to do in Order to find Them. Had He look'd into *Spelman*, or *Lytwood*, methinks He might

" might have found that they made *Provincial Canons, and Constitutions*, all a-^{K. HENRY}
 " long, for the good Government of the Church. But who are THEY of whom ^{the VIIIth.}
 Dr. A. speaks? And where did They do this? Were They the *Convocation Clergy*?
 Then I am sure *Lynwood* was much in the wrong, when He made this the Sub-
 ject of a Remark, on the Occasion of a certain *Constitution* pass'd by *Archbishop*
Stratford, ' *Quæ persona interfuerunt in hoc Concilio, Ignoratur. &c.* Or did They, ' *Lynw de Loc.*
 who ever they were, make *Provincial Canons and Constitutions* in their *State Con-* & Conduct.
vocations Assembled by Virtue of the *Kings Writ*? Let him now in his turn cap. Licet.
 look into *Spelman* and *Lynwood*, the Authors to whom He sends me, and see Sect. provin-
 among all the *Provincial Constitutions* of our Church, how few were pass'd in such ciali Concil.
Conventions? And then let him remember that the *Kings Design* in Calling of
 the *Clergy* together, was not for passing even those few, but for their *Counsel*
 and *Aid*; the meaning of which *Phrase*, I shall more fully Explain by and by.
 In short, as These *Canons, and Constitutions*, were the most of them made in the
Provincial Councils of our *Archbishops* held for *Church Affairs*, by their own *Me-*
tropolitocal Authority, so at the Passing a great part of them, the *Provincial Bi-*
shops and *PRELATS* only were present: And for this I am ready to enter on a
 particular Proof, whenever Dr. A. pleases.

But he goes on. " Had he (Dr. W.) look'd into our Historians as nicely as ' Rights, &c.
 " he would be thought to have done, particularly into *Harpsfield* and *Antiquit.* pag. (272.)
 " *Britann.* He would have found, that they were taken up often in foreign, and
 " more often in domestick affairs, of the Utmost importance: In deputing some
 " of their Members to *General Councils*, (a) and preparing their Instructions: (a) Harpsfield,
 " In restoring peace to the Church, when it was broken by the Clashing of pag. 610, 611.
 " *Popes* with *Councils*, (b) or by the Contentions of *Rival Popes* about the Law- (b) Ant. Brit.
 " fulness of their *Titles*; (c) in Resisting *Papal Encroachments* and *Provisions*. (c) Harpsfield,
 " (d) Now that all this our *Clergy* did do; and that, by degrees, they did transact pag. 608.
 some of these matters in their *State Assemblies*, when the frequency of those (d) Ibid. 618.
Meetings had much abated the Usage of *Provincial Councils* in our Church; and 654.
 brought our *Metropolitans* to Consult of the Affairs of the One, very often in the
 Other, I do not deny. But then when they did this, they Acted not as a *Con-*
vocation, but as a *Council*. The King Conven'd them for his Own *State Ends*;
 but being met for those, the *Archbishop*, by his *Ecclesiastical Authority*, Em-
 ploy'd them about *Other matters* than those for which they had first been As-
 sembled.

And accordingly the Earliest of Dr. A's Instances Rises no higher than the
 1st of King Henry the 4th. The preceding Age, when our *Archbishops* kept up
 a more *Exact Distinction* between the *Kings Convocations*, and their Own *Synods*,
 afforded him none of these weighty Remarks. Then the Business of the *Convo-*
cation was *Money*; and *Money* only. For that they met; and little more than
 that, was therein debated of by them. But in process of Time a *Confusion* en-
 sued: The *Archbishops* turn'd their *Convocations* into *Synods*; and took the Oppor-
 tunity of the *Clergy's* meeting upon the *Affairs* of the *State*, to deliberate with
 them about those of the Church.

However that I may not seem to Decline, rather than to Answer his Allega-
 tions; let us come to Particulars, and see what his Instances will amount to.
 3 In the *Synod* of 1408, to which he first refers, the *Clergy*, he says, deputed 3 Harpsf. pag.
 Members to the *General Council*, and gave them their *Instructions*. I agree that 610, 611.
 that they did; but then withal I do affirm, that that meeting was a proper *Ec-*
clesiastical Council, and not a *Royal-Convocation*: And for this I refer to what I
 have before alledged in Proof of it.

His Second *Synod* is of the same kind: It was held the same Year; Called upon
 the Occasion of the same Schism, and was purely and properly an *Ecclesiastical*
Council, not a *State-Convocation*.

The third Instance from 4 *Harpsfield* is the very same with those already con- 4 Harpsf. pag.
 sider'd. It belongs to the same *Synods*, and the same *Business*; and therefore 608.
 the same Answer may suffice to have been given to it.

His 5 fourth Testimony is from the *Synod*, of 1399. Now that *Convention* met 5 Ibid. pag. 618.
 by the Sole Authority of the *Prior* and *Chapter of Cant.* in the Vacancy of the See:
 The King neither *Summon'd* it to sit; nor made any Use of it when sitting; more
 than to pass a Complement upon them for their Kindness to Him, and to beg
 their Prayers on his behalf. This therefore again was no *Royal Convocation*; nor
 can

R. HENRY can it concern me to enquire for what End the King *Assembled* a Meeting, which
the VIII. h. He did not *Assemble* at all.

Ibid. 614.

Hist. Eliens.
 pag. 669.

Registr.
Chicheley, par.
 ii. fol. 104.

Rights, &c.
 pag. (272.)

Rights, &c.
 pag. (273.)

To his last ¹ Instance, I have two things to offer: 1st; It was not properly a *State Convocation*: It met by the *Popes*, as well as by the *Kings Authority*: It met wholly about *Ecclesiastical Business*; and, which Dr. A. ought especially to consider, no *Parliament* met either with it, or near it. But to allow that it was nevertheless a *Convocation*; such an Assembly as we are now discoursing of. Did the King Call it to resist the *Papal Encroachments* and *Provisions*? Was that his main End; nay, or was it any part of his *Design*, in directing the *Convening* of it? Let the *Reader* judge by a short touch of the History of it. ² The King, with the Assent of his *Council*, had granted the Bishoprick of *Eli* in *Commendam* to *Lewis Archbishop* of *Roan*; and *Pope Eugenius* Confirm'd the Kings Grant to Him. By this *Royal* and *Papal Provision* He became seised of it, *April* the 3^d. 1437. The *Archbishop* of *Canterbury* stood out a long time against the King in this Affair; and great Contests arose between Him and the *Proctors* of the *Commendatory Bishop* upon this Account. To support Himself the better in this Controversy, wherein He had both the King, and the *Pope*, against Him; in the *Synod* before mentioned of 1438. called by the *Popes* Order for choosing of *Proctors* for the *Council* of *Ferrara*, the *Archbishop* proposed this, as the *Second Cause* of his *Convening* of his *Clergy*: ³ "That the *Pope*, by his *Letters*, had provided, and committed the Church of *Eli*, by way of *Commendam*, to the *Archbishop* of *Roan*; which being a new thing, and of ill Example, as he there shew'd by many Reasons; might turn to the great loss and detriment of the Church of *England*. And therefore, He told them, that he would have them to *Consult*, and *Deliberate* about it.—This is the Case to which Dr. A. refers us: Let him now tell us, whether He thinks this in good earnest to have been One of the Causes for which the King caused this *Council* to be held; which after all was truly an *Ecclesiastical Synod*, not a *State Convocation*; and apply'd its self both in this and the next *Session*, only to the Affairs of the Church.

But it may be his next *Proofs* will be more pertinent; let us take a View of them. ⁴ "But above all; had he (Dr. W.) look'd into the few old *Acts*, and *Journals* of *Convocations* saved out of the general Wreck, and yet remaining, He would have found that the *Articuli Reformandi*, or *Gravamina Cleri*, were put up almost at every *Session*: That *Subsidies* were seldom Given without them, and that they were suggested often, when no *Subsidies* were Given.—Now to allow again for the truth of all this, which yet Dr. A. wrote at a Venture; not upon any Examination that he had then made into these Particulars; and against which many just Exceptions might be taken, were I at liberty to enter on a full enquiry into these Matters: My former question still returns; Did the King Summon the Clergy for this Purpose, to draw up these *Articles* and *Grievances*; Or was this their Own Work, which they took care Themselves to do, when they were Met together for the Other End, and Purpose, for which I affirm, they were Generally wont to be Called by Him? Let the Kings Own *Writs*, the most Authentick *Testimony* that can be recurr'd to in this Case, determine it between Us. If he can shew me from them, that this was the Avow'd End for which the King Call'd them, as I will presently from the same *Writs* shew Him, that the Other, which I offer'd, viz. for their Aid and Assistance, was; I shall yield. Otherwise, I must again desire Him to shew, for what Other Purpose besides that of Money, the King *Assembled* the Clergy in *Convocation*; not what Other *Business* they Themselves did, when they Came together there.

Why yes, something of this Dr. A. will shew; and that indeed is to the Purpose: Let us hear how he do's it. ⁵ "Reforming Grievances (says He) was so much the END of the Clergies *Conciliary Meetings*, that the ARCHBISHOP mention'd it oftentimes in his very *PROVINCIAL MANDATE*. It would have been more to his purpose, could He have said that the KING had done it in his *ROYAL WRIT*. But we will be content with what he is pleas'd to give us, since we cannot have what we desire. What are his Instances of this? Why He offers two; the *Synods* of 1328, and 1341. A Scanty *Induction*, if pertinent; if otherwise, a poor and ridiculous *Fallacy*. Well, and what *Synods* were these two? He tells us himself, They were *PROVINCIAL COUNCILS* STRICTLY so called? So that in short then, all this Argument Ends, at last, in this little Sophistry; that the *Archbishop* in two *Mandats* of *Councils* strictly so called, speaks of the *Reformation*

tion of Grievances as the Great Business of their Meeting: And therefore, The Reformation of Grievances; and not Subsidies, was the main End for which our Kings Caused the Clergy to be Called to Convocations, and the Great Use they made of them when they were Assembled.

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But I proceed. ¹ "As they (the Clergy) were always sure of his (the Archbishop's) good Offices, so sometimes it has so happen'd, that He himself has stood in need of theirs: And accordingly the Subject of their Debates has been how to Screen an Archbishop from the displeasure of his Prince. With what strange security do's this Man write? and refer us to Authors, for that wherein they speak directly contrary to his Allegations from them. Take this story in Dr. Heylins own Words; and let the bare relation of it be, as it is, a sufficient Answer to the Use which he would make of it.

¹ Ibid. pag. (273.)

² "Together with this Parliament was held a Convocation, as the Custom is: ² In the beginning whereof, an Instrument was produced under the Seal of Archbishop Grindall for substituting Dr. Jo. Elmore, then Bishop of London (a Prelat of great Parts and Spirit, but of a contrary humor to the said Archbishop) to preside therein: Which in the incapacity of the Other he might have challeng'd, as, of right, belonging to Him. Nothing else Memorable in this Convocation, but the admitting Dr. William Day, the Dean of Windsor, to be Prolocutor of the Clergy; the passing of a Bill for the Grant of Subsidies; and a Motion made unto the Prelats, in the Name of the Clergy, for putting the late Book of Articles in Execution. (So wonderfully was this Convocation Employ'd in Other Affairs, besides the Grant of Subsidies!) "Nothing else done WITHIN those WALLS, tho' much was agitated, and resolved on by those of Grindall's party in their PRIVATE MEETINGS. Some of the hotter Heads amongst them had proposed in Public, that the Clergy should decline all Business, even the Grant of Subsidies, till the Archbishop was restored to his Place and Suffrage. But this could find no Entertainment amongst Wiser Men. Others advis'd, That a Petition should be drawn in the Name of both Houses, by which her Majesty might be moved to that Restitution. And tho' I find nothing to this Purpose in the Public Registers (which may sufficiently evince that it NEVER PASS'D AS AN ACT OF THE CONVOCATION) yet I find that such a Petition was agreed upon, and drawn into Form by Dr. Tobie Matthews, then Dean of Christ Church, and by SOME FRIENDS presented to her Majesties Sight, &c. This is Dr. Heylins Account of this Matter: I shall only add that so far were these Friends from SCREENING the GOOD ARCHBISHOP by what they did, from the displeasure of his Prince, that the Historian expressly takes notice, ³ "that no such Answer was given to this Petition, as by his Friends had been Expected; but that He continued under his Suspension till the time of his Death.

² Dr. Heylin, Hist. of the Presbyt. book vii. Sect. 21.

³ Ibid. p. 250.

Dr. A. goes on: ⁴ "Sometimes they have consulted of Measures for Advancement of Learning, and Encouragement of Universities; and have come to Resolutions very much to the Honour, and Advantage of those famous Bodies, and have, by that means, made way for them when under a Cloud to the Favour and Bounty of Others. Dr. A. is here again upon his Old Fallacy. The Conventions to which he refers were those of 1417, and 1421. The One a profess'd Ecclesiastical Council; the Other called meerly by the Authority of the Archbishop, not by any Order, or Mandate from the King. Now what is it but a Manifest departure from the point in Debate, concerning the End of our Kings in Calling of Convocations, and the Use which they generally made of them, to entertain Us with the Story of what was done in such Assemblies, as the King Call'd not; tho' sometimes, as in these very Cases, He did indeed make a profitable Use of their Meeting.

⁴ Rights, &c. pag. (273.)

⁵ "At some times the Regulation and Improvement of Grammar Schools at other the looseness and disorders of the Stage, have been the Subject of their Debates. He should have said, have been the End for which our Kings have Assembled them, and the main Use they have made of them when met. For there is no Controversy between Dr. A. and me, Whether the Clergy in Convocation, did not frequently Debate of, and Determine, concerning Other Matters besides Subsidies. Here therefore we must again enquire not what they did, but what it was for which the Prince Assembled them; and should we fail even there, it would be no great wonder. The times, when these Convocations sate, were very Critical. The One met towards the latter End of King Henry the 8th's Reign,

⁵ Rights, &c. ibid.

HENRY when *Archbishop Cranmer* drove on the good Work of the Reformation, as fast as he saw it prudent, and Advisable to do: The Other about the Middle of *Queen Marys*, when they were as diligent to undo, what *King Edward the sixth* and his *Father* before had done. So that we ought not to think it at all strange, if in such times, when both our *Governors*, and their *Clergy*, had such Affairs upon their Hands, and were so Eager in the pursuit of them; Our *Convocations* were also more busie and employ'd, than they had commonly been for a hundred years before.

Sec. 83.

But we will take his own Proofs. In 1555. The *Clergy* in *Convocation* deliberated, he says, about the *Regulation* and *Improvement* of *Grammar Schools*. In a *Synod* which did so much more, and more considerable *Church Business*, I wonder why that *Instance* alone was pick'd out by him. On that very day (which in my *Notes* is *January the 8th.* not the 7th, as he quotes it;) they debated about the *Propriety* of *Certain Words*, in order to the *Translation* of the *New Testament*; to say nothing of many Other things which were debated of in this *Assembly*. There was then no want of *Church Business* to be done in this *Synod*: But was this nevertheless the *main design* of the *Queen* in *Calling* of it? Let the minutes themselves which remain of this *Convocation* determine between us; where we are told that the *Prolocutor* being presented, at the *Second day* of their *Meeting*, the *Clergy* were order'd to return, and choose *Eight*, or *Ten* of their *House* to come up to the *Lords*, with their *Prolocutor* to hear what was to be declared to them not only on the *King* and *Queens Behalf*, but also of the *Cardinals* (*Poole*) concerning the *Public good* of the *Realm* and *Church*. What was said to them when they came up, I shall set down in the *Words* of the *Minutes* themselves, as being the least liable to exception; "*Quibus vice Omnium Dom. Eliens. dixit, Unam Causam hujus Conventus Provincialis esse, uti Prelati & Clerus Cant. Provinciae illustrissimis Dominis Regi & Reginae, multo ere alieno gravatis, & pecunie penuria laborantibus, de aliquo Grato Subsidio Eis elargiendo subveniant: Commemorans maxima illa Beneficia, quae dignitas Regia huic Clero haecenus impenderat, tam remittendo primos fructus, & perpetuas Decimas, quam etiam restituendo de sua Gratia Clero omnia illa Beneficia sive Sacerdotia Unita, quae olim Monasteriis Collegiis, &c. unita fuerunt. ---*" This was what was order'd to be said to Them *ex Parte Regis & Reginae*. As for the Remainder, that which was to be declared to them from the *Cardinal*, it concerns not our present Debate, and therefore I shall not need to make any transcript of it.

Altho' then not only that other *Business* which *Dr. A.* mentions, but much more, had He thought fit to take notice of it, was done in this *Convocation*; yet even here the *main End* of the *Queen* in holding this *Synod* was for their *Aid*; which accordingly they, in the first place, took into their Consideration, and declared their Agreement to it, at the very next *Session*. Indeed in the Other *Convocation* 1541: not Only no such *Aid* was at all treated of in that first *Session* of it, but the *King* himself declar'd, by the *Archbishop*, to them; that He had call'd the *Prelats* and *Clergy* together for *Other Purposes*. The *Words* of the *Archbishop* to this *Assembly*, as soon as he had admitted the *Prolocutor* of the *Lower House* are remarkable, and may deserve to be particularly taken notice of. "*Tunc exposuit Eis, EX PARTE REGIS, quod intentio Ejus erat ut ipsi inter se deliberarent de REFORMANDIS ERRORIBUS, &c. & ibi tradidit Prolocutori quosdam libros Examinand. et ut conficerent leges de Symonia vitanda, & referrent judicia sua prox. Sessione.*" *Dr. A.* therefore needed not to have singled out one particular point from a *Synod* whose whole Debates turn'd on these Matters. But how do's this contradict my *Affertion*? Or prove that because this particular *Convocation* of 1541. was called by the *King* for *Church-Affairs*; therefore these *Affairs*, and not *Subsidies*, were the *Main*, or rather *Only End*, of our *Kings Assembling* such *Conventions*? If *Dr. A.* can make up a fair *Induction* of *Convocations* Call'd upon such other Accounts as he asserts to have been the *Proper End* of their *Meeting*, and the *Main Use* which our *Kings* made of Them being met; He will then indeed do somewhat to invalidate my *Affertion*. But otherwise a single *Instance* (nay or several more, should he be able to discover any such) will only shew that I had reason to limit my *Proposition*, as accordingly I did, in the very passages which himself Cites, and Grounds his Quarrel against me upon; "*All the Use that was GENERALLY made of them, was to concur with the Other Estates in Granting Money to the King; which having done they were COMMONLY*"

“ *dismiss’d without entering on any Other Business:* “ *The main design our Princes* K. HENRY
 “ *seem to have had in Assembling these Convocations, &c. was to get Money from* the VIIIth.
 “ *them. --- This was the Great Use the King was wont to make of our Convocations.*
 “ --- For the most part the great End our Kings had in summoning of them was to
 “ *get Money from them.* These are the Passages which Dr. A. himself recites as
 the most Obnoxious in my Book; and all these amount to no more than this;
 that this was *Usually* the Chief design which our Kings had in appointing of these
Meetings; but is so far from denying, that it rather implies, that sometimes
 they might have some Other End for their Summoning of Them, and something
 else for them to do when they Came together.

This therefore might be a full, and fair Reply, to his last Allegation; the only
 pertinent Instance he has yet brought. But indeed if my Notion of this very
Assembly be right, even this Instance will prove as little to the purpose as any of
 the foregoing: And I shall Offer it with the Greater Assurance, not only be-
 cause I am fully convinced of the truth of it; but because whether it be allow’d
 of by Dr. A. or no, my Cause is in no danger. My Opinion then is, that that
 last Synod of 1541. was a proper Ecclesiastical Council, as well as a State Con-
 vocation; and in that Capacity did Those things, One of which Dr. A. has quoted
 against me.

For the better clearing of which Notion I must observe that before the 25th
 of King Henry the viijth, as our Kings had a Right to require the Archbishops
 to Summon their Clergy together in Convocation, whenever they thought it neces-
 sary for their Affairs, that they should be Assembled; so our Metropolitans had
 likewise a double Right, which by the Act of Submission, pass’d that Year, they
 were deprived of: 1st: That they could also, at their own Pleasure, freely Call
 their Provincial Prelats, and Clergy together, to deliberate with them about the
 Affairs of the Church, in a proper Church Synod. And 2dly: That having Conven’d
 them in Convocation, for State Ends, in Obedience to the Kings Writ; They
 could either by their Order Require them, or by their Allowance permit them,
 to Enter upon Spiritual Affairs; and thereby make Use of them at once both as
 a Council, and as a Convocation.

Being by that Statute tied up, so that from thence forth they could neither
 Assemble any Synod without the Authority of the Kings Writ; nor having call’d
 them as a Convocation, could Authorize them to Act as an Ecclesiastical Council
 without his License; We have now no Means left to judge what kind of Assem-
 bly the Clergy thus conven’d are, but by the Powers it has from the King when
 met, and the Business which, in vertue of those Powers, it do’s transact. If the
 Clergy be call’d together by the Usual Writ of a Convocation issued out from the
 King, and Executed by the Archbishop, after the manner it was wont to be, be-
 fore the Passing of that Act; the Clergy so conven’d are, by that Summons, a
 Convocation; and Authoriz’d to Enter upon any such Business as a Convocation was
 wont heretofore to do. And therefore so long as they continued to dispose of
 their own Money, they needed no other License or Authority, (notwithstanding
 the 25th H. 8. c. 19.) to Debate of, and agree upon any Subsidy that they thought
 good for the King. They have also thereby a sufficient power to consider of
 their Civil Grievances, and to make any Address, or Request to the Prince, which
 they shall think necessary with relation thereunto. But still, by this Summons, they
 are no more than a Convocation for Civil or State Purposes; a Church Synod they
 are not, unless they are farther Empowr’d. When therefore the King, having
 thus caused them to be Summon’d together in Convocation, Grants his License un-
 to them, according to that Act, to enter upon Church-Business; He thereby
 makes the Assembly, which before was legally no more than a State-Convocation,
 from thenceforth become a Proper Provincial Council. He gives it a new Power
 which before it had not; and by that means puts it in a Capacity of doing such
 Business as before it might not Lawfully have done.

Now this was the Case of the Meeting in 1541. The King order’d the Arch-
 bishop to Call his Clergy together in Convocation. They met by Authority of the
 Kings Writ, and in Obedience to the Archbishops Mandate. Had the King stopp’d
 there, they would have been only a Convocation; and their proper Business
 would have been, *Consilium & Auxilium*; to debate of, and to grant an Aid to
 the Prince, for the Defence of the Church as it is a Member of the State. But the
 King had at this time another Design in Assembling of the Clergy, and another

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Use to make of Them. He therefore commanded them, by the Arch-Bishop, and in Consequence of that Command He *Licensed* them, as the *Statute* directed, to deliberate about the *Reformation of Errors*, and other Proper *Conciliary Matters*: And by so doing, he not only Enlarged the *Powers*, but (in the Eye of the *Law*) Alter'd the very *Nature* of the *Assembly*. He made it a *Council*, as well as a *Convocation*; and in that *Capacity* it debated of and did those things, One of which Dr. A. is pleased to object to me.

* Rights, &c.
pag. 274

* Ibid. pag.
(275.)

As for his next Instance (which according to his usual Confusion runs us a hundred Years backward) relating to the *Auncel-Weight*; it has been already consider'd in its proper place, and thither I refer Dr. A. for my Answer to it.

To his last parting Remark, that I confess the King frequently sent his *Prohibitions* to the *Convocation*, and that this implies that they were otherwise Employ'd than in *Money matters*; I reply in short; that to *Convocations* call'd by his *Own Writ*, (and of such I must be understood, when I speak of the *Kings design* in calling of them) no *Prohibition* was ever sent. Let Dr. A. first shew that his Allegation is true, and then I will consider what is needful to be said to take off the force of it.

* Ibid. pag. 269.

And thus have I follow'd this Author, thro' all that he has Offer'd within the *Period*, and even beyond the Time I have hitherto been treating of; to shew that Our Kings had some *Other Ends* in issuing out their *Writs* for the *Assembling* of our *Convocations* than to obtain an *Aid* of them; and that this was not the *Great* or *Only Use*, which they generally made of them. What he farther adds from the *Convocations* of the *last Century*, will more properly be consider'd as I pass thro' the *History* of it. In the mean time let the *Equitable Reader* now judge, What this warm Man has at last brought in *Opposition* to my *Assertion*, with which He is so much Offended? Or how he has proved it³ to be that *False* and *Scandalous* Reflection upon our *Princes* and those *Meetings*, and even upon the *Constitution* its self, that at his first setting out, He charg'd it to be?

Sect. 85.

Shall I need in return to this Noise, and Nothing Else, to resume again the several Instances by which I have shewn my *Assertion* to be most undoubtedly true, in the several parts both of this, and the foregoing *Chapters*; and thereby prove yet more plainly than I have already done, that Dr. W. did both know something of these *Matters*, and did not dissemble his knowledge of them: And therefore, is neither to be *Pittied* for his *Ignorance*, nor yet to be *Detested* for a much worse *Quality*; As in his kind *Dilemma*, He is pleased to state the Case, upon this Occasion? I will then briefly declare the *Ground* of my *Assertion* from these two Considerations, which Dr. A. who is so great a Master in these Matters, will, no doubt, quickly shew me to have been as much mistaken in, as I was in the Position which I built upon them, (1st) From the *Original* of these Kind of *Convocations*? And (2dly) From the *Authentic Testimonies* of those very *Writs*, by which they have been *Summon'd*; and the constant *Intimations* of the *Kings Pleasure* to them, when they came together.

(1) As for the first *Original* of These *Assemblies*, I have before shewn that it was about the time of King *Edward* the 2d, that they began to be settled; and the Occasion of them was this. His Father, King *Edward* the 1st, had by the *Premunitory Clause* brought the *Lower Clergy*, as by his Other *Writs* he had done the *Lay Commons*, to *Parliament*. His design in so doing was to demand, and obtain the more easily, from time to time, an *Aid* of them there, than He thought He could do in their own separate Meetings. The *Clergy* to avoid this, industriously declined coming to any Resolutions of a *Subsidy* in those *Conventions*. They alledged that the *Regular Clergy* being Call'd but in a small number thither; they could not do any thing without consulting together in a fuller Body, in some *Provincial Meeting* of their Own. Sometimes the Other *Clergy* Either came not at all, or but in a very little proportion, to it. They stood upon their *Exemptions*; and pretended that they were not obliged to Obey a *Lay Summons*: And tho' the King provided against this, by issuing out *Provincial Writs* to the two *Archbishops* to Summon the *Clergy* of their respective *Provinces* to *Parliament*; yet they had an Answer ready to that too; that the *Archbishop* could not Lawfully Summon them out of his *Own Province*; and so One half of the *Clergy* had still a Pretence for their absence, notwithstanding they were Called by their *Archbishop* to *Parliament*.

By

By these and the like means, they soon brought the King under a Necessity of HENRY the VIIIth. complying with them; and leaving them to meet in their Own Provincial Congregations; where they were more easily induced to gratify his desires. This therefore gave the first Ground to the setting up of those Assemblies which we properly Call *Convocations*; and which were in this especially easily to be distinguish'd from the *Provincial Councils* of those times; that the One after a little while, (when things Settled into this Method) were called by the Archbishop in Obedience to the Kings *Writ*; the Other by his Own *Metropolitcal Authority*; without any Order, or Authority from the King so to do. The One were Assembled for the obtaining of those *Aids* of the Clergy there, which they refused to Grant in *Parliament*: The Other for such *Ecclesiastical Affairs*, as the Circumstances of the Church required their deliberation of.

If therefore the End of this Assembly may be taken (as in all reason it ought to be) from that which Apparently gave the first Occasion to the Introduction of it; and, but for which, there never had been any such Assemblies Conven'd by the King at all; then the Aid of the Clergy must be allow'd to have been the main End of our *Convocations*; As certain it is, and I have before shewn, it was the reason for which our Princes did Consent first, to the meeting of the Clergy after this manner; and afterwards did Require them, whenever they wanted their Aid, to be thus Called together by their *Archbishops*.

(2) And for this I appeal to their Own *Writs of Summons*; which was the Other proof I proposed to make of my Assertion. For if in those *Publick Instruments* it be avow'd that the Cause why our Kings commanded the *Archbishops* to Summon their *Convocations*, was for their Aid: If they therein press and require them to do what in them lay to induce their Clergy to Grant their Aid to them: If this, and this only, be Alledged as the End of their *Assembling*; and if this be the Language not of One or Two such *Writs*, but of Maney, nay of most of them, till they fall into a *Common Form*, which implied the same thing; Then I conceive it must follow, that as we cannot any Way better know what was the true End and Occasion of these Meetings, than from the solemn Declarations of Those who Call'd them; so neither ought we to doubt but that That ought to be accounted the true Occasion of their *Assembling*, which these *Writs* set forth to Us as such.

Sect. 86.

To proceed therefore to a particular Enquiry into this matter: One of the Antientest *Convocation Writs* that I have met with, is that of King Edward the 1st. Ao. 1290. a few years before he Call'd the Clergy to *Parliament*. The Province of *Canterbury* had granted him a Supply in their Meeting at *Eli*, October the 2^d. He therefore directs his *Writ* to the Archbishop of *York* to Call his Clergy together for the same End: --- *Cum Venerabilis Pater Joh. Cant. Archiepiscopus, & ejusdem Provincia Clerus totus Decimam de Anno presenti nobis liberaliter concesserunt* --- *paternitatem vestram affectuose Requirimus & Rogamus quod nobis si placeat Curialitatem consimilem, vel aliam honorabilem & decentem concedere, & vestra Provincia Clerum ad Eam nobis similiter concedendam, modis quibus melius Expedire videritis, inducatis.*

Anno 1310. The Archbishop of *Canterbury* expressly conven'd the Clergy of his Province, at the Kings Request, to anticipate the Payment of the Triennial Tenth, imposed by the Pope upon the Church.

The next Year, 1311. The Archbishop of *York* summon'd his Clergy in like manner by Order of the Kings *Writ*; *ad tractandum nobiscum de prefato Subsidio per dictum Dominum nostrum Regem a Nobis petito, & ad consentiend. & Faciend. ulterius super Illo quod Communi videbitur Judicio faciendum.*

Two Years after Ann. 1313. The King having obtain'd a Subsidy of the Clergy of our Province, Order'd the Archbishop of *York* to Convene his for the same purpose. The Archbishop Obey'd, and Summon'd them in these Terms: *Nos etiam ex parte ejusdem nostri Regis cum Magna fuerimus instantia requisiti quod Praelatos & Clerum nostra Provincia Efficaciter inducere Curaremus, ut consimile Subsidium ob causam praedictam eidem Domino nostro Regi concederent.*

Anno 1314. The King issued out his *Writ* for the Clergy of our Province, to meet the morrow after the *Ascension*, *Ad tractand. -- super Competenti Auxilio a Clero Provincia vestra Cant. nobis impendendo.* The words are the same in the *Writ* of that Year for the Clergy of *York*, who were to meet the morrow after *Trinity* for the same End.

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Anno 1316. The inscription of the Convocation Writ upon the Clause Roll, is, *De Convocatione Cleri faciend. pro Subsidio Regis, &c. 9 E. 2. m. 17. d.* And the Purport of it is the same, *ad tractand. & consentiend. --- de certo Subsidio nobis ut premittitur faciend.* The whole Writ runs to the same Effect, and was alike sent into Both Provinces.

The Archbishop of Canterbury holding a Provincial Council the same Year after Michaelmas, the King directed his Letters to it after the same Manner; as in my account of this Year may more fully be seen. Having obtain'd what he desir'd in our Province, He order'd a Convocation to be Call'd for the same End in the Other. He declared his Necessities to them; Order'd their Convention, and then pray'd them *de Nous faire ascun Covenable Eide ---* as may in the Writ more fully be seen.

Anno 1318. The King renew'd his Request in the like manner to the Clergy of York. The Archbishops Mandate thus expresses it; that He had been with great Instance required to Call his Province together, and there effectually to induce them, *ut ab eodem Clero sibi ex premissa Causa competens Subsidium concedatur.* For this He calls them *ad tractandum in dicta Convocatione --- super negotio antedicto, ac ad faciendum ulterius super illo quod Communi videbitur Judicio faciend.* He wrote also in like manner to the Clergy of our Province; whom he required the Archbishop to Assemble in *Crastino Purificat. super hujusmodi Subsidio Nobis faciend.* as the words of the Roll are.

It would be too tedious, or as Dr. A. speaks, too Dry a Task to pass thus minutely thro' all the following Years. I will therefore take the Liberty to refer the Reader to the foregoing History of my Two last Chapters, who desires a more particular account of this Matter; and Content my self to touch only upon it, at such easie Distances, as may suffice to make my Induction full, and yet not Engage me in an Endless Repetition.

Rot. Claus. 16. Edw. 2. m. 20. is thus intituled. *Pro Rege de Subsidio à Clero Provinc. Cant. & Ebor. procurand.* The Writ recites the Mischief done by the Scots, and the Kings Resolution to repress them. What charges this would put him to; and what Interest the Church, as well as State, had in this matter; for which he hoped that they also would *manus apponere adjutrices*: And therefore he Orders each Archbishop to Convene his Clergy; *Et in eodem Concilio expositis Negotiis & Necessitatibus predictis, quanto utilius & expressius poteritis Auxilium Competens a Prelatis & Clero --- terminis competentibus & festinis nobis solvend. procuratis Concedi.*

As Edward the 1st and 2d began, so King Edward the 3d continued these Assemblies: And Aid was still the Great End for which he Call'd them. In his first Year, He order'd our Convocation to meet at Leicester; and required the Archbishop to be there at the time appointed, and to use his labour and diligence *que tiel Eide nous soit grantes d'ont nous nous pouvons sentir Comfortes et Aides: &c.* The Archbishops Mandate runs to the same effect, He Calls his Clergy, *Una nobiscum tractaturi & Ordinaturi super Subsidio & remedio competentibus imponend. in premissis.* The remedy spoken of was that of a mistake committed in the Parliament at Lincoln, which hindred the Clergy from Granting a Supply there. This I mention least any one should think some of Dr. A's Business might possibly be couch'd under that doubtful Expression.

4. Edward the 3d the Clause Roll is thus intituled; *Pro Rege, de Auxilio habendo a Clero pro resistentia Guerra Francia.* And the Writ requires the Archbishops to Call their Convocations, *Manus apponere adjutrices*: And that they should *Eis dicta Negotia & Pericula imminencia serius Exponere*; and thereby induce them *quod in tanto necessitatis articulo tale Nobis Subsidium faciant pro tantis periculis evitandis, quod per vestram & ipsorum subventionem Jura & Honorem nostrum & totius Regni nostri Conservare, ipsosque & totum Populum nostrum ab hostium incurribus tueri & protegere valeamus.*

7. Edward 3d. The King thus Writes to the same effect; that Considering the imminent danger which threatned them, and that *omnes fideles nostri pro supportandis Oneribus defensionis Regni, &c. manus tenentur apponere adjutrices*, they should Assemble the Convocations to treat about the premises, *Vestrumque & suum Consilium & Auxilium impensur.* The very same Phrase Occurs in the title of the next Writ of the same Year: *De Convocatione Cleri faciend. ad Tractand. super Consilio & Auxilio Regi concedendo.* And that this Counsel and Aid, related to

their

their Debating about a suitable *Subsidy* to be Granted to him, the Body of the *Writ* shews; which recites first the Kings Confidence in the Archbishop, *quod pro defendendo & recuperando Corona nostra Regia Juribus nobis vigilanter velitis assistere, & in Opportunitatibus quantum ad vos attinet efficaciter Opem ferre*: Then gives an Account of his Expedition into Scotland; and how by that means innumerable & quasi infinitos sumptus nos effundere Oportuit. That nevertheless Other Affairs broke out, in quibus Vestro & aliorum Prelatorum & Cleri Regni nostri Consilio & Auxilio indigemus: And for this End commands the Archbishops to Summon their Convocations, to treat of the same Affairs, vestrumque & suum Consilium & Auxilium impensuri.

The *Writ* of the next Year, 8 Edward the 3d, is, if possible, yet more full to the same Effect. It expressly requires the Convention of the Clergy *ad Tractandum & Consentiendum super aliquo Auxilio competenti --- Nobis concedendo*; nor mentions any Other Business. So do those of the 10th, and 11th of Edward the 3d. The *Writ* to the Archbishop of York 13th of Edward the 3d: is all for *Subsidy*. In another of the same Year to the Archbishop of Canterbury, *Consilium & Auxilium*, are again plainly Expounded after the same manner as before: So is it in that of the 16th of the same King to the Archbishop of York. The Writs of the 25th of Edward the 3d. to both Archbishops, expressly require their Convocations to be called for the same purpose. They recite the great Burdens of the King, and the Dangers of the Kingdom: They require the Help of the Clergy, and that to this End they should call them to their several Convocations, *Et expositis Eis dictis Negotiis ibidem, ipsos ad aliquod Competens Subsidium Nobis in Auxilium supportationis dictorum Onerum Concedendum cum Efficacia inducat*.

I put these things together the more briefly, because I have taken particular Notice of the most of them, as I have pass'd thro' the Years to which these Writs belong; and I have there made exact and particular References to them. The Writs of the 33d of Edward the 3d. differ in words, and are shorter than many of the foregoing: But the sense is still the same. They Recite the *gravia Pericula quæ tam per invasiones Scotorum quam aliorum inimicorum nostrorum, &c. tam sanctæ Ecclesiæ quam Regno evenire verisimiliter formidantur*: And they order the Convocations to be called; and that there *inter vos & ipsos de aliquo salubri & congruo remedio pro Conservatione & Defensione Ecclesiæ & Regni prædictorum contra pericula prædicta Ordinare curetis; Ut ex hoc tam vobis quam dicto Clero in vestris agendis teneamur specialius in futurum*.

To hasten to the End of this long Reign: Anno 45. Edward the 3d; the Writs speak fully out as before. They declare the Burdens lying upon the King; *Ad quorum Onerum supportationem absque Adjutorio fidelium nostrorum non sufficimus sicut scitis*. How the King had thereupon demanded a Supply of them; and now order'd the Archbishops to call their Convocations. *Et expositis Eis dictis Negotiis ibidem ipsos ad aliquod Competens Subsidium nobis in Auxilium supportationis dictorum Onerum Concedend. cum efficacia inducere*. This was the stile, or rather the very words, of the following Convocation Writs Anno 47 Edward the 3d. the last that remain upon the Clause Rolls.

The First of Richard the 3d, run exactly to the same sense, and require the same thing: That the Archbishops should Cause their Clergy to be Assembled in Convocation after their usual manner; *Et eis dictis negotiis, & periculis ibidem plenius expositis & declaratis, ipsos ad Subsidium in hoc casu competens & necessarium in Supportationem dictorum Onerum et Sumptuum nobis concedend. eo specialius et cum efficacia qua magis sciveritis vel poteritis tanta necessitate causante inducat*. The like is the form of those of his Second Year. The Writs of the 3d. 4th. 5th. 6th. 7th. 8th. 9th. 10th. 11th. and 12th. are all in the same Words, with those of the Second. Nor are those of the Other Years much different. In this they All agree (that of the 20th Year excepted which runs in general terms) not only in Sense, but even in Expression, that the King requires the Archbishops to Summon their Convocations; *Et ipsos ad Subsidium in hoc Casu competens et Necessarium, in supportationem dictorum Onerum Nobis concedend. eo specialius et efficacius quo magis Sciverint aut Poterint, sollicite inducere*.

Thus expressly do the Kings Writs, for a Hundred Years together, openly and plainly speak the End of their Commanding these Convocations to be held, to be for the Granting of Aids to them. If in the following times they fell into the more General Expression of Counsel and Aid; yet the Interpretation of the preceding

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ceding Age sufficiently determines the Sense of those Words; and gives us to understand that they still meant the same thing, and called them together for the same End.

The 2d of King Henry the 4th is in the Old Express form: It recites the *sumptuosae et immensae Onera* that lay upon him, *pro defensione et salvatione Regni, &c. nec non Ecclesiae Sanctae*. And it orders the Archbishop to call his Convocation; *et ipsos in hac parte ex causa praedicta ad Subsidium in hoc casu Competens et Necessarium --- inducere*. The same is the form of his 5th Year. Those of the 7th and 9th of King Henry the 5th run in the like stile; and direct to the same End. From thenceforth the Convocation Writs have been drawn up almost wholly in the same general terms that they now are, and sometimes before were. But then the meaning of them has been all along Explain'd, *ex parte Regis* to the Convocation; by such Commissioners, as they have been wont to send to it; And Dr. A. too well knows, to need my Information, that what has been declared to them from the King by his Commissioners, as the Cause of his Calling them, has been generally, I might say constantly, for their Aid and Assistance, with a very few Instances, to the Contrary. Those who have Examined the Acts of our Convocations know this to be true; And I am ready from thence to make an Express proof of it, if Dr. A. shall think fit to deny the Allegation, and thereby give me Occasion so to do.

Let this then suffice to shew upon what Grounds my Opinion is founded, which I formerly advanced, and in despite of all his Wrath, do still adhere to, viz. That the Great Design and End of our Princes in requiring their Archbishops to Summon these Convocations, was Generally this; for the Aid of their Clergy. I shall now leave it to Dr. A. to prove (if he can) by the like plain, and Authentic Induction, that any thing else that He shall please to lay down against it, was an Equal, or a more Eminent, and Principal Inducement to them in this Case. Till that be done I shall, I hope, be Excused, if I leave Him to his own Rude, and Unlucky Dilemma, which he was pleas'd to Level at me; "If Dr. A. knows nothing of these things; He is to be pittied for his Ignorance: If He do's, and yet dissembles the knowledge of them, He is to be detested for a much worse Quality. Let him take his own Choice, whether of these He would have the World agree upon: But let him remember that without making some satisfactory proof in this particular, That our Kings had Commonly some Other more primary Ends in Assembling these Convocations than that which I advanced, under One of these Condemnations He must fall, by his Own Sentence; which otherwise, I do assure him, should never have been made my Censure.

CHAP. IX.

Dr. A's Last Argument to prove the Right of the Convocations to Sit and Act in Time of Parliament, drawn from CUSTOM, proposed, and stated. The Insufficiency of it shewn, supposing that there were such a Custom as He pretends: The matter of fact examined; Whether there has been any such Custom or No?

SECT. I.

WE are now come to the last of those Arguments, by which Dr. A. pretends to prove the Right of Our Convocations to Meet and Sit during the Session of every Parliament. I have before shewn, that neither the Canons of the Church have any Authority to confer such a Right upon them; Nor has the Constitution of our Government made the Calling, much less the Meeting, and Sitting of the Convocations, necessarily Concurrent with that of our Parliament. That the Modern pretence of Attendance in this Case, is not only a New Invention; but such as the Practise of above 200 Years, after the settlement of our Great Councils upon their present Establishment, do's apparently contradict. In all which time not One Parliament in Ten had either of the Convocations called together with it; Nor One in twenty, if in thirty, had Both. The truth is the very

very Constitution of our Parliament, were men willing to be convinc'd, is of its self an irrefragable Argument to prove that the *Convocations*, of which we are now discoursing, were never design'd to be either any part of it, or any *Attendants* upon it. For by that the *State* of the *Clergy* is Summon'd together with the *Laity*, as the Representative Body of the whole *Clergy* of the *Realm*; and was intended to Appear on their behalf there. To this *Great Council* They have had their *Writs* of *Summons* ever since the time of King *Edward* the 1st; and in Obedience to those *Writs*, they continu'd for several Reigns, to come to it. There they Acted in a *National Body*, under their *Prelats*, with the *Other Estates* in *Parliament*: And had not their own Wilfulness forc'd our Princes upon Other Measures, there had never been any such Meetings as Those of our present *Convocations* known in our Country. In short; To this *Great Assembly* of the three Estates of the *Realm*, the *Clergy* are still Called by the Kings *Writs*, as they ever have been; and the Bishops do still continue to come: And I think no Demonstration can be clearer than this, in a Matter of this Nature; that the Estate of the *Clergy* being call'd Nationally to *Parliament*, by the Kings *Parliamentary Writs*, and being by vertue thereof an Essential Part of that *Great Council*, and Represented there; the *Parliament* is thereby compleat in its Ecclesiastical, as well as in its Lay Members; and has no need of any Other Assembly of the *Clergy* to make up the Integrity of it. This I am sure must be allowed; Or (to omit such other Inconveniences as will attend a Contrary Assertion) it must be granted that our *Parliaments* for the first 200 Years were a very defective Body; in all which time I have abundantly shewn; that the Two *Convocations* seldom, or never, met at the same time with them; and very often our *Parliaments* both met, and rose without any *Convocation* that may but seem to have had so much as a distant Regard to Them.

To proceed therefore to Dr. A's last Argument, taken from the Custom of our *Convocations* ever since the 25th of King *Henry* the 8th, to Meet and Sit in time of *Parliament*. That so they have done, they tell us is Undeniable: Now this Custom having been thus Observed for above 150 Years last past, do's, they say, give the *Clergy* a Right thus to Meet and Sit; and therefore they cannot without a great Injustice be denied so to do. This is the Argument; and this I find urged not only by Dr. A. but by some Others, who are not very fond of his Other Notions; but rather disclaim his *Parliamentary* Pretences, as Vain and Erroneous.

Sect. 2.

In return to this Allegation, two things there are that will need to be Enquired into for the better discovery of the force, or rather Weakness of it.

1st. Supposing that there has been such a Custom as they Pretend; How far that Custom shall prevail against the Royal Prerogative of the *King*, and the Jurisdiction of the Metropolitan, and give the *Clergy* a Right to Meet, and Sit, during the time of *Parliament*, in despite of Both?

2^{dly}. Whether there has been any such constant and continued Custom, as is pretended in this Case?

But before I enter upon these disquisitions, it will be fit that we take a true state of the matter in debate, that so we may Go on upon a sure Bottom; and know both what it is that is Contended for; and upon what grounds the Claim of Right, in this particular is built.

Sect. 3.

As for the former of these, the Right which Dr. A. in this Case contends for, it is this; A Right not only of being Summon'd by the *Kings Writ*, and the *Archbishops Mandate* thereupon to *Convocation*, but of Meeting and Sitting too: p. 69. Of Assembling, and Acting, p. 71. --- Of Assembling and Sitting: p. 268. Or as he more fully delivers his sence: p. 267. "The *Clergy* have a Right to some-
" what more than a bare Summons: They have a Right actually to Assemble;
" to be form'd into a Body; and to fill the Chair of the Lower House; And, if
" they have any Petitions, or Motions to make in Church-matters, they have
" a Right to Sit so long as till they have made them: For thus they have been
" always Accustom'd to do: --- Now this Right He accounts to be so far Vested in the Body of the *Convocation* (or rather of the *Lower Clergy*) as to leave it no longer in the *Kings*, or the *Metropolitans Power* to hinder the Exercise of it For being Called by the *Kings Writ*, and Assembled at the time prescribed, in the *Archbishops Mandate*; He affirms, that neither the One, nor the Other can, from thenceforth, Prorogue them, till they have had their Sermon, Chosen their

Rights, &c.
pag 69, 7
267, 268.

K. HENRY their Prolocutor, and considered what they have to do ; Nor afterwards without their Consent ; or at least without a tacit Allowance, and Intimation given, That they have Nothing to Do. “ Dr. W. is, He says, the first Writer that
 the VIII. b. Ibid. pag. 75. “ has ever Asserted these Meetings to be Precarious ; and put it in the *Princes*,

“ or the *Archbishops Power*, whether they will have such Assemblies or No. And in another place speaking of the “ Reasons, which may Occasionally “ move *Inferiors* to Claim the Recontinuance of these Meetings, He tells us, this “ may be One, That their Right begins to be question’d by the Discontinuance. Now of their being Summon’d, and Meeting, in *Parliament* time, there has been no Discontinuance: This therefore Dr. A. cannot mean. The Discontin-
 Ibid. pag. 23, 24. “ the *Superior* shall take care to Assert his Own [Right] at the same time that “ He sets aside *Theirs* : And Commanding Them to Come, shall yet not suffer “ them to Assemble in Form ; nor let them, instead of being a *Convocation Le-* “ gally to Confer together, and to frame their Requests to their *Lordships*, the “ *King*, or *Parliament*, be so much as a *Congregation* once to say their Prayers “ together, and hear a Sermon. This it seems has been the Result of the *Archbishops* Arbitrary Prorogations ; and this plainly fixes the Charge ; or ra-
 ther the Scandal, upon Him.

It is to the same Effect that he speaks p. 77. where taking particular Care, to inform us that what He contends for is the Holding, not the Calling only, of the
 Ibid. pag. 77. *Convocation*, “ for that (says He) is the Right we speak of ; He adds, “ A Right “ that has been all along Own’d by Constant Practice ; or if perchance not Ex- “ ercised at some particular time thro’ forgetfulness, or Distraction (to allow “ the utmost, and more perhaps than can be proved) yet was never Purposely ; “ and, if I may so speak, Regularly neglected till now. But more plain is the load which upon this Account He lays upon the *Archbishop*, p. 115: Where having shewn how much the *Convocation* may Do, without any License from the *King*, notwithstanding the Act of Submission ; He thus proceeds to Reflect upon the Metropolitan for having prevented this, by his Illegally Proroguing of them :

Ibid. pag. 115. “ And whether such Applications are necessary, should, I suppose, be left to “ the *Convocation* to determine ; tho’ Others afterwards may either second, or “ reject these Applications ; Who may in these Cases have the power of Judg- “ ing, but not of Prejudging the Actions of a Lawful Assembly. This can be- long to no Body but the *Archbishop*, who indeed is by all these Circumstances as Evidently pointed out, as if he had been expressly named, as He was. p. 75. And what follows, p. 116. confirms it to Us : “ The Innovation made in these Matters, “ has begun within these Ten Years last past. For tho’ it has been usual to
 Ibid. pag. 116. “ Adjourn *Convocations* a few days after they had Met, and Sate, when there “ was little or no business to do ; yet it was never till

1st Edit.

Addit. pag 53. “ this time known that a *Convocation* “ was Adjourn’d before it sate, that “ is, indeed before it was a *Convoca-* “ tion.

2d Edit.

“ now known that a *Convocation* was “ Adjourn’d, on and on, for large “ spaces of time, before it sate ; that “ is indeed before it was, properly “ speaking, a *Convocation*.

Ibid. pag. 264. — “ This New Practice (which Dr. W. in my Opinion by as New Law justi-
 “ fies) we know the date of ; and have Reason therefore to obviate it whilst it “ is New : and to take some Care that it may not in a little time be Able to plead “ a *Quiet Prescription*.

“ Time out of Mind, the Custom has been, that whenever the *Parliament* has “ Met, the *Convocation* (should not only be Summon’d) but Meet too : And “ accordingly for some Ages now it has met with it ; and been Opened in Form, “ by the *Archbishop*, or in the Vacancy of his See, by some Bishops Commis- “ sion’d from the Dean and Chapter of *Canterbury* ; Divine Service has been “ said ; a Sermon preach’d, and a *Prolocutor* Chosen. There are Instances in- “ deed when they have Gone no further than this, and done no other Business ; but “ it was when they had no Other Business to Do ; for they were always put in- “ to a Posture of doing it, and into a Capacity of making such Motions and Re- “ quests as they should judge proper for the Good of the Church, or the Re-
 † “ dress

“ drefs of Grievances. Till late Years it was never known that *Convocations* K. HENRY the VIIIth.
 “ should Meet [‘time after time] purely in Order to be Adjourn’d: That
 “ the *Members* of the *Lower House* should Attend, only to be told when they
 “ should Attend next, without being Allow’d to offer their Advifes, or Com- Ibid. Ad-
dend pag. 574
 “ plaints, or even to put themselves in a Condition of Offering of Them. This
 “ *Custom* we know is but *Nine Years Old*; whereas the *Contrary Custom* is as Old
 “ as these *Assemblies* themselves are: And if Custom be the Law of *Convocations*,
 “ (as Dr. W. allows it to be) He will be pleas’d to tell Us, how this *Establish’d*
 “ *Custom* can be broke in Upon, and set aside, without a *Breach of the Law*;
 “ and whether the *Clergies* not being Suffer’d to Meet, and form Themselves into
 “ a *Body*, according to the Intent of their Summons, be not (upon Dr. W’s.
 “ Principles) as plain a *Violation of their Rights*, as it would be not to Summon
 “ Them.

Here then we have, I think, a full, and clear Account, of Dr. A’s Claim on behalf of the *Convocation*, that is, in his meaning, of the *Lower Clergy* there. For as in Dr. A’s Estimation the *Convocation* of this *Province*, is the *Only Convocation* that he seems to have had any Regard to, in settling the Rights of an *English Convocation*; so the *Lower House*, is that which in his Extraordinary Regard to the *Episcopal Establishment* of the *Church of England*, He, for the most part, means when He speaks in General of the *Convocation*. The Summ of it is this; That as the *King* is Oblig’d every *Parliament* to Summon the *two Convocations*, and to let them Sit without any disturbance on his Side, during the Session of *Parliament*; (and accordingly we must with Gratitude Acknowledge that his *Late Majesty* did duly, and constantly do this, how much soever Dr. A. has been pleas’d in his Ignorance of the History of that very thing for which he writes, to Reflect upon him as if he had not;) so being Call’d by the *King*, they have a Right in despite of their *Metropolitans*, the *Legal Presidents* of their respective *Convocations* to Meet; to Go to Prayers; to hear a *Sermon*; to Choose a *Prolocutor*, and to make what Motions soever they think Good; Who are not to presume to exercise their Power of Prorogation till the *Clergy* shall think fit to give Them leave; either by Expressly telling Them that they have nothing to do; or by sufficiently intimating of it to Them by their doing of Nothing when they are Met. Rights, &c. pag. 267, 268.

This is the Claim, both with respect to the *King* and the *Archbishops*: And we are thus far Happy, if Dr. A. will please to let us be so, that the One has not hitherto broken in upon in upon these darling Rights; tho’, it must be confess’d, if the Case be so as he pretends, the Others have apparently Offended in this Particular; and thereby merited that Chastisement which this warm *Presbyter* is pleas’d, with a peculiar freedom, and severity, to give them for it.

The Grounds on which he builds this Claim, is *Custom*; And that so Old, so Un-interrupted, as to warrant Dr. A. to assert, the Assembling of the *Convocation* in time of *Parliament* to be *Essential* to our *Constitution*; and to give a *Legal Right* to the *Clergy* not only to be Summon’d, but to Sit too: So that in Short the *Archbishops* by their late Prorogations of them, have not only infring’d the Liberty of the Church, but broken in upon the *Parliamentary Establishment* of the State likewise. The Charge runs as high on this side, as the Claims of Right did on the Other; And it will be necessary for me to shew that this is Dr. A’s true sense, and No Aggravation of my Putting upon his words. Let us hear how He sums up his own Performances. p. 76. “ The result of all is this, that if Rights, &c. pag. 76.
 “ some hundred Years Custom can make a Law, then we may without offence af-
 “ firm it to be the Law, that the *Convocation* should Sit with every *New Parlia-*
 “ *ment*: If the true Notion of a *Convocation* be, that it is an Assembly of the
 “ *Clergy* always attending the *Parliament*, then it is no presumption to say that
 “ we have the Same Law for the Sitting of a *Convocation* as we have for that of a
 “ *Parliament*. And by this Law the *Clergy* — are not only under a Duty to At-
 “ tend, but have also a Right to Meet; So that as their Writs for Assembling
 “ Concurrently with a *Parliament*, are not meer Letters of Grace, and Com-
 “ plement, but to be Emitt’d *ex debito Justitiæ*, and whether the Government
 “ has any thing to propose to them or No; so likewise are their *Assemblies* at
 “ such times to be held by the same Law, notwithstanding it may be pretended
 “ that there is no Occasion for them. And, in another Place, speaking of the Ibid. pag. 263.
 “ *Clergies*

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Clergies Right of Meeting and Sitting in Convocation together with every New Parliament, He tells us that the Objection against this might have been dispatched in two Words, by saying, "That the Clergy have certainly a right of Meeting and Sitting in Convocation thus often, because thus often they have for some hundred Years Met and Sate: And this is a plain short Answer, which is capable of no Evasion.

This is the Custom from which he inferrs his right: a Custom of some hundred Years: As in the next Page he calls it to the same purpose, of some Ages; and Time out of mind. And yet more fully, as to the Strength of his present Argument from it, p. 267: Where he doubts not to lay his Claim in these words: "If Custom therefore creates a Right, we are sure the Clergy have a Right to somewhat more than a bare Summons: They have a Right to Assemble, to be form'd into a Body, and to fill the Chair of the Lower House; and if they have any Petitions or Motions to make in Church matters, they have a Right to Sit so long as till they have made them; For thus they have been Always accustomed to Do. This he had before asserted as to the Kings part of Assembling the Convocation in Parliament time: p. 251. "Since Custom is the Law of Parliaments, and it has Perpetually been the Custom to issue out these (Convocation) Writs to the Archbishops, whenever Writs went out for the Parliament, it is Certain that the Clergy have a Right to these Provincial Assemblies in Parliament time on the Account of this antient Prescription. And here He equally Asserts it as to the Archbishops Duty of permitting them actually to Sit, at least till they shall signifie their own consent to be Prorogued.

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Rights, &c.
pag. 215.

Ibid. pag. 251.

Ibid. pag. 28.

Ibid. pag. 68.

Ibid. pag. 75.

What we have here seen in these very large, and General terms of some hundred of Years Custom; Custom time out of mind; Always; and perpetually Accustomed, and the like; He elsewhere puts some Bounds to; and we shall do well therefore to Enquire what his Limitations are, that so we may the better judge of what force his Argument drawn from this Topick is. P. 215. He tells us, that the two Convocations have for near 400 Years past constantly Attended (the Parliament) and are therefore, in this respect, as stated an Assembly as the Parliament its self. To the same effect he both Asserts, and Argues, p. 251. "If a Custom, says He, of three or four hundred Years standing will not create a Right, I know not what will. When he first set out on this Notion, his thoughts were warm, and he run his Custom somewhat higher; p. 28. He told us that "thus the Case had stood for 400 Years, and Upwards, to speak at the Lowest. But that is no great matter: It is more wonderful to see how far he has elsewhere sunk this pretended Ancient and Immemorial Custom of many Ages; to One Century and a half; which indeed is All that with any Colour of Truth can be affirm'd in this Case, and in which I shall hereafter shew more defects than he is aware of: p. 68. "Sure we are that the Convocations of the Clergy have (as has been said already) for above 150 Years been us'd to Meet and Rise within a Day of the Parliament: And if Custom therefore be the Law of Convocations, as it is of Parliaments; (and we have Dr. W's word for it that it is) then is it Law that the Convocation should meet Only and Always in time of Parliament. And therefore p. 75. having own'd some Difference in point of Time to have prevail'd for above a hundred Years together in the meeting of these two Assemblies, the Parliament and Convocation; He adds; "That this Irregularity was Reform'd before the Reformation of Religion; and their Meeting, and Departing, fix'd within a Day of the Assembling and Dismission of the Parliament; and, says He, this Custom has Now for above an Age and half Continued. For so long therefore (not to say how much longer) the Convocation has been a Word of Art, which signifies a Meeting of the Clergy in Time of Parliament. He adds, That such Meetings have by all that understood our Constitution been held Necessary. Dr. W. being the first Writer that has ever asserted them to be Precarious; and put it in the Princes, or the Archbishops Power, whether They will have such Assemblies or No.

I have now put together Dr. A's sense as well as I could gather it from the several parts of his Book: What his Opinion is, or on what to fix in this case, is pretty hard to determine. Immemorial Customs, which have always and perpetually Obtain'd, are certainly in All Cases of Great Authority; and especially very Sacred in the Eye of our Own Law, a good part of which is built upon no other Foundation. A Custom of 3 or 400 Years, in the Business of our present

sent *Constitution*, ought to be held no less Sacred; especially in the Opinion of ^{K. HENRY} those who derive the perfect Establishment of our present Form of *Parliament*, ^{the VIIIth.} from no higher an Original than the Latter End of King *Henry* the 3^d, or the middle of King *Edward* the 1sts Reign; that is, from about the same distance of time, that Dr. *A.* assigns for the Settling of his *Convocations*, in their Duty, or Right (I know not whether I should call it) of Attendance upon it. And could this have been made out, without Examining any farther into the Nature or Original of such a Custom, I would, for my part, have freely Closed in with Dr. *A.* and have stood upon the Prescription of it. But the Error and Falseness of this pretence has been too apparently discovered already, to need any farther Enlargement upon it. I have shewn as plainly as Any thing can well be shewn, that to the time of King *Henry* the 8th, and in good part of his Reign too, no such Custom did Obtain in this Kingdom. That from King *Edward* the 1st, to King *Henry* the 8th, for above 200 Years the *Convocations* seldom, or never fate, at the same Time with the *Parliament*. But the King, and the *Archbishops* were at their perfect liberty to Call their *Parliaments*, and *Convocations*, according to their own Pleasure; and did Convene them at the same, or at different Seasons, as they thought it best suited with their Convenience to do.

To so much therefore of Dr. *A.*s Argument, as pretends to *Time out of mind*; to 3 or 400 Years Custom, in this Case; my Answer is briefly this: There was no Custom for the *Convocations* being either Summon'd, or Sitting, either in, or during, the Time of *Parliament*, before the 25th *Henry* the 8th: nor can therefore either the Kings Prerogative, or the Metropolitans Authority, be at all affected by any thing that has been, or can be Alledg'd, before that Time. Our only business will be to Enquire, How the Case has stood since? Whether from that time forward it has been the *Constant Custom* for the *Two Convocations* to Meet and Sit with every *Parliament*, after that strict Manner, that Dr. *A.* now affirms they ought to do? And whether, if it has, that Custom shall so far Limit and Determine both the Kings and the *Archbishops* Right of Summoning, and Proroguing these Assemblies, that it shall no longer be in their Power, either not to Call Them, or having Call'd them, to Prorogue them, when, and while the *Parliament* is Assembled? And to the End the Matter of Right may be the more clearly discuss'd, without any Mixture of what has pass'd in point of Fact, since the time to which this debate doth properly belong; I will

Ist Absolutely Suppose, that from the 25th of King *Henry* the 8th the *Convocations* have always been Summon'd by the Kings Writ, with Every *Parliament*; and been suffer'd by the *Archbishops* to Meet and Sit, without any such Prorogations as are now complai'd of; during Every such Session of *Parliament*; and upon that Supposition will Enquire; How far such a Custom shall prevail against the Kings Prerogative, and the *Archbishops* Metropolitans Authority; and give the *Clergy* such a Right to be Summon'd and Assembled; to Sit and Act, as Dr. *A.* Claims on their behalf? And having clear'd that, I will then proceed in the

II^d Place to Examine the matter of Fact; and Enquire, whether there has been any Innovation made in the late Reign; any thing done either by the King, or our *Archbishops*, which had not been done, by former Princes, and Metropolitans?

First then; Supposing that from the time of King *Henry* the 8th to the present Reign, the *Convocations* have been duly Summon'd by our Princes, and allow'd to Sit, and Act, during the Session of every *Parliament*, by our Metropolitans; Let us Enquire whether such a Custom shall so far Prevail against the Prerogative of the One, and the Authority of the Other; that it shall be no longer in the Power of Either or Both, to deny them such a Liberty of Meeting, and Sitting, as is now claim'd by Dr. *A.* on their Behalf? And this we will try,

1st. By the *General Rules*, and Principles of the Canon Law consistent in this matter, with the Laws of the Realm, and therefore it if not of an absolute force to Oblige in such a Case, yet neither lightly to be Rejected. And

2^{dly}, By the *Maxims* and *Determinations* of our Own Law, which to be sure we must abide by in this Particular.

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¹ Diff. viii. c.

7, 8.

², ³ Ibid. cap.

4, 5.

⁴ Ibid. diff. xi.

c. 1.

⁵ Ibid. diff. viii.

c. 3.

1st. That Custom, tho' never so Inveterate, is not always of Force to Introduce a Legal Right, much less to Destroy a Right both by Law, and Custom vested in another Person, or Corporation, is a Principle that all Laws and Constitutions of Government have ever agreed in. The Canon Law, I am sure, is very positive in this particular: In which these, and the like Principles, are received as certain, and authoritative, ¹ *Si Consuetudo ratione non constet, non est servanda*: ² *Veritate & Ratione contraria Consuetudini manifestata, cedere debet Consuetudo*: ³ *Consuetudinem Ratio et Veritas semper Excludit*: And therefore ⁴ *Consuetudo est servanda, vel ea cui suffragatur Veritas, vel ea cui saltem non est contraria Ratio et Veritas*. But on the other side, ⁵ *Mala Consuetudo non minus quam perniciofa Corruptela vitanda est*.

Upon these first principles equally allow'd of both in the Canon and Civil Law; we find several other Consequential Rules establish'd, in the reason of which tho' we do not agree with the Canonists, yet may they serve nevertheless to illustrate the Maxims before laid down, and shew thus much at least with Reference to the Point in Hand; that Those make too great a hast to their Conclusion, who overlooking the Nature, and Quality of the things for which they plead a Prescription, content themselves with this Uncertain, and I think in the present case very false, Inference; That for such a Summons and Assembling, as we now speak of, the Clergy have Custom on their side: And therefore they are by Right intituled to them; so that neither the King nor the Archbishop can Legally refuse the One, or hinder the Other. Such are for Example these: * That no Custom can be valid, which derogates from the Liberties of the Church; or by which any Grievance is brought to it. * That all such Feudal Customs are void, by which Clergy men are, upon the account of their Lay fees, Convened before a Sæcular Lord. * That no Custom can prevail, whereby to make the sentence of a Lay-man valid in an Ecclesiastical Cause. * That no Exempt places can plead Custom for the Public Celebration of Divine Offices in the time of a General Interdict; with many Others of the like kind.

Señ. 8.

But not to insist upon the doubtful, or Erroneous Inferences, which either have been, or may be, drawn, from certain and true Principles. In this both Law and Reason agree; That, to give to any Custom the Authority of a Law, these following Conditions are required; * That it must be in a Matter that is Capable of a Prescription: * That it must carry a Natural Equity with it: * That the Custom must have had a Reasonable beginning; and neither have been introduced, nor kept up, by Error. * That it must have the consent of the Prince, or of such Other Person, whose Authority is primarily concern'd in it: * That it must be in its self Reasonable: And lastly, * That the Acts, upon which the Custom is founded, must have been design'd to introduce a Law; and to have Effect and Obligation as such. We will briefly Examine the present Pretences of Dr. A. on behalf of the Convocation, by these Measures; and that under the (3) following Enquiries:

(1) Whether the Thing it self, which is here founded upon, and Claim'd by Vertue of this Supposed Custom, be such as is Capable of being Prescribed by Custom?

(2) Whether the Acts, by which the pretended Custom in this Case must have been introduced, were such Acts as are requisite to found an Authoritative Custom upon? And,

(3) Whether the Custom here alledged, has had all that Authority that was necessary to Give the Force of a Law to it?

Señ. 9.

(1) Whether the thing it self, which is here founded upon, and Claim'd by Vertu of, this Supposed Custom be such, as is Capable of being Prescribed by Custom?

That there are a great many things, in which it is generally agreed, that Custom has no force, no body can doubt, who has either at all enquired into these matters, or considered them as he ought to do. It is one of the Conditions Essentially requisite in such a Custom, as is to have the Efficacy of a Law, that the Thing prescribed by it, be neither Evil, nor Unreasonable. ⁶ Suarez Go's yet farther: He tells us, that to make a Custom valid to the End of a Law, it must not only be without any of these Defects, but must be positively Useful and Honest. Infomuch that he doubts not to place the very Form of it in these Two: "*Ideo illius quasi forma, says he; erit Eiusdem honestas et utilitas*. He makes

⁶ De Legib.
lib. vii. c. 9.

makes the very same Qualifications, Objectively taken, to be the final Cause of it too: "*Utilitas publica vel Ratio Consuetudinem Honestans*; as his words are. And, in another Place, he adds yet more; where shewing that in a *Lawful Custom* all the necessary Conditions do concur, which are requisite to make a Law, and from thence Arguing that it has a sufficient force to Introduce a Law; He gives this Account of the matter of it: "That such a *Custom* ought to be Reasonable; And that it will be so in Order to this Effect, if its Matter be not Contrary to the Law of Nature, or of Revelation; if it be Profitable to the Public Good; and not too Difficult, *vel a Communi more honeste vivendi Exorbitans*. And in this the whole Body of the Canonists and Civilians seem generally to agree with him.

I have already shewn what the Maxims of the ² former of these are to this purpose: As for the latter, I shall only mention a Constitution, or two of the Roman Law to the same Purpose; such as that of the Digest: ³ *Quod contra Rationem Juris receptum est, non est producendum ad Consequentias*: And that other of the Code; ⁴ *Consuetudinis Ususque longevi non vilis Auctoritas est; verum non usque adeo sui Valitura momento, ut aut Rationem Vincat aut Legem*.

But here then a difficulty will arise, What *Custom* is to be adjudged Useful, and Reasonable, and so Capable of Obliging; and what Unreasonable, Unprofitable, and Dishonest, and therefore to be condemned as a *Corruption*, not received as a *Custom*? This is a Question, which has given some trouble both to the *Casuits*, and *Canonists* in the Resolution of it: Who after many Considerations, seem willing to come, as to what concerns the matter of Practice, to this Conclusion; that the Determination hereof must be left to the Will, and Decision of the Judge; who must follow his Own Reason, and Conscience, in it. But this is a direction that will not satisfy in our present Case; I will therefore Endeavour to Give some farther light to it; at least so much as may suffice to answer my purpose in it.

And, *First* it is out of all doubt, that where the ⁵ Matter of any *Custom* is in its self morally Evil; and Establish'd by such Acts as no *Humane Power* can justify, or make Lawful; there the *Custom* its self must necessarily be both Wicked and Unreasonable; and so Uncapable of inducing any Obligation, but only to Repentance and Reformation.

Secondly: ⁶ If the *Custom* be not directly Sinful, yet if it carries a Moral Turpitude, or Indecency along with it: so as to render it Unbecoming the Nature of the Thing, to which it is Applied, or the Persons who Use it; such a *Custom*, I conceive, may justly be accounted Unfitting & Unreasonable, and so Incapable of Obliging. Let us take the Instance, which *Suarez* gives us of this. Suppose then, It should have been the *Custom* of any *Countrey* to celebrate some certain Festivals by Indecent Sports, or Exercises; such as Baiting of Bulls, or the like; it cannot be doubted but that such a *Custom* being, tho' not directly Unlawful, yet in its self Indecent, and Unsuitably Applied to the Celebration of a Sacred Festival, ought for that Reason to be Rejected and Disallow'd.

Thirdly: A Practice that is neither in its self Morally Evil, nor Indecent, but on the contrary is Good and Commendable; may yet be Unreasonable, as to the Inducing of an Obligation, because it would be too Burdensome to the People; Or Otherwise inconsistent with the Necessities of particular Persons, Or prejudicial to the Public Good. ⁷ Should a Practice, for Example, be set up in any *City*, or *Corporation*, that so many days in the Week all persons should shut up their Shops, and laying aside their Ordinary Business, should give themselves up intirely to fasting, and prayer; to the service of the *Church*, and the Exercises of devotion; tho' this be in its self not only a Lawful, but an Excellent Practice; and if voluntarily done by such Persons as could conveniently spare the Time, and bear the Discharge of it, highly Commendable; Yet to introduce such a *Custom* as should in this Case become Obligatory to a whole Society; and Lay a General Constraint upon all the Members of it to comply with it, would be both Burdensome, and Unreasonable; and in Order to such an End, the very Practice its self would deserve to be Censured as Rash and Inexpedient.

Yet farther: *Fourthly*: There are some things, which are of such a Nature, as to be above, and beyond the Power of *Custom* alone, to Reach, or Controul: Such are the Rights and Prerogatives of the Supreme Authority in every Society,

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Ibid. c. 15.

² Vid. Alteserr. in Tit. de Consuetud. cap. Ad Notam: Et ib. cap. Cum inter. Gonzal. in Fund. Tit. cap. Consuetudines, &c.

³ Lib. i Tit. iii. Sect. 14.
⁴ Lib. viii. Tit. 53. Sect. 2.

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⁵ Suarez: de Legib. lib. vii. cap. 6.

⁶ Ibid.

⁷ Suarez: loc. citat.

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where

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Gonzales in
Decretal. Tit.
de præscript.
cap. Cum non.

² Ibid. cap.
Cum inter. Et
Cap. Ex parte
de Consuetud.

³ Ibid. de præ-
scription. Cap.
Cum non. Li-
cent.

whether Ecclesiastical, or Civil; Because indeed, not only the force of *Custom*, but all the Other Laws, which are made with respect to *Public Society*, do subsist by Vertue of the Supreme Authority within that Society, and must therefore be Inferior to it. And it would be altogether Unreasonable in its self, and contrary to the Public Good, that *Custom* should Destroy that, by whose Authority it prevails; and for the sake of which alone it either was, or ought to have been Introduced. Thus in the Ecclesiastical State, founded in Hierarchy, and Establish'd upon the Order and Authority of the Bishops and Prelats of it; which partly the Institution of *Christ* and his *Apostles*, and partly the General Agreement and Practice of the *Christian Church*, has settled in it, No *Custom*, which would subvert, or change the Essential Rights or Priviledges of this Politie, can be adjudged to be either Useful, or Reasonable; nor by Consequence of any force by the Laws and Constitutions of the *Church*. To give some Instances of this, which occur in the *Canon Law*, and have been adjudged to this purpose by it. ¹ Some Persons pretended by *Custom* to Exempt themselves from paying such Procurations, as were due to their Bishop, and his Officials, upon the Account of their Visitations. This was declared to be Invalid; and the *Custom* resolved to be of no force: Because the Visitation its self being a Matter of *Common Right*, wherein not only the Authority of the Bishop, but the Good Government, and Ordering of the *Church* is concern'd; whatsoever depends thereupon, or is necessarily united to it, as the Support of the Visitor, in the Discharge of his Duty, in that particular, is; belongs to the very Policy and Government of the *Church*, and therefore cannot by any *Custom* be Prescribed against.

For the same reason it has been ² agreed, that no Diocess can plead a *Custom*, to be Exempt from the Visitation of its Proper Ordinary: Because this would break the Discipline of the *Church*; would obstruct the *Correction of Manners*; would overthrow the Power of the Ordinary, and be contrary to the Public Good and Welfare of the Society.

In like manner; ³ It has been judged, that for any Persons, or Corporation, to be Exempt from the Obedience of their Proper Prelat, No *Custom* can be pleaded; because this would divide the Members from their Head; would break the Nerves of all *Church discipline*, which consists in the due Obedience of Inferiors to their Superiors; would Evacuate the Laws of the *Church*, which require such a Subjection; and so, in the End, would tend to the Disorder and Destruction of the *Church*.

The Case is the same in the *Civil*, that it is in the Ecclesiastical State, and founded upon the same Reasons. The Peace of the Public; the Security and Welfare of the People; the Defence both of their Persons and Property; and the Authority of the very Laws themselves, All depend upon the Safety, and Preservation of the Government, which is Legally Establish'd in every Place. Whatsoever *Custom* therefore is contrary thereunto; or would Weaken the *Constitution* of any *Civil Government*, or any considerable part of it; must, upon that account, be look'd upon to be Unreasonable within that Society; and Inconsistent with the Public Good of it; And being so, must for that reason also be declared Null and of no force. Hence it is, that all *Customs*, which would Derogate from the Authority of the Prince, or those just Rights, which either the known Constitution, or Laws of the Government, have vested in him, have in all Estates been esteemed an Undue Usurpation: And whenever any such *Customs* have been alledged (as sometimes they have been by seditious Persons, and for ill Ends) they have still been accounted Violent, and Unlawful; and if by unjust force they have for a while prevail'd, yet have they always been Reprobated, as soon as things have return'd to a quiet state, and that the Voice of Law and Reason were to be hear'd against them.

But much more is this clear in such Cases, where only One Part of the Society, would, by the pretext of *Custom*, diminish the Authority by which the Whole is Govern'd and Supported. Because should this be allow'd, the Consequence would be, that some particular Persons, or Corporations, might justly make their Own Separate Advantage, by that which might turn to the Detriment of the whole. A thing so Unreasonable in Society, that the *Civil Law* would not suffer *Custom* to affect so much as a *Common Road*, or to deprive the Public

Public of the Use of it, for the Benefit, or Conveniency, of a particular Town, Village, or Person, which might happen to Gain by it.

The Summ then of this Matter is this; That whatsoever *Custom* would introduce any Right or Priviledge, that is Morally Evil; or Indecent; That is Unreasonably burdensom to the People, Or Otherwise Prejudicial to the Society; which being Admitted, would Weaken, or Subvert the Order and Government of the State, into which it should be introduc'd, and shake the very *Constitution*, under which it is to be Establish'd, must be counted a Wicked, or Unreasonable *Custom*, and as such not qualified to Oblige.

I shall close up these Remarks with that discourse of *Suarez*, wherefrom the Maxims of the *Canon Law*, which declare, that *All such Customs are Unreasonable, as are neither Supported by Reason, nor agree with the Canons of the Church*; and again, that Those are to be held to which are Supported by Reason, and do agree with the Canons. He doubts not to Affirm, That a *Custom* is to be judg'd Unreasonable, if it be Destitute of Reason, tho' it be not apparently Contrary to Reason. And from thence draws this Inference; That to enable any *Custom* to introduce a New Law, there is more required, than that it should be barely Honest; and therefore Reasonable in Order to that End. For beyond that, says He, it must also be consider'd, whether it has the Other Conditions of a just Law; namely, that its *Obligation be tolerable*; and that it be *Profitable* to the *Public Good*. To Enable it to Repeal a *Law* already made; it must have some Reasonable Cause, for which it should be introduced in Opposition to the Law: Because otherwise it would be Unreasonably Set up against it: forasmuch as, Generally speaking, to Repeal a Just Law, without a Lawful Cause, must needs be Unjust.

From these Maxims and Opinions of the *Schoolmen* and *Canonists*, which, I confess, seem to me to carry with them as well the Force of Reason, as the Authority of Law; Let us now see, what the Conclusion must be in our present Case. Before the 25th of King *Henry the viiith*, it is certain, that the King had Authority, when ever He pleased, to direct his Writ to Either of his *Archbishops*, and to Require them to Call a *Provincial Convocation* of their *Prelats* and *Clergy* for such Ends as, when they were Assembled, should be declared to them. They were neither by Law, nor Custom, Obliged to Issue out their *Writs* for this purpose at some *Certain times*; nor Restrain'd from doing it at any Others. This, I say, is Certain; and I will venture to add that I have proved it, beyond all Controversy, so to be.

Till that time the *Archbishop* of Each *Province* was, in like manner, at Liberty, to Assemble his Respective *Provincial Suffragans* and *Clergy*, not only at such times as the King, by his Writ, Commanded him so to do; but whenever He thought it necessary; or that it would be for the Good of the Church that they should be Called together. In both Cases, whenever the *Metropolitan* sent out his *Mandates* for their Assembling, they were obliged to Obey; and to Attend at the time and place which He assign'd for that purpose. Those who either neglected, or Refused, to come, (if any such there were) were pronounced Contumacious by Him; and Punish'd after such a manner as the Laws of the Church directed, and the Quality of their Offence did seem to Require.

Being thus Convened, the *Archbishop* was thus far Obliged by the Kings Writ, as having Assembled the *Convocation* at his Command, to continue its Sessions till the King had declared his Business to them, and they had sufficiently deliberated upon it, and given their final Resolution concerning it: Which having done, He Either presently Dissolved the Meeting, or Continued it still on: at his Own Pleasure, and by his Own Authority. Whilst they sate, He freely Presided either in Person, or by his Commissioners, over them: He prorogued their Sessions as He saw fit; Directed their Proceedings; and by his Concluding Suffrage, either confirm'd, or Disallow'd of what was done by them.

By the Act of Submission, made in the 25th of King *Henry the 8th*, the Kings Prerogative in this particular was somewhat Enlarged, and the *Metropolitans*, Authority, not a little Abridged. For from thenceforth, the *Arch-Bishop* was Restrained from Assembling his *Provincial Synod* without the Kings Writ to License, and Authorise him: which was all the Change that was made in this point, from what had been both the Law, and Practice before. Since the passing of that Act, it has been the General Custom for our Kings to issue out their Writs to

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De Legib.
lib. vii. cap. 6.

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to their *Archbishops*, to hold their *Convocations* when ever They have Assembled their *Parliaments*. This they have done by their Own free Will and Pleasure; not in pursuance of any Law, which either Required them to Order the *Archbishops* to Call Them at those Seasons; or Restrain'd them from *Commanding* them to Call them at any Other times. But they found those Seasons to be the most convenient for their Affairs; and the Obvious Reason of the thing its self, which I shall hereafter observe, shews it to have been so. As to our *Archbishops*, excepting in the One particular of not being now at liberty to hold their *Provincial Councils* at their Own Pleasure, without the Authority of the Kings Writ, they do in all other Respects Remain in the same State they were before; with Relation to their *Provincial Suffragans* and *Clergy*: And particularly, they have the same Authority; to Preside over their Synods, and to direct their Proceedings, as ever they had before the making of that Act. Only, as before, whenever they Called their *Convocations* in Obedience to the *Kings Writ*, They were Obliged to continue their Sessions in such wise as the *Kings Affairs* Required, and for that were answerable to Him; so were, they afterwards, in like manner, Obliged to take his Directions, as to the menagement of these Assemblies when convened; and not to deprive the Prince of the Opportunity, of making whatever use of them, He had either been Accustomed, or should otherwise think fit, Legally to Do.

In consequence hereof, as the King has Generally caused the *Convocation* to Meet in Time of *Parliament*; so, for the most part, having had business to Propose to them; the *Archbishops* have likewise Order'd their Actual Assembling; Have caused a Sermon to be preach'd; a *Prolocutor* for the *Lower Clergy* to be chosen; and the whole Assembly to Sit from time to time, as the business to be done by them has Required. If nothing was to be done for the King, nor had They any thing to Recommend to them, or Require of them, Themselves; in such Cases they Met but seldom, and in a very small Number; and that in Order to their farther Prorogation, And all this as it has Pleas'd the *Metropolitan* to Order and Appoint.

Sect. 13.

This is the case (at least we are now to Suppose it so to be) And the Questions to be Resolved upon it, are these: 1st; Whether the *Kings Customary Calling* of the *Convocations* in Time of *Parliament*, and Suffering them to continue under the Government of their Respective *Archbishops* during the Session of it; (before the End of which They have not Ordinarily interposed, to put an End to their Assembling) and the *Clergies* Meeting thereupon, shall have such a force, as to Oblige the King by the meer Authority of such a *Custom*, Necessarily to call them at such Times, whether He will or no? And so lay this double Restraint upon his Prerogative; That He shall be Absolutely Obliged to Summon the *Convocations* with every *Parliament*; and shall be precluded from the Power of Summoning them at any Other Time? And, 2^{dly}; Whether the *Archbishops*, having, in Obedience to the *Kings Command*, and for the dispatch of such business as He had for the *Clergy* to do; Or otherwise by their Own Will, and the advice of their *Suffragans*, generally Suffer'd, or rather *Commanded*, the *Clergy* to Meet, as often as they thought needful, in Order to those Ends; Have by this Customary Allowance, or Precept, so far deprived themselves of their *Metropolitain Authority* of *Presiding* over, and *Proroguing* their *Convocations*, that it is no longer in their Power to Exercise it as the King shall Direct, or as They Themselves shall think fit, but that They are Obliged, by this *Custom*, to let them Meet, Sit, and Act, as they have commonly been wont to do, tho' they should think it to be neither Necessary, nor Expedient to the Good of the *Church*; but rather needless and inexpedient, that they should do so?

This I take to be the true state of the Questions under debate; and in Answer to both, I do humbly conceive, that supposing such a *Custom*, as is here alledged, yet neither the *Kings Prerogative*, nor the *Archbishops Authority*, shall be Affected by it; Because They are not such Matters in which *Custom* has any Force; or ought to be allow'd any Power to Oblige.

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For 1st. As to what concerns the *Kings Prerogative* in this Case, it neither arises from, nor depends upon any *Particular Laws*: It flows from the Constitution of the *Government*, to which all Laws and Customs within the Realm are subordinate; and therefore is above being Limited, or Determined by any thing less than an Express Law of that Constitution. It is true by a particular Law made with

with the Common Consent both of the *Clergy* and *Kingdom*, the Prerogative HENRY
the VIIIth. was thus far Enlarged beyond what it had been before ; that the *Metropolitan* should not, from thenceforth of his Own Accord, call a *Convocation*, without the Princes Allowance ; but should have his Writ to Authorize him so to do. But the King had always a Right antecedent to that Statute, or any other Positive Law, to Command his *Archbishops*, whenever he thought fit, to Assemble their Respective *Convocations* ; and the *Archbishops* were always obliged to Obey his *Command*, and Assemble them accordingly. Now this being a Right of the *Crown*, which the King by his Royal Prerogative, and the *Constitution* of the Government, is Vested withal ; nothing can deprive him of it but that which has power to Alter the *Constitution*, which no *Custom* of any Particular Body, or *Corporation*, has Power to do.

If, in answer to this, it shall be said, that this *Custom* do's not Destroy, but only Limit the Prerogative ; and that This *Custom* may do ; I must beg leave to Reply, that in my Apprehension such a *Custom* do's totally Destroy the Prerogative in this Particular. For it makes that Power which before was free, and Royal become, by this means, Necessary and Constrain'd. For so it must needs be, if all that Remains to the King, in this Case, be but this ; that He shall be Obligated, whether he approves of it or no, to Issue out his Writs for the *Convocations* to Meet, whenever the *Parliament* Sits ; and shall not be Permitted to Call them at any Other Time, than when the *Parliament* is to be held, tho' He should have never so much Reason, or Occasion, to move him so to do. Men may give things what names they please ; but when all is done, where there is no Freedom, there can be no Prerogative : much less such a Royal Power ; as our Kings, by the Constitution of our Realm, were Endow'd with, and have never yet given their *Consent* to be deprived of.

Whether it would be for the Good of the *Church*, that such a *Custom* should be allow'd the force of a Law ; may I think very justly be question'd. *Parliaments* now-a-days are frequently Assembled, and long continued. If this *Custom* be valid, then must All the Deans and Archdeacons, and a Great number of the most Eminent *Clergy* of the whole Realm, be all that while Obligated to leave their Business, and Countries, and met together in two places, and there spend four, or five months in the Year, to their Own Great Cost, and to the neglect of their functions and Cures ; and that at a time, when the Bishops are absent from their Diocesses, upon the Account of the Public, and therefore their subordinate Ministers ought the Rather to be personally present in them. To Meet thus together at such times when there is any Real business to be done for the Good of the *Church*, that may countervail the trouble, charge, and inconveniences of their Assembling, is readily acknowledged to be useful and necessary. At such times therefore, and for such Affairs ; They ought not only to be permitted, but Required so to do. The *Metropolitans* will certainly desire it ; and no Good Prince will Refuse them the liberty of it. But to be Obligated, at all adventures, to Assemble so often, and to Sit so long, as every *State Council* is called and continued, would I conceive, be a Great Burden to the *Clergy* ; and of detriment to the *Church* : And as, for that Reason, no *Custom* ought to be pleaded for it, so neither should any be Allow'd to deprive the King of that Power, which alone can protect the *Church* against so Great a Trouble and Inconvenience.

How far the Allowance of such a *Custom* may be prejudicial to the State as well as to the *Church* ; I shall not pretend to divine. But sure I am no *Custom* can be valid for One part of the People, which may turn to the *Public Injury* and *Detriment* of All the Rest. And thus far the whole Realm must be concern'd in it, as not to admit of any *Custom*, that would weaken the Reins of Government ; and Obstruct the Lawful Exercise of the Kings Royal Prerogative ; and thereby deprive him of the Power of either not Assembling, or of proroguing, or dissolving the *Convocations* : if any difficult Times should come ; and the *Clergy* should take part with the Divisions of the People, and by their Counsels or Actions, when met in a Body together, should help to increase the Public Disorders : All which I may presume to say Carries no Impossibility in the Supposition, tho' I hope it should never be verified in their Practise.

I conclude then ; that this *Custom*, as far as it concerns the *Kings Prerogative* ; being contrary to the Essential *Constitution* of our Government ; inconsistent

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with the Rightful Power of the Sovereign, burdensom, and injurious to the Church; and which may turn to the *Public Detriment* both of Church and State; is for the Matter of it, Unfit, and Unreasonable, and therefore such in which Custom cannot Oblige.

As for what concerns the *Metropolitans Right of Prorogation*; that also I take to be such a *Right* as Custom alone has not *Authority* sufficient to Deprive him of. The *Metropolitical Jurisdiction* has now for these 1400 Years past been settled, and Received in the *Christian Church*. Our Own Church in particular has been confessedly founded in it; and we can Scarcely carry our *Christianity* its self higher than we can do the Exercise of it. Now the (3) Great Branches of the *Metropolitical Jurisdiction* by the *Canons* of the *Universal Church* are these; To Consecrate the *Provincial Bishops*; To Visit, and in certain Cases determined by the *Canons*, to Order the Affairs of the Province; and to Call, and Preside in the Synods of it. The *Synodical Power* of the *Metropolitan*, is therefore an Essential Branch of his *Metropolitical Jurisdiction*: Which He enjoys by the *Canons* of the *Catholic Church*, and by the *Universal*, and truly Immemorial Practice of it.

Now such an Authority as this, I do presume, cannot be taken from any *Metropolitan*, by the bare Custom of any One Province: Because this would be to make a breach in the Government of the *Universal Church*; would weaken the *Metropolitical Authority*; would give an ill Example and Scandal to Other Churches; and be little less than to form a Schism in Policy, for the Clergy of One Province to depart from the Received Jurisdiction, practised and allow'd of in All Others; and by the General *Canons* of the Church, (which we profess to Receive, and I suppose pretend not to alter) prescribed to Us, as well as to Any. If the *Essential Rights* of the *Metropolitical Jurisdiction* above mentioned, may by so little a Power, as the particular Custom of some One Church be destroy'd; I do not see but that in time One part of it may be lost as well as the Other: And so the *Metropolitan* be left destitute of all but the meer Name; without any *Canonical Rights*, or Powers to support his Character, or to Govern His Province.

Whether the *Public Good*, and Order of the Church will allow of such Principles; as do not only actually Rob the *Archbishop* of One of the highest and chiefest Exercises of his *Metropolitical Authority*, but may open the way to deprive, if not him, yet Other *Metropolitans* of all the Rest, may deserve to be Considered. As also, whether it would not be very dangerous to the whole Policy of the Church Catholic, to allow, that a *Particular Custom*, or *Non-Usage* of Power, in One part, shall Abrogate the General Rules and *Canons* of the Whole; and introduce a Practice quite Contrary to Them. In Matters of Great Moment the Remotest Consequences ought to be weighed. We all know how violent the Affections of most men are after an undue Liberty; and how hardly they are brought to yield even to the most Lawful Exercises of Authority, if contrary to their Interests or Inclinations. And what Attempts the prevailing in so considerable a Point may encourage, if not in the same Province, yet in Other parts of the Church; and how this may, in time, not only divide, but weaken, the whole *Episcopal Establishment* of it; I shall leave it to Those who are the most fond of this Pretence, in the present Case, to consider. In the mean time, I shall only beg leave to suppose yet once more, as to our Own Concern in the matter under debate; Should such Heats arise, or such things be agitated, in any of Our *Convocations*, that without putting a present stop to them, the Clergy might lose not only the Affections of the Laity, but the very Protection of the *Civil Government*; might run themselves into a *Premunire*; Or form such parties among themselves, as would be Scandalous, as well as otherwise Injurious to the Church; And should they, in the height of their Carrier, not only not tacitly consent to the *Metropolitans Proroguing* of them, but openly declare against it. Would not this be of a mighty prejudice to Religion; to Themselves, and to the Public, to have them left to their Own Will; to discharge them from the Power of the *Metropolitan*, on such, or on any Other the like Reasonable Occasions, to suspend their *Assembling*.

But of the *Archbishops Power of Prorogation* I shall say no more, that Argument having been fully not only Handled, but Exhausted, by another Writer. Only because that is the thing chiefly contended for, and indeed all that there is any Pretence of Custom to support; that the Clergy ought not to be prorogued till

till they have been at Prayers, have heard a Sermon, and Chosen a Prolocutor; K. HENRY
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Give me leave to Ask but this one Question, and to the Reason of Mankind I shall submit it to determine what Answer is to be given to it; would it counter-vail the Expence, and Labour of above a hundred Clergy Men, at the worst time of the Year, to undertake a Journey of Sixty, Eighty, or a Hundred Miles; only to Come up to London; to answer to their Names; and hear a Sermon; and choose a Prolocutor; and then take it for a favour to have leave to go Home again, and tell their Neighbours what they had done? Is it not of greater Benefit, and a more Rational Practise; for the Metropolitan, in a Fatherly tenderness to his distant Clergy, to assure them that they shall not be surprised; When there is any business to be done, for which they shall be Required to Choose a Prolocutor, and Meet in Convocation, They shall have a timely Notice given Them of it; and in the mean while He will Excuse their Absence, and not Exact their Attendance, nor Treat them as Contumacious, tho' they do not Appear according to their Summons? This is the truth of the Case; let Common Reason say which is most for the Advantage of the Church; and would be least Oppressive to the Members of it?

But because it cannot be doubted but that both the King and the Archbishops were in Possession of the Power now denied to them, as well as I take them to have still a Right to it; so that Custom in this Case is alledged with a design to Destroy the Antient Power, and Prerogative of both, and to Convey it into other hands, who can pretend to no Other Right to it but what Custom must give Them, I must not conclude this point without taking notice of that Just Rule of Suarez to this Purpose: "That to Enable any Custom to Abrogate a Law before in being, it must have some Reasonable Cause for which it should be introduced, in Opposition to the Law; because otherwise it would be Unreasonably set up against Law; forasmuch as to repeal a Just Law, without a Reasonable Cause, must needs be Unjust. Here therefore I would desire to be inform'd; What is that Just, or Reasonable Cause, for which either the Prince should, by this Custom, be deprived of his Prerogative, or the Metropolitan of his Authority? Wherein have they either of them Abused the Power, with which the Constitution of the Realm, and the Canons of the Church, have entrusted Them? Or what Detriment has Experience shewn to have come either to the Clergy, or People, by their Exercise, or Enjoyment, of it; This those who Alledge Custom in this Case must shew; or their Argument must be disallow'd: For the Principle on which it proceeds, is Certainly both Just and Reasonable; That no Rightful Power ought to be destroy'd, without some Cause, or Reason, for the Annulling of it. And Custom is then only of Force, when it has Reason of its side; but is on all hands allow'd to have none, if it be against Reason; as till this be shewn, we must perfume it to be.

Let this then be the first Exception against the Authority of Custom in the present Case; that the Power and Prerogative, which is endeavour'd to be Destroy'd by it, is such, against which no Custom has any Right to prescribe. The next Enquiry will carry us yet farther; Viz.

(2dly) Whether those Acts by which the Custom here insisted upon must have been introduced, were such Acts, as are sufficient to found an Authoritative Custom upon?

For the better discovery whereof we must distinctly consider two periods of time; The beginning, and the prosecution of every Custom; How it came at first, to be introduced? and by what Acts it was afterwards Establish'd?

Concerning the former of these, it is, I think, universally agreed both by the Lawyers and Casuists, that if a Custom takes its Rise not from Reason, but Error; if the Foundation of it were not laid upon a just design, to Establish that which by a Due Continuance, and Repetition of Acts, afterwards becomes a Custom, and so Obliges; but was owing to Chance, or Fortune, to no Reasonable purpose at all, or to an Erroneous One; in that case the Custom it self will be Invalid; and the Ground of it being declared, and proved, to be faulty, the Force of it will be taken away, and its Obligation be Renderd Void and of no Effect.

The Civil Law is expresse to this purpose: 'Quod non Ratione introductum est, sed Errore privatum, deinde Consuetudine obtentum, in aliis similibus non obtinet. Digest. lib. 1. Tit. 3. Sect. 39. From which our own Dr. Zouch, not to mention any Others, lays down this Maxim, that Consuetudinis initium debet esse Rationabile; and so the Antient Glossators

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HENRY *Glossators* understood it, tho' the following *Civilians* inferr'd a quite contrary Doctrine from it.

¹ De Legib.
Lib. vii. cap.
12.

¹ *Suarez* is positive to the same effect; He lays it down as one of his conclusions in this Case; That no Acts done by Error, or Ignorance, can introduce a Custom; and he alledges that Rule of the Law for it; *Consuetudo procedens & Ratio quæ in Consuetudinem evasit, custodienda est*: Which, says He, supposes that the Custom ought to proceed from Reason, not from Error; Because that if it arises from Error, as soon as the Error shall be discovered, all the seeming Reasons of the Custom will Cease; and then the Custom also must Cease with it; which cannot Subsist without Reason.

² See *Suarez*
Loc. cit.

The Acts then which begin a Legal Custom, must be Just and Reasonable. They must not proceed either from Mistake, or Ignorance: Otherwise no subsequent practice can make it oblige any longer than till the Original Defect of it shall be discover'd. Let me add farther that both those, and all the other Acts by which it is introduced, and establish'd, must also be Free and Voluntary: Because they give Authority to the Custom, not upon their own Account, as they are such, or such Acts; but as those Acts do declare the Consent of the People, and by that Consent make a Law. Now no Acts can declare the Consent of any Persons but such are free; In which they have it in their Power to Act, or not to Act; and again to Act thus, or Otherwise, according to the Dictates of their Own Reason, and the Liberty of their Own Wills. ² And therefore some have thought it needful to put such a Consent into the very Definition of a Custom that is to Oblige: And those who do not expressly make mention of it there, yet nevertheless agree that it is to be look'd upon as implied in it.

³ *Suarez* *ibid.*
cap. 12.

It is for this Reason, that a ³ Custom cannot be introduced by any Acts which arise from Force, or Fear: Especially if the Force be Great, and the Fear such as may move a Constant man. Because these hinder the Freedom of Action; and thereby disable those Acts which proceed from such Motives, to be proper to declare the Consent of any People; or by consequence to Oblige them by what is done upon such Grounds. And for the same Reason what is done in Obedience to a Written Law, tho' never so often Repeated, or never so long continued, cannot introduce any Custom; because in that Case Men Act by a Moral Constraint; They are not at Liberty to Choose, or Do as they please, but are determined to Conform their Practice to what the Law requires. Indeed, if a General Custom prevails to Neglect altogether the Observation of a Law; or not to Obey it strictly, according to the Letter of it, but with such a Latitude as seems more accommodated to the Good or Ease of the People, and these Customs Obtain; the former may, in time, abrogate the Written Law, as the Latter may Determine the Observation of it, to such a manner, as has been Customarily allow'd of by the Prince, and Practised by the People. But if the Law Commands any thing to be done, and the People Customarily Obey according to the Law; there no Custom is introduced; only the Written Law is Continued, and Kept in Force, by a due and regular Execution and Observation of it.

⁴ *Ibid.* cap. 1,
2.

⁵ De Legib.
Lib. vii. cap.
12, & 15.

But this is not yet all: The Acts by which a Custom is to be introduced, must not only be Rational and Voluntary: free from Error, Ignorance, and Constraint; but they must moreover be done with an express Design to found a Custom upon them. So ⁵ *Suarez* again determines: *Ad Consuetudinem non sufficiunt Actus, sed necesse est ut fiant Animo inducendi Consuetudinem*. And in this He tells us he has both the Doctors and Lawyers on his side. And the Reason of it is plain; Because otherwise the People might Oblige themselves against their own Wills, or at least without having any thought, or intention so to do; supposing that whatsoever were Customarily done by them, without any design of making a Law of Custom by it, should nevertheless bind, and tie them necessarily hereafter to do, what they had usually, for some time, done. But indeed, the very nature of the Acts, by which alone it has before been shewn, that a Custom can be Establish'd, do's argue the Necessity of this: Seeing no Act can be properly Voluntary, as to the Effect of introducing an Obligation, but what Intends so to do. If it do's not Intend it, and yet by a frequent Repetition should nevertheless Oblige, we must then say that a People may Oblige themselves by their Own Acts, without knowing what They do; a Principle which we have before disclaim'd, as Contrary to the reason of the thing its self; and inconsistent with that Knowledge and Liberty, without which no Custom can be of any force to

to Oblige. In short, as in a *Written Law*, which proceeds primarily from the K. HENRY the VIIIth. Will of the *Prince*, it is of the very Essence of such a Law to be intended by Him; so is it no less Essential to an *Unwritten Law*, which begins with the People, and derives its force immediately from their Consent, that it should not be Valid without their Intention, which would be in Effect to make it so without, or it may be against their Consent.

It is for this Reason that ¹ *Suarez* admonishes us, above all things to consider in *Customs*, whether they were Design'd for such, or whether they Came up without any such Intention; because if They prevailed without any Intention to establish a *Customary Right of Obliging*, they are not proper *Customs*, nor such as will make a *Law*. And this Intention must be an Intention not only of *Fact*, but of *Right*: A Will not barely to introduce a *Custom*, but by that *Custom* to Establish an *Obligation*. As the *Lawyers* express it, it must arise from such *Acts* as were done *cum animo inducendi Consuetudinem*; and that by *Custom*, *jus in posterum fiat*.

¹ *Ibid.* cap. 14.

The Summ then of this matter is this, That to make a *Custom Obligatory*, and of Force in *Law*; it must proceed from a *Reasonable Beginning*; it must be Carried on, and Establish'd by the Voluntary Acts of the People; such as may suffice to declare their *Free and Unconstrain'd Assent* to it, and desire of it; And those Acts must be done with an Intention of Introducing a *Legal Obligation*; and after such a Manner as may suffice to shew that that was the Design of those who did Them.

But a *Custom* may be Establish'd not only by positive Acts, but by a Cessation of Acting; And a *Law*, or *Right*, be sometimes Annulled by the *One*, as well as Introduced by the *Other*. And this *Desuetude* the *Civilians* doubt not to call by the Name of *Custom* too: ² *Desuetudo*, i. e. says *Gotofred*, *Consuetudo vincit Legem*. Now of this all that I shall at present observe, is this: That as such a ³ *Non-usage* may be either *Negative*, or *Privative*, as the *Schoolmen* speak; so must it be carefully consider'd, whether of the Two it is; because the former can have no Effect as to the *Establishing*, or rather *Abrogating* of a *Law*; tho' ⁴ the *Other* may. Now a *Negative Omission*, or *Non-Usage* of any *Right*, is that ⁵ which consists meerly in a present, *Actual Forbearing* to do that, which a man has, a *Lawful Right*, whenever he thinks fit, to do. It implies a Suspension of the Act, not a Renuntiation of *Right*; And denotes a man only not to have *Exercised* some *Privilege*, which He had the *Power* to have *Used*, and may *Exercise* when ever he will hereafter. But a *Privative Omission* is of another kind, it is such an *Omission* as Carries a tacit Intimation along with it, that the Person so Neglecting to Use his *Right* when He might, and ought to have done it; do's intend thereby to depart from it; and by a *Continued*, and *Customary Neglect*, to introduce an *Opposite Right* against it.

³ In Dig. lib. 1. Tit. 3. Sect. 32.

⁴ *Suarez de Legib. lib. vii. cap. 6.*

To apply now these General Rules to the Particular Cases under debate. I have before shewn that our Kings by vertue of their *Prerogative Royal*, had always a *Right* to Require our *Archbishops* to Summon their Respective *Convocations*, whenever they thought it Necessary, or Expedient to their Affairs, that they should be *Assembled*: and that accordingly they did do this freely, at *All Times*; without any Necessary Regard to the Sitting of the *Parliament*, nay or even to the Assembling of the *Convocation* of One *Province*, in Calling that of the *Other*. It is agreed, that since the time of King *Henry the viiith* our Kings have not Commanded the *Archbishops* to hold their *Convocations*, but about the same Time that they have also Assembled their *Parliaments*. But then the most that can be said in this Case is but this, that here has been a *Negative Omission*, or *Dis-Use* of their *Prerogative*, with Respect to the Calling of them out of the time of *Parliament*. They have not Assembled them at any *Other times*, 'tis true: They saw no Occasion for it, but they might have done it; and so whenever they please they may still do it. For even the point of *Custom*, in this Case, is, after all, on their side. Their *Prerogative*, as to this matter, consisting wholly in this; not that they had Authority to Call the *Convocations* at this time, or that time; In, or Out of *Parliament*; but that they had Authority to Call the *Convocations* freely whenever they pleased; and if they liked the time of *Parliament* best, and therefore chose to Call them then rather than at any *Other*; Even, by so doing, they have Asserted their *Right*, to Call them whenever they think Good; which was their *Original Prerogative*, and is still, by *Custom*, as well as of *Right*, as much so as ever it was.

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Here therefore there will be no Ground for any plea from Custom, to affect the Kings Sovereign Power and Authority; till it shall be proved, that by Calling the *Convocations* in time of *Parliament*, our *Princes* did intend to abridge their *Prerogative*, to limit themselves to that *Particular Season*; and to Renounce their Right of Calling them at any Other. But that must be proved some other way, than by their meer *Omission* of such a Practice, because not being *Restrain'd* in the Use of their Power, in this matter, They were at liberty to Call the *Convocations* at any time that they pleased; and we ought to presume that it was in pursuance of this Liberty that they did Call them in time of *Parliament*; and that They freely chose *that Season*, when they might as freely have pitch'd upon any Other.

And for the same Reason, neither will the *Custom* of Calling the *Convocations* with the *Parliament*, Oblige the *Prince*, of Right, to Call them at that Time: Because the choice of the time being left to his Own free Will, and not Originally determined by any *Law*, or *Custom* to that *Season*; the actual Doing of it at that Time must have been the Result of his Own Voluntary Choice; and so have Confirm'd, not Abrogated, his *Right*, of choosing such times for their Sitting, as he shall judge to be most Expedient for it.

As for our *Archbishops*, they have neither Gain'd, nor Lost any *Right* or *Privilege* in this Case. Their Duty has ever been to obey the *Kings Writ*; and to *Summon* their *Convocations* at such Times as He requires them so to do; and the same it continues still to be.

The *Prelats* and *Clergy*, being *Summon'd* by their *Metropolitans*, have always Met in Obedience to their *Mandates*, at such Times and Places as they have Respectively prescribed to Them. Their Acts, in this Particular, have been nothing else but meer Acts of Obedience to their Superiors, in the *Legal Exercise* of their Authority over them. Now such Acts, I have before shewn, can introduce no *Right* by *Custom* with Regard to them; which were morally *Necessary*, not *Voluntary Acts*; and tended to nothing but to strengthen the Power of the *Metropolitan*; by adding *Custom*, as well as *Right*, to his *Authority*; and Obliging the *Provincial Prelats* and *Clergy*, in pursuance of the One, as well as the Other, to Obey his *Synodical Mandats*, and Assemble according to the *Tenor* of them.

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If it shall be said, that the *Clergy* may possibly have intended Somewhat farther by their Assembling than barely to do their Duty in Obedience to the *Mandates* of their *Archbishops*; and particularly, might have design'd by their Constant Attendance in *Convocation* at such Seasons, to introduce a *Custom* of *Necessarily Meeting* at that time; I must desire to be excused if I cannot admit of such a Supposition. As for those *Prelats* and *Clergy*, in whose time this *Custom* began, it must be absurd to think that they could have had any such *Intention*. The King was then not only at Liberty, as He still is, to *Convene* the *Clergy* when He pleased, but had actually been Accustomed to Call them out of *Parliament* Time, as well as during the *Session* of it. How could they foresee that not only King Henry the viiith, but all his Successors would from thenceforth Confine their *Writs* to these times? Or not foreseeing this, nor being otherwise assured of it, how could they Intend to Introduce such a *Custom*, as is now pretended to derive its Original from their Practice? If in process of time the *Clergy* having for the most part lost the memory of the former practice, and measuring the *Customs* of past ages, by the Usage of their Own, began to imagine that it had been always the *Custom* for the *Convocation* to Meet with the *Parliament*; and so design'd by Assembling, not to Introduce, but to keep up, a *Custom*, before, as they thought, *Establish'd*; Their *Intention* was Vain, and of no force in Law; because it was grounded upon a Gross, tho' Vulgar, Mistake; and that Mistake being Rectified, they either ought to Change their *Intention*; or, if they do not, 'tis no Great matter, they cannot conclude the *Kings Prerogative* by it. In short; The Case here is not, what some of the *Clergy* might possibly in latter times have Intended, but what the Nature of the Acts, on which the *Custom* is pretended to be build, required that they should both have Understood and Intended by them: And that was plainly this; To Obey their *Metropolitan*, in Assembling at his *Command*; but as for confining either the King, or *Archbishops*, by such Acts as were done meerly in Obedience to the Authority of Both; 'tis an Absurdity in the very nature of the thing to Suppose, that Either the One or the Other, should loose their Power by the Exercise of it; nay, and which is

is yet more, the Inferiors gain a Right against them, meerly by their own Customary obeying of them.

As to the *Archbishops Right of Proroguing the Convocation* when Assembled; certain it is, that our *Metropolitans*, have not only had a *General Right* by the *Canons* of the *Church* to do this, but have *Immemorially Exercised* that Right at their Own Will; and been Obey'd by their *Synods* in the Exercise of it. They have in all Ages *Prorogued* their *Convocations*, when, and as often, as they have thought fit; and that since the *Act of Submission*, as well as before, which has abridged them of no Power in this particular, that they ever Enjoy'd. The only Restraint which they lie under, is with Respect to the *King*, whose directions they are to take; that so they may not defeat his Ends by what they do: But having done that, they are at Liberty towards their *Clergy*, who have always Submitted to their *Prorogations*, and never, that I know of, made any Exception, till now, against their Authority in that Particular.

Now this being so, I do conceive that the *Custom* of not *Proroguing* them till after they had *Met two, or three times*; had heard a *Sermon*, and Chosen a *Prolocutor*, (which is the Great thing in which some men complain that an *Innovation* has been made) cannot either deprive the *Metropolitan* of his Right in this Case, or Give any Right to the *Clergy* not to be *Prorogued* till these *Preliminaries* are over: Because all this depends upon the *General Power* of the *Metropolitan* in this Case, to *Prorogue* his *Synod* when He pleases; which having by *Custom*, as well as *Right*, preserved; and being upon both Accounts allow'd to Him, the Rest will follow in Consequence from it; That if He has a *General Power* to *Prorogue* His *Convocation* whenever He pleases, He may do it at One time as well as at Another, and that the *Kings Assent* being supposed, He is to be directed only by his Own Reason, and the Circumstances of things, in the Doing of it.

Nor do's the Argument, which is drawn from *Custom* against this, signifie any thing in this Case, so far as the *Clergy* are concern'd in it: It amounts to no more than a meer *Non-Usage*, or *Negative Suspension* of his *Power*. He did not *prorogue* them, when He might lawfully have done it; and if He had so done, would not at all have Exceeded the Just Exercise of his Authority thereby. But he had his Reasons why he did not Do it; and those for the most part obvious enough; There was business for them to do on the *Kings behalf*, or it was the *Princes pleasure*, that they should deliberate on other *Matters*; and therefore He Required that as they were *Summon'd* by his Writ, so they should Sit too for the dispatch of the *Business* for which He had Orderd them to be Assembled. Or, it may be, the *Archbishop* himself thought it fit that they should Sit; or he was advised by His *Suffragans*, Or, desired by His *Clergy*, that They might do so; and therefore I do not say He permitted them; but Order'd them to Meet, to Choose a *Prolocutor*; and do the Other things which were done by them. But it do's not yet appear that ever the *Metropolitan* suffer'd them to Continue their Sessions, because they had a Right to Hold them; or because He had no Right at all, or none till these *Preliminaries* were over, to *Prorogue* them. On the contrary; whether they Sate, or were *Prorogued*; whether they Chose a *Prolocutor*, or Rose without doing it; (which in fact they sometimes did;) It appears from all our *Records*, that They did All in Obedience to their *Metropolitans Command*. Their Acts were not Voluntary, nor did they proceed from their Own Motion; but They were directed, and Over-Ruled by their *President*; and therefore These Acts can infer no *Custom* but what must be against themselves, viz. a *Custom* of Obedience to the directions of their *Metropolitan* when met, as well as to his *Mandatory Summons* in Meeting.

If therefore we look up to the Original of this *Custom*, so much now insisted upon; for the *Clergy* to meet in *Convocation*, to hear a *Sermon*, to Choose a *Prolocutor*; then to Sit, and Do what Business they had to do; the Reason of it before the *Act of Submission*, was plainly this; because they were not then Called a-course with the *Parliament*, as they have since been: But only at such times as the *King*, or *Archbishop* had somewhat Expressly for them to do; and it was therefore necessary for them thus to Meet, and Proceed, in order to the doing of it. Since that time, till within these last forty Years, there has for the most part been something for them to Do likewise; which Required these *Preliminaries* to be Observed; and account for the Reason of them. And when there has

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has not, it is well known that they have, for that Reason been Omitted; as from the History of the *Convocations* of the *Other Province*, the Acts of which alone Remain perfectly to Us, shall hereafter be made appear. That therefore the *Clergy* have not Generally been spared the trouble of Attending at the *Provincial Convocations*, but have been obliged to Meet and Sit according to their Summons, was not Owing to any want of Power in the *Archbishop* of either *Province* to Prorogue them, but to the business which was to be Done by them; and obliged our *Metropolitans* to Require their Appearance.

If we consider the Acts by which this *Custom* is supposed to have been introduced, they were Acts of Obedience to the Command of the *Archbishop*. They were not free, and Voluntary Acts; but *Morally Necessary*; and by such no new Right can be Gain'd by them.

This *Custom* did not begin with the *Clergy* in *Convocation*, as all *Customs* ought to do; but it proceeded from the President. The *Archbishop* required his *Prelats*, and *Clergy*, thus to Meet, Sit, and Act; and it was in Obedience to his Authority that they did so.

When they first thus Met, and Acted by Vertue of his Command, it do's not appear that they had any the least thought of Usurping upon the Power of their *Metropolitan* thereby. They often petition'd to be dismiss'd; but never, that I can learn, till this time, pretended to a Right, Superior to his Authority, to Meet, Sit, and Choose a *Prolocutor*, or assumed to themselves the Judgment of the Expedience, or Inexpedience of their Sitting; so that without the Express, or Tacit Consent of the *Lower Clergy*, it should not be in the *Presidents* Power to Prorogue his Own *Convocation*. If afterwards any Notions were got into their heads, that they had a Dependence upon the *Parliament*, and were to Sit whilst that Sate, yet neither then did they suppose it necessary Actually to Assemble together all that time; Or if they had, yet the very Ground of that supposition being, upon Enquiry, found to be an utter Mistake; no Right can be derived to the *Clergy* by it.

In short; whether we consider the Summoning, or Sitting, of the *Convocation*; all the Acts of Both, have been Acts of Authority in the *King* and *Archbishops*; of Duty and Obedience in the *Prelats* and *Clergy*. If any *Custom* therefore were to be founded upon them; it must have been this only; that whenever the *Clergy* are legally Summon'd by their *Metropolitan*, in Vertue of the *Kings* Writ, they are Obligated by *Custom*, as well as Law, to Assemble; and being Assembled, to Meet, Act, and Adjourn from time to time, as the *King* shall direct their President; and the President Order and Require Them.

There is yet One Condition farther required, to make any *Custom* Effectual in Point of Obligation; which brings me to the Last Point I proposed in this Case to consider, Viz.

(3dly) Whether the *Custom* here alledged has had all that Authority that was necessary to give the force of a Law to it.

Sect. 21.
Gonzales de
Consuetud.
cap. Consuetu-
dines.

Aquin. 22.
Q. 97. Art. 3.
&c.
De Legibus
lib. vii. cap.
9, & 14.

It is generally agreed that *Custom* being an *Un-written Law*, and design'd to have all the Effects and Powers of a *Written one*: No Authority can suffice to introduce a *Custom*, but the same that might have made a Law; and that therefore the Consent of all such must be given to the One, that would have been Required to the Other. This both the Canonists and Civilians agree in; and the Schoolmen second them in it. They tell us that in *Civil matters* to make a *Custom* Valid, the *Civil Magistrate*; in *Ecclesiastical*, the Proper *Prelats* must Consent to it, or it will not Oblige. Suarez enquiring into the Chief Efficient Cause of a *Customary Law*, lays down this position, *Primum omnium statuendum est Consensum Principis in Consuetudine introducenda necessarium esse*. And this He tells us is the Common Opinion of the *Doctors*, a few only Excepted; who admit this in *Ecclesiastical*, but seem to doubt of it, in matters of *Civil Law*.

Loc. supr.
cit.

To determine what Consent of the *Prince* is requisite in Order to this End; The same Suarez first distinguishes between his *Personal*, and *Legal Consent*. The *Personal* Consent of the *Prince* is that whereby He Expressly allows of it, Either antecedently, by giving Leave for such a *Custom* to be introduced; or by, his Consequently or Concomitantly, Approving of it: And that again, either Expressly, or Virtually, as by seeing and not hindring of it. The *Legal* Consent of the *Prince* is that which not the *Prince* himself, but the Law gives: When a *Custom* has all those Conditions, which by the Law, (made and agreed to by the

Prince) are Allowed to be sufficient to render it Valid. That the former of K. HENRY the VIIIth. These is sufficient to give Authority to a *Custom*, no One can doubt; and *Suarez* affirms, as I think he has Good Reason to Do, that the Latter is so too.

But how shall it be known, in the former of these Cases, whether the Prince do's give his *Personal Consent* or no? If he Expressly declares it there is again no difficulty. If he do's not, yet if He sees, and knows, and allows of it, 'tis Generally held that that is sufficient to declare his Consent to it. But then ¹ *Suarez* adds a Condition of some Difficulty: He says, it must be morally certain that the *Princes Allowance* is not barely *Permissive*, but *Operative*; and such as carries his Approbation, as well as Sufferance, with it. How therefore shall this be found out? He tells us by the Nature of the thing, and the necessity of it: If his Approbation be Reasonable; or that a Bare Permission thereof would not be Sufficient for the Safety and Benefit of the People. And this, at last, is only in Ordinary Cases: For if it be a Matter of such Moment as ought not to be concluded without a previous Examination of the Cause, *Great Deliberation*, and a *mature Resolution*, it is then still doubted, whether the *Prince* ought not to Give his *Express Consent*, before the *Custom* have the force of a *Law*.

¹ Gonzales de
Consuetud. c.
Consuetudines.
² Vid. Loc.
supr. Cit.

Nor are we yet at an End of our difficulties: For tho' we should be sure of the *Princes Consent*, yet if he Consents thro' Error; if he be led by any Mistake in the substance of the thing which he Approves, or for want of a Due Understanding of it, that Consent is of no Effect; but the Rule of the *Law* comes in to his Relief, that *Consentire non intelligitur qui Errat*. The same is the Case if his Consent be *Unreasonable*; that is, should it either be Contrary to Reason, or not supported by it: So that in short then, to give a legal force to any *Custom*; besides a suitable Matter, and a sufficient Usage; there must concur the Consent of that Authority which has the proper Power in that Matter; and that Consent must be some way or other *duly declared*; And neither be surreptitiously obtain'd, thro' Error or Ignorance; nor otherwise be destitute of such *Reason*, as may justify the Approbation which is given by Authority to it.

Upon these Common Principles of *Law* and *Reason*, I would now beg leave to ask Those who so much cry up the Validity of *Custom* in the present Case; By what Arguments can they satisfy any mans Reason, or Conscience, that either the *King* has Consented to such a Limitation of his Prerogative, or the *Metropolitan* to such an Abridgment of his Power, as they would perswade us ought, of Right, to be made of Both? Have our *Princes* ever Expressly declared, that They were willing to be Obligated *always* to Summon our *Convocations* in time of *Parliament*; and *never* to Call them at any Other Season? Or because that cannot be pretended; Have They otherwise Given any *Legal Intimation* of it?

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That our Kings have Generally since the 25th of *K. Henry the viiith* summon'd these Assemblies to Meet at the same Time with their *Parliaments*, for such just and weighty Reasons as determined them so to do, is confess'd. That having had Occasion frequently to do this, they have not thought it necessary to trouble their *Bishops* and *Clergy* to Meet at any Other times, is also Agreed. But that by Either, or Both these, they ever intended to determine their own free Prerogative; and sink it from a *Royal Authority*, into a necessary Obligation of making Themselves only the Chief Issuers out of Writs for the *Convocation*, but without either a *Power* to *Refuse* the doing of This at some times, or a *Liberty* to Do it at Others; is, I am sure, a thing that cannot without the utmost Unreasonableness be supposed; and therefore it must either be very plainly proved, or it must be absolutely Rejected.

If it shall be said, that whether they Intended it or no, yet by going on in such a *Practise*, by Calling the *Convocations* for 150 Years past, *Always*, and *only* in Time of *Parliament*, they have Introduced a *Custom* which they have now no Authority to break; besides what has been said before concerning the Inability of meer *Custom* to prevail against the *Royal Prerogative*, I must beg leave to add; that Princes are not to be Surprised. What they do not Intend, or do not foresee the Consequence of, neither can they be Obligated by it. The Rights of the *Crown* are too Sacred, and of too Publick a Concern to be destroy'd by *Error* or *Ignorance*. If the *Prince* should do something Really to defeat them, (which however it do's not appear that in this Case he has done) yet He is to be supposed not to have intended it; And therefore as soon as ever the Ill-Con-

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sequence is discover'd, the Error is to be Rectified, and with that, all the Effect of it is from thenceforth to be Reputed as Void, and of no force.

I will not now dispute how far a *Prince*, in such a *Limited Monarchy* as Ours is, can *Consent* to the diminishing of the *Rights* of the *Crown*, without the *General Consent* of *His People*; or at least of the *Estates* of the *Realm* in *Parliament*. It is enough to determine the present *Point* that it is yet to be proved, that our *Kings* have ever *Consented* to Deprive themselves of any part of their *Royal Authority*, in the business of Ordering the *Convocations*, and that without their *Consent*, it is most certain that, they cannot lawfully be deprived of it.

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Nor do's it appear that our *Archbishops* have ever *Consented* to give up their *Right* of *Proroguing* the *Convocations*, any more than our *Kings* have done their *Power* of *Summoning* of Them. In this latter respect we all know that both the *Metropolitans*, and their *Synods* agreed to Submit their Own to the *Kings Authority*: And the *Parliament* by a *Statute* confirm'd, what they had before *Consented* to. The *Archbishops* therefore of this *Realm* are thus far *Abridged* beyond those of some Others; that they cannot hold a *Provincial Council*, without the *Authority* of the *Kings Writ* to Enable them so to do. But that they ever *Consented* to a like Determination of their *Power* in *Governing* their *Councils* when met; so as not to be able Legally to *Prorogue* them but after so many previous *Sessions*; when such and such *Circumstances* were over; and then too with the *Express*, or at least presumed Allowance of their *Clergy*, as well as with the Assent of their *Provincial Bishops*; is what I have never heard; and am pretty confident, will never be proved.

And thus have I shewn what Exceptions may justly be made against the *Authority* of *Custom* in the Present Case, with Respect both to the *Prerogative* of the *King*, and to the *Jurisdiction* of the *Metropolitan*. The Principles on which I have proceeded, are the common Maxims of *Law* and *Reason*: And such in a matter of *Ecclesiastical Politie*, ought especially to be regarded; and if not to be allow'd the strict Obligation of a *Law*; yet at least to be consider'd for the *Evidence* of *Reason*, which I am perswaded shines thro' the most of Them. How justly I have applied them to the Points under debate, I must leave it to Every One to judge as He shall see Cause. This only I may be allow'd to say; that if but any one of the Considerations, which I have here offer'd, shall stand Good, (as I would willingly flatter my self, they All shall) it will suffice to destroy the *Authority* of *Custom* in this matter; And shew that till some better Reasons be produced for it; neither ought the *King* to be *Abridged* in his Freedom of *Summoning* our *Convocations*, nor the *Archbishops* in their Liberty of *Proroguing* of them; No, nor yet the *Convocations* themselves to be deprived of the Benefits and Advantages, which may, upon Occasion, be derived to themselves from Both.

Sect. 24.

I proceed,

Illy, To Examine this same Pretence of *Custom*, with respect both to the *King*, and the *Archbishops*; by the Maxims and Determinations of our Own *Law*.

And that I shall Do in this following Method:

(1st) I will Enquire how the *Law* of *Custom* stands with us, as it regards in Common both the *King* and the *Subject*. And,

(2dly) I will shew, what particular Provision has been made by our *Law* in defence of the *Kings Prerogative* on these Occasions.

(1) In Enquiring into the *Law* of *Custom* in General, I cannot begin more properly than with the description which our Books give of such a *Custom* as shall be accounted of force with us. In the Case of *Tanistry*, Reported by Sir Jo. Davis, fol. 31, 32. it is said, that *Custom* in the Intendment of the *Law* is such a Usage as has obtain'd *vim legis*, and is indeed a binding *Law* to such particular Place, Persons, and Things, as it Concerns. That such a *Custom* cannot be Establish'd by *Grant* of the *King*, nor by *Act* of *Parliament*: but is *Jus non Scriptum*, and made by the *People only* of such a place, where the *Custom* obtains. For where the *People* find any *Act* to be Good and Beneficial; and fitting and agreeable to their Nature, and Disposition, they Use and Practise it from time to time; and so by the frequent Multiplication, and Iteration of such *Acts*, *Custom* is made. And being Us'd time out of mind, obtains the force of a *Law*. So that in short, *Custom* is a Reasonable *Act*, Iterated, Multiplied, and Continued by the *People*,

ple, time out of mind: And this (says the Report) is the Definition of Custom, which has the Vertue and Force of a Law. K. HENRY the VIIIth.

If this be a Good account of the Nature of Custom, as I conceive it is; it will follow that in this our Common Law concurs with the General Reason of the thing its self, which from the Canonists and Civilians I before accounted for; That the Acts by which a Custom is Introduced, must be Acts of the People; who by their own long, and voluntary Exercise of them, Establish a Custom first, and so (if other Circumstances concur) Obtain some Right by it, which otherwise they would not have had. And in this particularly, distinguish such an Unwritten Law, from a Written One; that the Latter may, and must Originally proceed from the Authority of the Prince; whereas the former is founded upon, and Arises from, the Free Acts of the People; who first by practice introduce a Custom, and then by long (or as our Law requires, Immemorial) Usage, Give Force and Authority to it.

To make such a Custom Good in Law, two things we are told, are required; A Reasonable Beginning; and a Sufficient Continuance; and of Both which therefore We must consider what our Law Books say.

[1st] The Beginning of Custom, 'says the Report, I before alledged; ought to be upon a Reasonable Ground and Cause. For if it were Unreasonable in its Original, No Usage or Continuance can make it Good. *Quod ab initio non va- luit tractu temporis non Convalescet.* And to this the 2 Judges in Court agreed, in the Case of *Paramore* the 41 Eliz. That Customs ought to be such as may in Reason have had a Lawful Beginning, or may in their Common Intent consist with Reason: Otherwise they are not truly Customs, but pretences of Customs, and Vain Words. Sect. 25. Davis fol. 32. Case de Tanistry. 2d Anderson fol. 152.

It was upon this Maxim that Littleton long before determined, that if the Lord of a Mannor should prescribe that there has been a Custom within his Mannor, time out of mind, that Every Tenant within the same Mannor, who marrieth his Daughter to any Man without License of the Lord of the Mannor, shall make fine, and have made fine, to the Lord of the Mannor for the time being this Prescription is Void; because None ought to make such fine but only Villains. For every free man may freely marry his Daughter to whom it pleaseth him, and his Daughter: *Et pur ceo que cest prescription est encounter Reason tiel prescription est void.* The note of my 4 Lord Coke on which last passage is to be observed. "This (says He) Contains one of the Maxims of the Common Law, (which therefore here again agrees with the Civil and Canon Law before treated of) "That All Customs and Prescriptions that are against Reason are void. The same 5 Littleton speaking of another Custom; that, if any Cattel were upon the demesns of the Mannor, there doing dammage, the Lord of the Mannor for the time being has used to distrain them, and the distress to retain till fine were made to him for the damages at his Will; declares it to be a Void Custom upon the same Ground, *pur ceo que il est encounter reason*, that a Man should be judge in his own Case. And then Concludes with this General Rule: *Et issint tiel prescription ou ascun autre prescription Use, si ceo soit encounter reason, ceo ne doit estre allow devant Judges; Quia malus usus abolendus est.* And "Every Use, says my 6 Lord Coke, is Evil, that is (as our Author saith) against Reason. *Quia in Consuetudinibus non diuturnitas temporis, sed soliditas Rationis est consideranda.* Sect. 209. 1st Institute. 4. 1st Instit. fol. 140. Ibid. Sect. 212. 6. 1st Instit. fol. 141.

But here then the Difficulty returns which we before met with upon the like Occasion: How we shall know when a Custom is Unreasonable; or sprang from an Unreasonable Beginning? For this our Law Books among Others give Us the following Rules. Sect. 26.

1st, If a Custom be plainly and evidently against Reason, there is then no difficulty for any Man who will but use his Reason to find it out and be satisfied that it is so: And being convinc'd of its Unreasonableness, He may also be sure that it can be of no force in Law. Thus 7 Mich. 18 Jac. a Custom was alledged by Peter Barker Vicar of Stower-Payne, that Lambs ingendred, faln, and bred upon any One Tenement, or Living, in the same Parish, altho' they belong'd to several Owners, have been Cast, and Reckoned together, as if they were but One Mans; and the Tenth or Tythe Lamb of them so Counted together, have been pay'd for Tythe. The Court was of Opinion that this pretended Custom, was Unreasonable and against Law. Because that by this means it might fall 7 Hobart. Rep. pag. 329.

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fol. 151, 153

fall out that some might have but One Lamb, and that might be taken for Tythe, and He that had more, should pay nothing at all. But in the Case of *Paramore* before mentioned, the Unreasonableness do's more plainly appear. It was alledged that by *Custom, time out of mind*, it had been used, that if a Citizen of London were indebted to a Burgeſs of Sandwich, ſuch Burgeſs might make plaint in the Court of Sandwich, &c. by *Custom*; where if He were caſt, it was the Uſage to write to the Mayor and Aldermen of London requiring them to hear the Cauſe, and to ſend to them the Defendant, or Anſwer in Bar, &c. This was repeated three times: If thereupon Neither the Defendant appear'd, nor was Anſwer in Bar ſent to Sandwich, then it was the *Custom* to Give Judgment againſt the Mayor and Comonalty of London for the Debt, and ſend them notice of it; that if they paid it not, Judgment of Wythernam ſhould be given out againſt them. And if they did not then pay in 15 days, the Mayor and Jurates of Sandwyck *concedere voluerunt Cap. in Wythernam verſus quemcunque Civem prox. venient. ad Sandwyck, Et custodire voluiſſent quouſque, &c.* This now was a *Custom* evidently Unreaſonable to take the Body of One Man, and detain him in Priſon upon a Judgment Given againſt a Third Perſon, and that for the Debt of Another: *Car eſt merement injurious de faire un frank home a perdre ſa liberty par le offence ou det de third Perſon, Et le Reſon eſt, Quia quis pro alieno facto Puniendus non eſt.* Many Other the like Caſes Occur in our Law-Books, which have been determined after the ſame manner, upon the ſame Ground. But to be more particular upon this point.

* Brownl. &
Godb 2 part.
pag. 200.

2. If a thing be Incongruent, that is Diſagreeable to the State and Condition; or to the Nature of the Perſon, or Thing for which *Custom* is pleaded, it ſhall alſo for that cauſe be look'd upon, in the Eye of our Law, to be Unreaſonable. So my Lord Coke, Rowles againſt Maſon; where He gives this Ground and Authority in Law for it: "10 Edward the 3d. 5. Leet cannot be belonging to a Church, inſomuch that it is incongruent; and a Spiritual thing ſhall not be pertinent to a Temporal, and ſo e Converſo. And ſo in the 5 Affiſe. 9. Hill and Granges Caſe. Com. Turbary cannot be Appurtenant to Land, inſomuch that it is incongruent; but it ought to be to a Houſe. So in Time of Edward the 2d, Tenant of the Mannor preſcribes to have free Bull and Bear, and it is not good for the reaſon aforeſaid; Otherwiſe it is of the Lord of the Mannor: And 9 Henr. 5th. 45. *Custom* in Leet to preſent Common; and adjudg'd that it is not good, inſomuch that it wants Congruity, for it is not proper to the Court.

* 1 Inſtit. fol.
116. b.

3. If a *Custom* be introduced to Deſtroy the Right of another which He Enjoys by the Common Law; it will thereby be accounted in the Eye of the Law to be Unreaſonable, and as ſuch Void. For the Common Law is the General *Custom* of the whole Realm: It is the moſt Antient of all *Customs*; and founded upon the Principles of Reaſon; and was therefore firſt received as Law, becauſe it appear'd to be both Uſeful and Reaſonable. Hence my Lord Coke tells Us, that the Common Law hath no Controuler in any part of it, but the High Court of Parliament, And lays it down for a Maxim in Law, "That whatſoever was at the Common Law, and is not Ouſted, or taken away, by any Statute; remaineth ſtill. And this Maxim we find on ſeveral Occaſions judicially Confirm'd; an Inſtance or two of which, for the farther Eſtabliſhment of this Remark, I will juſt mention upon this Occaſion.

* Crook. Jac.
pag. 357.

4 In the 12th of K. James the 1ſt, Peplows Caſe was tried in the Kings Bench upon an Error of Judgment in Salop. The Error aſſign'd was, for that in an Action upon the Caſe there try'd, the Defendant was Eſſoynd, and had day per Eſſoyne, & Quarens habuit Eundem diem. At the day appointed, the Defendant being demanded appear'd not, but made default; Et habuit diem per default; ſecundum Conſuetudinem Villa pradiſta, given him by the Court, viz. ſuch a day. At which Day the parties appear'd, and Judgment was given againſt the Defendant per nihil dicit. So the plea was utterly diſcontinued; becauſe when the Defendant made default, no Day can be given unto Him when he was out of Court. And the Allegation that it was done *Secundum Conſuetudinem*, cannot help it: For, ſays the Report, no *Custom* can help that which is againſt Common Law.

* Crook. Carol.
pag. 259, 260.

5 In the 8th of King Charles the firſt, the like Error of Judgment was try'd in the Kings Bench in Debt upon an Obligation. The Error Aſſign'd was becauſe the Trial of the Iſſue joyn'd there was by Six Jurats only. It was alledged that it was done *Secundum Conſuetudinem ibidem a tempore, &c.* and there be multitudes of Re-

Records in twenty several Courts in *Cornwal*, where *Trials* may be by Six; So ^{K HENRY the VIIIth.} that if this were reversed, many Others should be reversed. Nevertheless all the Court held, That such a *Custom* is Void, and against the Common Law. And *Jones* said, that tho' in some parts of *Wales* there be such Trials by Six only, it is by reason of an *Act of Parliament* 34 *Henr. 8th*, which appoints, That such Trials may be by Six only, where the *Custom*, hath been so; which proves that when they were united to *England*, and to be govern'd by the Laws here, such Trials could not be, unless they had been so provided for by *Parliament*.

When therefore our *Law-Books* say, that a *Custom* settled by just and Reasonable Cause used, Bars the Common Law, it must be understood of such *Antient Customs*, as have been long observed, and were reasonably introduced; and concern only such particular Persons or Places as claim by Them; but must not be extended to destroy that Right which Any other Persons, or Corporations have by the Common Law of *England*; who are not concern'd in any such *Custom*, nor ought therefore to be deprived by it of any Legal Interest, which by Law they have a Right to Enjoy.

4thly, No *Custom* which is introduced against an *Act of Parliament*, can, in the Eye of our Law, be judged to be *Reasonable*; because such *Acts* are the highest Law of All: They Alter even the Common Law it self; and therefore shall much more Over-rule all such particular *Customs* as shall be set up in Opposition to Them. ¹ And this was another Ground of the Judgment against the *Custom* of *Sandwyck* before mention'd: That it was plainly Contrary to the Statutes, against which no one may Prescribe, unless they are aided by some Other Statute. The same is the Sense of my ² Lord *Coke*; where taking notice of that Maxim of *Littleton*; That *Consuetudo ex certa causa rationabili usitata privat communem Legem*, He makes this Observation upon it, *Privat Communem Legem*, for no *Custom* or *Prescription* can take away the force of an *Act of Parliament*: and therefore *Littleton* materially speaketh here of the Common Law. ³ It is true there be some *Acts of Parliament* which do not destroy the *Antient Customs* which were in Use before the making of them: And therefore it is rightly to be considered of what kind the *Act* is, to know how far its force, in that Case, shall Extend. But if an *Act of Parliament* be first made, and still in Use, no *Custom* can be Rationally set up against it; nor will be allow'd, without somewhat else to support it, as of any strength in the Law.

5ly, No *Custom* contrary to the Public Good, which is, or ought to be, the End of All Laws; Or that is injurious and prejudicial to Many, but beneficial only to some few, can be accounted Reasonable; or, by Consequence, Obligatory; but must be look'd upon to have been Unreasonable, and Void from the Beginning, and therefore not to be made Good by any *Prescription*. ⁴ A *Custom* to receive a Half-penny of Every Footman, and a Penny of every Horseman, that passes over a Common Ferry, may be Good, because it is a Reasonable Consideration: And so over a Bridge which the Lord of the Mannor repairs. But if it were to pay 12 d. it would be otherwise, because it would be Unreasonable, and contrary to the Public Good. So ⁶ Mich. 2. Car. a *Custom* was alledged, that all the Tenants of a Certain Estate have never us'd to pay more than 11 s. for any Reparation of the Parish Church. This was look'd upon as Unreasonable, because it laid a Burthen upon the rest of the Parish. And the same we are told of those Usages of Hunting of Hares, of Hawking for Partridges, and and the like over, into, and thorough Other Mens Grounds, which makes it never the more Lawful; nor can a *Custom* be laid for it; or if it be, it will not avail to Justify the Trespafs, and Wrong that is done by it.

To these Rules of examining the Reasonableness of any *Custom*, I shall add only this Observation, ⁷ that the Determination of all these things Relating to *Custom* belongs to the Judges of the Realm; The Validity of which must be left to them, from these and the like Rules, compared with, and explained by former Precedents, of which Multitudes are Recorded in all our *Law Books* to declare.

[2dly] And as a *Custom* must be Reasonable, that it may be Valid; so must it be Antient, and Continued. And this is, by our Law, said to be Essential to a Good *Custom*. So my Lord ⁸ *Coke*; Of every *Custom* there be two Essential Parts, Time and Usage. Time out of mind; and Continual and Peaceable Usage, without Lawful Interruption. And in this he strictly follows the Rule of his Great Author: Who gives us this Note to the same Purpose: ⁹ *Et nota, que nul Custom est allowable mesque tiel Custom que ad este use per tite de prescription*; Sc.

de tempore dont memorie ne Curst. And again speaking of a good *Custom* at Common Law, He tells us 'tis such a *Custom* or *Usage* that hath been used for time whereof mind of Man runneth not to the Contrary. And this is proved by the Common Method of pleading *Custom*, which always is in these Words, '*de tempore cujus contrarium memoria hominum non existit.*' Which Words *Littleton* thus explains, '*C'est autant a dire, quant riel matter est pled, que nul home adonque en vie ad oye ascun prooffe al' contrary ne avoit ascun Connusans al Contrarie.*' So that if either any Person be alive who knew the Contrary; or if by any Records the contrary can be made Appear, the Custom fails, and for want of Sufficient Prescription, becomes invalid. So my ³ Lord Coke expressly teaches us to understand it. "For if, says he, there be any sufficient Proof of Record of Writing to the Contrary, albeit, it exceed the Memory, or proper knowledge of any Man living, yet is it within the Memory of Man. And this He tells us is the reason that regularly a Man cannot prescribe, or alledge a Custom against a *Statute*, because that is Matter of Record, and is the highest Proof and Matter of Record in Law.

Sect. 28. Such are the Maxims of our Law in this Particular: Let us now proceed by these Principles to Examine whether the pretended *Custom* set up in Derogation of the *Kings Prerogative*, and the *Archbishops Jurisdiction*, be of any Legal Force or Authority, to prescribe against either.

And First; That in this Case, there can be no *Custom* Establish'd to the Benefit of the *Convocation Clergy* against either the One or the Other, seems plain from hence; that those *Acts* upon which, if any, the Custom here spoken of, must be founded, were the Free *Acts* not of the *Clergy*, but of the *King*, and the *Metropolitans*; who therefore alone can gain any thing by the Exercise of Them. It is by them that our *Synods* have all along been Summon'd, Prorogued, Dissolved; The *Clergy* have had no other part in any of these Matters, but only to obey their Orders, and to Meet, or Separate as They, by their Writs and Mandates have required Them to do. If therefore the *Acts* which make a Custom, must be the *Acts* not of the *Rulers*, but of the *People*; If they must be the Free *Acts* of Those who pretend to introduce a Custom by Them; as both Reason requires, and our first Ground in Law suppos'd, that they must be; it is plain that here can be no Custom in this Case, but only on the side of the King, and the *Archbishops*; because it is on their side only that the *Freedom of Acting* has lain. The *Clergy* have done Nothing but in Obedience to their Authority; and that not in order to Gain a Privilege, but meerly to do their Duty, and keep themselves from those Censures and Penalties, which they would otherwise have been liable unto for their Disobedience.

To put therefore the Case aright upon the Foot of *Custom* in these Particulars; were there any need of insisting upon it, it should, I conceive, be laid thus: Whether the King having for several Ages past freely Summon'd, Prorogued, and Dissolved the *Convocations* at his Will; and the *Archbishops* having constantly thereupon issued out their Mandates in Obedience to his Writs to this purpose; He has not thereby obtain'd a Right, by Custom as well as Otherwise, to Exercise such an Authority, so that the *Metropolitans* shall upon that Account, were there no other, be obliged to Obey his Commands in these Particulars? And again: Seeing whenever our *Archbishops* have either sent out their Mandates for the *Convocation* to Assemble the *Bishops* and *Clergy* of their respective *Provinces* have duly Met at the Time and Place prescribed by them; whenever they have Read, or Caus'd to be Read, their Schedules of Prorogation to them, They have Risen, and look'd upon themselves to have been Prorogued according to the Tenor of Them: Whenever they have dissolved them, they have been Reputed as Dissolved both in Law and Fact thereby; this Custom thus Exercis'd by the *Archbishops*, and Acquiesced in by the *Bishops* and *Clergy*; and Obey'd, not for an Age and halfe; but as our Law requires, *de tempore cujus contrarium memoria hominum non existit*, shall not give a Legal Right to Them in these Matters, and so far conclude the *Clergy* that they shall now be Oblig'd by Law to submit to the Exercise of it. This I take to be the only true Application that can be made of Custom in this Case, And I appeal to the Reason of the thing, as well as to the Maxims of our Law before laid down, whether any other Use can fairly be made of it.

Had it indeed been Customary for the *Clergy* whenever a *Parliament* was Summon'd, to Meet of Course within their several Diocesses, and choose *Proctors* for

Or a *Convocation*, without any Command or License, either from the King or Archbishop so to do: Had these *Proctors*, so Chosen, come up to London, and Met together with the *Deans* and *Archdeacons* in *St. Pauls Cathedral*; and there by their own Voluntary Agreement had order'd a *Sermon* to be preach'd; Had Chose a *Prolocutor*; Sate, Debated, and Prorogued Themselves, as long as the *Parliament* lasted, without any regard to the Command either of the King or the Archbishop for their so doing: And had the King and Archbishop, time out of mind, Look'd on, and Conniv'd at all this; and never given any *Legal Disturbance* to Them in their Proceedings; this (supposing it to have had all the other Qualifications requisite to make it Good in Law, which shall hereafter be considered) might have brought in a *Custom* on their side, and have afforded them a *Legal Ground* on which to claim the *Benefit*, if there were any, of it. For then the *Custom* would have layn thus; That during the Time of *Parliament* it had been the *Custom de tempore cujus*, &c. for the *Clergy* to Appoint their *Proctors*, and for these *Proctors* to Meet in *Convocation* with the *Deans* and *Archdeacons*, and to Sit and Act after their own Pleasure there; and that neither the King, nor the Metropolitan, had ever disturb'd them in so doing; And therefore they do plead, that having had such a *Custom* as this, they thereby have gain'd a *Legal Right* thus to Meet, Sit, and Debate, at all such times; and ought not now to be hindred by the King or the Archbishop in the Exercise and Enjoyment of it. But as the Case truly stands, and I have before laid it; 'tis certain that as the Acts, upon which the Pretence of *Custom*, in this Case, is founded, were the *Proper free Acts* of the King and the Archbishop, not of the *Clergy* and *Convocation*; who have done nothing but in Submission to their Authority and in Acknowledgement of their *Legal Power* over them; so must the Force and Authority of *Custom*, if there be any in this Matter, lie wholly on their side; and argue the Right of the One thus to Rule and Govern in these Particulars, and the Duty and Obligation of the Other to be thus Ruled and Governed by Them.

But tho' I do therefore look upon the whole pretence of *Custom* as it is now Alledged in behalf of the *Convocation* against the Rights of the Prince and Metropolitan, to be utterly defective in its very Ground and Foundation; and upon that account Uncapable of Conveying any *Legal Claim* of Privilege to them; yet to make this matter the more clear; I will proceed to Examine it by the Properties of a Good *Custom*, before mentioned; and shew it to be defective in respect of them all.

SECT. 29.

(1) As for the first of these Reasonableness, that I conceive is utterly wanting to it. For what can be more Unreasonable, than to suppose That the King and the Archbishops, should by their own *Authoritative Acts* destroy their Own Authority; and so Lose their Right by the Exercise of it. Nor is it any less absurd if we put it the other way; That the *Clergy* by those *Acts* which they did in Acknowledgment of, and Obedience to, the Authority of the King and Archbishop over them; should Deprive them of their Authority; and in the Reverse of all other *Customs*, which evermore run on the side of Those who are the Authors of those Acts upon which they are founded, should deliver themselves from the Power of both, by a Long, Continued, and Repeated *Custom* of Obeying of Both. Yet this is the true Consequence of what is here claim'd in this Particular, which plainly runs to this Effect; That the *Clergy* having been wont at such certain Times, for 150 Years past, to be Call'd to *Convocation*, and to Sit and Act there in Obedience to the Kings and their Archbishops Command, have thereby gotten a Right to be Called at those times, and to Sit and Act by their Authority; and the King and Archbishop have no longer any Right to Refuse to Command and Require Them so to do. This is the Case as it is now stated; and if this be not, in the very Nature of the thing, Absurd and Unreasonable, and by consequence Void, and of no force in Law; I must confess I cannot tell what is so.

(2) It is 2dly *Incongruous*; and for that Reason Defective in the next Condition required, to make a *Custom* Valid, viz. of the *Suitableness* of the *Custom*, with respect to Those who lay claim to the Benefit of it. For it takes away the Authority from the Persons in whom it ought to be, and was by Law Originally Vested; and Gives it to Those who are *Legally Unqualified* for it; whose part it is to be Govern'd, and Ruled, not to Order and Govern their Superiors. But this

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this is not all; For this *Custom*, should it be allow'd, would not only deprive both the Prince and the Archbishop of that Authority, which the Law has lodg'd in their Hands; but would change their free Power not yet limited by Law, into a Prescribed and Necessary Act; a thing as unsuitable to the Character of a *King*, and a *Metropolitan*, as the Other is to that of the *Clergy*. The Case is plainly this: The King had Originally an undoubted Right to Order the *Convocations* to be held at any Time that He pleased; The *Archbishops* as undoubted a Title to preside in, and over, their *Convocations*, when Assembled; and to Prorogue and Dissolve them at their Pleasure, subject only to the Commands of the King. The *Clergy* had nothing to do in Any of these Matters, but only to Obey the Orders of their *Metropolitans*; as the *Metropolitans* were to fulfil the Will of the King.

Of all this Power some there are who would now, by a pretence of *Custom* (otherwise of no Force) divest both the King, and the *Archbishops*; and transfer it to the *Clergy* of the *Convocation*. They tell us that the King is Oblig'd to Call them at such certain Times; as for Example, whenever the *Parliament* Sits, whether He will or No; and that He cannot Call them at any Other Times, tho' there be never so much Occasion for them to Meet; or He should never so much desire that they might be Assembled. Being thus Call'd by the King, They add, that the Archbishop shall not have it in his Power to Prorogue Them, till they have sate so long, and done such certain Synodical Acts; in which his Power indeed must intervene, (as both the *Kings* and the *Archbishops*, must likewise for their sitting;) but yet that both in this, and that, They shall be oblig'd to Exercise all such Acts of Authority as are requisite to enable them, by Law, to Meet, Sit, and Act, as they please, and to indemnify them in their so doing. Now this must certainly be if any thing, most Absurd, and Incongruous in Law. That the King and Archbishop shall still Continue to have a Right to their antient Power and Authority, and yet shall not have any Liberty in, nor by consequence any Real Right to, the Exercise of it. That the *Convocation* shall be Legally Subjected to the Government of Both; and yet, at the same time, shall have a Legal Power to Constrain both to Govern them according to their own Measures; not with any Freedom of Judgment, or Power of Using or not Using their Authority; as they see cause (without which there is indeed no proper Use of it at all) but after a prescribed Measure, which is, in truth, to make them only the Officers of the *Clergy*, to do their Business, and to secure them against the Danger of the Law; Which whether it be congruous to the Character of a Prince and a President, with respect to their Subjects, and Council, I may leave it to any Reasonable Person to determine.

If therefore it be absurd in the Nature of the thing, that a Power should Legally remain in the King and the Archbishop, and yet the free Exercise of that Power be Legally taken away from both; If it be not only Absurd, but Indecent, that the Hands of our Rulers should be tied up in the Exercise of those Acts which the most properly belong to them, as such; and the Right of Limiting them in those Acts be transferr'd to Those who are to be Ruled by them, so that the Authority shall be vested in the One, and the Right of Using that Authority be given to the Other; then must the pretence of *Custom* here again be Defective; and notwithstanding any such Usage, the King and Archbishop will not only retain their Antient and Undoubted Authority, but retaining it, will also enjoy such a Freedom of Using of it, as naturally follows such a Power; and indeed is Necessarily requisite to a Wise and good Use of it; And the *Clergy* be still Oblig'd, as they have always been, to Obey, not to Command or Direct their Superiors, in their Legal Government of Them.

(3) That such a *Custom* as is here insisted upon must, 3dly, be contrary to the Rights of the King and *Archbishops* at Common Law, and therefore again of no Force, must be allow'd; or it must be denied, that the King and the *Archbishops* ever had a Right by that Law to Call and preside over our *Convocations* after such a manner, as I have before shewn, and it cannot be doubted but they had. For if by an immemorial *Custom*, our Kings have been wont to Summon These Assemblies of the *Clergy*, or to Cause them to be Assembled at any Time when they saw it Necessary or Expedient so to do; without any Relation to, or Dependence upon their *Parliaments*; as I have before plainly demonstrated that they have been: If our *Archbishops* having Convened their *Provincial Clergy* in Obedi-

ence to the Kings *Writ*, were always wont in Fact, as well as of Right, to Pre-^{K H E N R Y}side over them; to Prorogue and Dissolve them at their Pleasure: If the *Clergy*^{the VIIIth.} have always submitted to the Exercise of these Acts, and Obey'd both the King and their Metropolitans in Them; then 'tis Evident that they must have had a Right by the *Common Law*, as well as by the *Canons* of the *Church*, and the *Constitution* of our *Government*, to this *Authority*; and that having such a Right, they cannot by the Late Usage of an *Age* and *half*, be deprived of it.

But indeed, even the *latter Practise*, if rightly consider'd as I before stated it, is on their side, as well as we are sure the Antient and Immemorial *Custom* was. For tho' our Kings have, of Late Times, Call'd our *Convocations* only in Time of *Parliament*, yet still it was by the free Exercise of their Authority that they did do so; when they might have done Otherwise; And had it in their Power either *not* to have Call'd them at those Times, or to have Assembled them at any Other; as I have shewn their Predecessors before them to have done. As for our *Archbishops*, they have always been thus far Confin'd by the Kings Authority, as to be Obliged to appoint their *Clergy* to Meet and Sit in such as they directed, and their Affairs required that they should. And thus far they are limited in the Exercise of their Power still. But to their Clergy as they never ow'd any such Subjection in the Use of it, so neither did they ever, by any *Custom*, yield to it; but have always Prorogued them *when*, and *after* such a Manner, as they have thought good, without either asking their Leave, or desiring their Assent for their so doing.

(4) Whether this pretended *Custom*, were there truly any such, would not *athly* be contrary to the *Act* of *Parliament* 25th Henry the 8th. c. 19. as far as concerns the *King*, may I think be justly Enquired: Which having not only confirm'd to Him the Power He always of right had to Assemble the *Clergy*, when ever He thought fit, but in this Particular Enlarged his Prerogative, that from thenceforth the Archbishop should not Call any *Convocation* without his *Writ*; and that without any Limitation of Times and Seasons, *when*, or *within which*, He should be Obliged to issue out his *Writs* for that Purpose; must be understood to have Granted that Power to Him with the same Freedom that both his Prerogative required, and our foregoing Princes, till then, had Enjoy'd and Exercis'd it. And what that was I have abundantly before shewn. Which being so, I do humbly conceive, that Whatever *Custom* would Restrain the *King* from the free Exercise of his *Authority* in this Case, (by that *Act* of *Parliament* confirm'd to Him) must be accounted to go against the Intention of the *Act*; And for that, as well as for the several other Reasons before offer'd, be of no force.

(5) How far *gly*, The Public Good of the Realm may be concern'd in the support of the Royal Authority, in this Case, is a Point, which I shall not pretend to enter upon the Discussion of. This only I may offer; That should there ever chance to arise a set of Turbulent Discontented Men, who by their Own Perversness, or the Management of Others, should take Occasion from such an unbounded Right of Sitting and Acting, without any Controul either from their *Civil* or *Ecclesiastical Governours*, to Raise, or Keep up, any Factions or Divisions, among Us; contrary to the Peace of the *Church*, and the *Public Welfare* of the *King* and *Realm*; it might then appear to have been a matter of no small importance to the State, as well as to the Church, to give up such a Power to such an *Assembly*; as may some time or other bring the King under this Difficulty, that either He must Dissolve his *Parliament*, when He has perhaps the utmost need of their Sitting; Or he cannot Dissolve the *Convocation*, not only tho' He has nothing for them to do; but tho' they should by their violent or disorderly Proceedings, be likely to Cause never so much Mischief to Himself, and to the Publick.

If in Answer to this it shall be return'd, that such a Suggestion is a little hard, and ought not to be admitted against such a Body of Men, as 'tis to be hoped both know their duty better, and will more religiously practise it, than to make such Use of the Liberty now contented for; I shall only say, that I hope the same. But yet in Matters of Publick Concern, where the Peace and Interest of a *Church* and *Realm* are at stake; all possible Dangers are to be Weigh'd. And why that should not be possible in One Age or Country, which has sometimes happen'd in Others, I cannot tell; but sure I am, should such a Turbulent Spi-

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rit break in upon us, there ought to be Somebody intrusted with a Power to suppress it; and to put an End to such an *Assembly* as by their Sitting (in such a Case) could do no Good, but might do much Harm to Themselves, to the Church, to their Religion, and to their Country.

However it be, the Determination of this is certainly a Matter of Public Concern; and if Those to whom the Judgment of *Customs*, their Tendency, and Authority, by *Law*, do's belong, shall think that it might be dangerous to the Public Good to take away the Power of Calling and Proroguing the *Convocation* from the King, and the *Metropolitan*; and to Lodge it in the Body of the *Clergy*, (a Power which the *Parliament* never but once was Intrusted with, and the Experiment then made, had not such an Effect as to Encourage the Nation, any more than the King, to make it again with any Other the like Body) then it will follow, that for this Reason, as well as all the rest, they must declare it to be void in *Law*; and such as no Time, or Continuance, can give any force to.

I conclude therefore, that this pretended *Custom*, being founded, not upon the Free Acts of the *Clergy*, but of the King and the *Archbishop*, is not only no Proper *Custom* as to any Concern of theirs; but if it were capable of being Applied to Them, yet being in its self Unreasonable and Incongruous; contrary to the Rights of the King, and our *Metropolitans*, both by *Common* and *Statute Law*; and, as it may happen, prejudicial to the Public Good, is of no Obligation; nor capable of giving any such Right, as some would now pretend to by it.

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(6) But to wave all these Exceptions as to the Reasonableness of this pretended *Custom*, and consider what is 6thly no less required to the Authority of it; I mean its Age, and Continuance. Has it this Qualification at least, if no Other, to make it Good, by the Rules of our *Law*? Can Those who insist upon it, truly lay it in the only Legal Form by which any *Custom* with us can be pleaded, That the *Clergy* have Met in *Convocation* by their Own Right; such as neither the King, nor the *Archbishop*, have any Authority to Over-rule, with Every New Parliament; and Sate during the Continuance of it, *Time out of mind*; *De tempore cujus contrarium memoria hominum non existit*? I will be positive in my Answer that they cannot: On the Contrary, I do aver that this *Custom* first began in the Reign of King Henry the viiith: That till then our *Convocations* were more frequently held out of *Parliament Time*, than in it: And that for the 200 Years before, there are not 20 Instances upon Record to be found, where the *Parliament* and *Convocations* have All Sate Concurrently with one another. And then I shall submit it to the Learned in our *Law* to tell Us, Whether such a late *Custom* as is now set up; A *Custom* labouring under so many Defects, as I have before Observ'd; and built upon such an incompetent Foundation, shall Deprive the Prince of his Antient and Undoubted Right; and force our *Metropolitans* to give up their Own Authority too; so that during the Session of Every *Parliament* it shall not be in the Power of the One to Refuse to Call Them; nor in that of the Other to Prorogue Them, or otherwise Hinder them from doing whatsoever Business they shall themselves think fit to do.

Sect. 31.

Godbolt Re-
ports. pag. 235.

If to avoid the manifold Inconveniences under which I have now shewn the pretence of *Custom* in this Case to lie, it shall be Alledged, that the Strength of their Argument consists not barely in the Usage of the *Clergy* to Meet in *Parliament Time*, but in the Kings *Disuse* of Calling them at any Other Time; And the *Archbishops* not Proroguing them till all the Preliminaries were over, and it evidently appear'd that they had nothing to do; besides that by our *Law* a Non-use, or Neglect to Exercise a Right, do's not Extinguish nor deprive any One of his Right; (as it was held by the Court, Mich. 11. Jacob. 1. Comm. Pl. Bishop of *Chichester's* Case) I must beg leave to say that I am as much puzzled to find out any *Disuse* of Authority on the One side, as any *Custom* of the *Clergy* on the Other. The Right of Our Kings is to Command their *Archbishops* to Call their *Convocations* whenever they please to have them Meet. They have Exercised this Right, in Calling them at the Time of *Parliament*; not because they were Oblig'd to Call them then, but because it was their Will and Pleasure that the *Clergy* should then be Assembled. The Right of the *Metropolitan* is to Pre-
side over his Synod, and in consequence thereof to Prorogue it as he sees fit. He has Exercis'd that Right: With respect to the Kings Affairs, and the Convenience of Them, He has taken the Kings Directions in the doing of it: With
a due

a due Deference to the Judgment of his Suffragans, He has commonly taken their Advice too. But with respect to the *Clergy* He has Acted without Reserve: Has Prorogued them as He has thought good; and they have (till now) no less readily Obey'd him in it.

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This therefore Both Our *Kings* and *Archbishops* have done; and more than this is not pleaded for on the behalf of Either. Our Princes have hitherto, and as we desire they should, so we may presume They will, still continue to issue out their Writs for the *Convocations* to Meet, whenever They Summon their *Parliament*. Being Met, we doubt not but that They will leave them to the Conduct of their Metropolitan, as they have always done, during the Continuance of the *Parliament*. We do not at all question but that our *Metropolitans* will no less readily Assent to their Sitting and Acting, whenever They shall be suitably requested by their *Clergy*, or Advis'd by their Suffragans; unless They shall have some very Extraordinary and Urgent Reasons to the contrary. All that is aim'd at in the present Argument is, not to hinder the Meeting or Acting of these Assemblies, but to put the Right of *Convening* and *Governing* Them upon its true Bottom; that as Both our *Kings* and *Archbishops* are ready to Encourage the *Clergy* to Meet and Act at all proper Seasons; so They may also have it in their Power to make the last Judgment of those Seasons; and to hinder them from *Coming together* when they think it would be a Burden to the *Church*, or Inconvenient to the Affairs of the State to Assemble them; as well as to Countenance and Command their *Convention*; when it would turn to the real Benefit of either, that they should come together.

And thus have I consider'd the *Law of Custom*, as it joynly concerns both the *Kings Prerogative*, and the *Metropolitans Jurisdiction*; and equally defends both. But I must not forget that I am now in a particular manner concern'd for the *King's Prerogative*; The *Archbishops Authority* being not only a little besides my present purpose, but already fall'n into a better Hand; who has Given us more than one Instance of his Ability to Assert it. Let me therefore from these General Maxims of our Law proceed,

Seet. 32.

2dly. To consider what particular Provision our Law has made on behalf of the *King's Prerogative*, in the Case before Us.

It is one of the Rights of the *King* in all greater Matters, in which He is by our Laws justly prefer'd before the Subject; 'that whereas *Vigilantibus & non Dormientibus jura subveniunt*, is the Rule for the One; the *King's Plea* is *Nullum tempus occurrit Regi*; as my Lord *Hobart* tells us; *Sheffield's Case*; 13 Jac. 1. And this² *Sr. John Davis* directly applies to such Customs as that which is now under Debate: And thereupon lays down this Rule, that to make a Custom Good, Doct estre submit al Prerogative del Roy, & nient exalt encounter Ceo. Let us see how he reasons to this purpose, upon this Principle: "A Custom, says He, which Exalts its self over the *King's Prerogative* is also void against the King. For Prescription of Time makes a Custom, but *Nullum tempus occurrit Regi*. In 49 Ed. 3. 3. the Case of *Whit-Towers*, the Custom of *London* was Alledged to make *Corporations*, and held to be void: Because the King alone, by his Prerogative, can do that. In like manner a Prescription to have Sanctuary for *Treason*, or to have *Catalla felonum*, &c. is void against the King, because that such a Privilege Exaltat se in Prerogativam Regis. 1 Henry vii. 23. b. And yet in the former of these Cases the Council argued for the City, not barely from antient Custom, but from a pretence of Allowance in the King too. The Case was put thus: 3 That, by the Custom of the City of *London*, the Members of any Trade or Art might make of themselves a Common Gild, or Fraternity; and that the King and his Progenitors, having by their Charters confirm'd All their antient Usages and Customs, had, in Effect, Granted this Power to them. But the Court Demanded whether they had any Express Charter from the King to make *Gildes* and *Fraternities* when they pleased? They confess'd they had not; but claim'd that they had always been Accustomed to do so; and that All their Usages had been confirm'd by our Kings, and therefore that Particular Usage was comprised under that Generalty. But the Court was of Opinion that their General Charters would not help them, if it were not mentioned in express Words in them.

Hobarts Reports. pag. 347.

2 Reports. fol. 33. b.

3 Affiz: 49. Pl. 8.

4 1 Henr. viii. fol. 23. in

But the other Case being in a Matter of Church Priviledge, will also deserve to be more fully considered. 4 *Humphrey Stafford* being Attainted of High Treason

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in Parliament, took Sanctuary at Colchester, and escaping thence made an Insurrection in Worcestershire, and afterwards fled to Culne in Oxfordshire, belonging to the Abbot of Abbingdon, and took Sanctuary there. From thence he was taken by force, and carried to the Tower of London, in order to his Execution upon the Attainder in Parliament. He pleaded the Priviledge of the Place from whence he had been taken; and for that the Antient Charters Granted to the Abbots of Abbingdon, and Immemorial Custom, by Vertue of those Charters, was alledged. But the Original Charter of Kennulph King of Mercia, upon which the Case turn'd, was not produced, but only an *Inspeximus* of it shewn, in the time of King Edward the Third. It was agreed by the Justices of both Benches, with an Unanimous Assent and Consent, that such a Priviledge could not be prescribed, without the Original Charter *ante tempus memoria* (altho' the *Inspeximus* must have been more than a Hundred Years old) and the Reason assigned was, *quia materia de proditiōe in se tantum se exaltat in prerogativam Regis, quod non potest prescribi tantum per se.* And therefore in such Cases, *Oportet monstrare Cartas Regis per Verba Generalia vel Specialia, & allocantias in Itinere post tempus memoria.*

24 Henr. vi.
fol. 25. &c.

The same had been the Law of the Exchequer Chamber many Years before: Whereupon the occasion of another Custom of the City of London there alledged, that in that City there was a Custom, and had been time out of mind, that if a man leave any Goods in Pawn for any duty *Cujuscunque fuerint*, He who had such Goods in Pawn should keep them till the debt were paid, for which they were a Pledge: Two Principles of our Law were urged, and by the better Opinion allow'd of; One, that this Custom was Unreasonable, and could have had no Good Beginning, and upon that account was Void, and of no Obligation; tho' it had been the Custom of the City, as it was said, — *de temps dont memory ne Court.* Car ceo Custome est encontre Comon droit, & en prejudice d'autres a que le property, &c. demeurut, & par ceo ne poit Giser en Custome: Said one. Car tiel chose que n'est Reasonable, ne puit Giser en Custome, said another. Il est encontre Reason q'un charger autres biens, ou terres, &c. & pur ce ne poit Giser en Custom, said a Third. The Opinion, in short, of the better and Greater Number was the same, and may be resolved into this General Maxim; "That whatsoever Custom is contrary to the Right and Property of another, is Unreasonable; and being so, is also incapable of being made a Legal Custom.

The other Maxim, which likewise runs thro' all their arguing is this; That tho' the Custom had been Good, yet the King would not have been Obligated by it. *Mesque le Custome soit bon uncore le Roy ne sera lie per Ceo.* For which Littleton there, in Particular, alledges several Instances and Authorities; and then concludes, *mesque cest Custome soit bon, uncore au Roy n'est rien a purpos.* With Him went the Opinion of the Judges; and the Cause was, upon this Principle, carried for the King, as in the Report may more fully be seen. So that should this Custom therefore, which we are now concern'd in, otherwise have had all the Properties of a Good Custom, A Reasonable Beginning; A Congruous Relation to the Parties concern'd; A Time out of Memory, beyond the Power of any Records to controul; Yet being directly prejudicial to the Kings Royal Estate and Dignity, and in Derogation of the Power and Liberties of the Crown, the King would not be Obligated by it, nor would it have any Effect in Law towards Him.

Sec. 33.

2 Rights, &c.
pag. 263.

From what has been said, it may now begin to appear, that Dr. A. (as I said) made a little too much hast to his Conclusion, when (after his usual Method of Asserting things without Proof) he told us that this weighty Argument might be dispatched in two Words, by saying; "That the Clergy have certainly a Right of Meeting and Sitting in Convocation (together with Every New Parliament) because thus often they have, for some Hundred Years, Met and sate: And that this was a plain short Answer, which was capable of no Evasion. A short Answer I do confess it is, but how sound, it may yet deserve to be consider'd. For as I have now shewn, Customs tho' never so Antient, if Unreasonable; if incongruous; if contrary to Laws of the Realm, or the Just and Legal Rights of any Persons who live under the Protection of those Laws; but much more, Customs which Exalt themselves against the Prerogative of the King, and impeach the Royalty of his Imperial Crown and Dignity, are void in Law, and not capable of being made Obligatory by any Prescription. And, upon this Ground, I shall venture to give as short a Reply, and as plain a One too, to his short plain Answer;

swer: "There has been no such Custom for some Hundreds of Years, as he affirms; ^{K. HENRY the VIIIth.} and as for that of the Last Age and Half, supposing it to have been such as is pretended, yet will not such a Custom suffice to give the Clergy a Right thus to Meet and Sit; nor Oblige the King or the Archbishop, to Suffer Them so to do.

In a word, these three things I insist upon, and must desire a plain, but not so short an Answer to; if ever Dr. A. means to have me his Convert in this matter: 1st, That (to allow at present for the latter Practise which I shall hereafter Enquire into) there was any manner of Custom, I do not say Settled but begun, before the latter End of King Henry the Eighth, for the Convocations to be Called, and Held with every New Parliament. I utterly deny it, let Him shew that there was, if he can.

2^{dly}. That the Acts of our Kings and Metropolitans, done in the Exercise of their Power and Jurisdiction over their Convocations, in the free Calling, Proroguing, and Dissolving of them, are in their Nature capable of Introducing any Custom in favour of any but Themselves, and their Own Authority, whose Acts they were, much less to the Advantage of Those who only obey'd them in the Exercise of these Powers, and did nothing but in pursuance of their Commands, and that to the Destruction of that very Authority from which they Proceeded. And

3^{dly}. That a Custom labouring under so many Defects; Unreasonable, Incongruous, Injurious to the Rights of our Superiors; of no Age; Contradicted by all our Antient Records, and that so clearly, as to leave no Suspicion of doubt against it; Derogatory to the Royal State and Dignity of the King; and which being Allow'd, may prove no less Inconsistent with the Public Good; is nevertheless to be submitted to as of Force in Law; and fit to prescribe against the Sovereign Authority of the King, and the Canonical Rights of our Archbishops.

But has not Dr. W. himself allow'd the force of Custom in this Case? Has he not agree'd that Custom has prevail'd in this Particular; and that the Constitution of our Government founded thereupon do's give the Convocation a Right to be Summon'd whenever the Parliament is? This I own, Dr. W. did say; and in that He was certainly mistaken. The Occasion of his Error was, that He was led away with the Common Opinion that things had always been, as they were in the last Age; and He had not the Opportunity, when he wrote before, of discovering that Mistake, and so He drew a very false conclusion from it. If Dr. A. thinks Dr. W's Authority of any weight, he will give me leave now to recommend it to Him upon better Grounds than he could heretofore have done it. He was then forced to Reason as well as he could, upon such Materials as he had at hand; which were but very few, and not sufficient for the Work he was about. He has now taken Care to be better Inform'd of these Matters, and therefore thinks himself better able to determine concerning Them.

As for that Maxim, which ² Dr. A. also more than once appeals to Dr. W. for, that Custom of Convocation is the Law of Convocation; I do agree with him that it is: And, upon that very Principle, I do affirm, that the Convocation is obliget to Meet, Act, and Separate, in Subordination to the Kings and the Archbishops Authority. They have always Govern'd our Convocations in these Matters; and our Convocations have always (Time out of mind) submitted to either Authority. And therefore by Custom (the Law of Convocation) as well as by the Constitution of our State and Church, our Convocations are Obliged so to do. The Principle I take to be Sound in Reason, and Good in Law: Let Dr. A. but take care to make a right use of it; and we shall hardly differ about it.

Whether I shall need, after having so fully given my Reasons why I think the pretence of Custom in this case to be of no moment, to take notice of those two Arguments, which Dr. A. has been pleased to Advance in my Name against my present Plea, I cannot tell. However that I may not seem either to slight his Kindness, or to decline his Charges, some short Reflections I shall make upon them.

He introduces them with this Preamble: "Dr. W. himself is forced in good Measure, to agree to this; for he owns That whilst the Clergy were wont to Assess themselves, and their Sitting upon this account was necessary for the Support of the Government; they were not only Summon'd to meet, but were wont actually to Assemble, and Sit, so long as was requisite for them to do for this Purpose. Now 'tis not

Sect. 34.
Authority,
&c. pag. 105,
106.

² Rights, &c.
pag. 68, 151,
265.

Rights, &c.
268.

R. HENRY “ not forty Years ago since the *Clergy* were in the undisputed Possession of the Pri-
 “ *he VIII. ch.* viledge of Assessing themselves: And till that time therefore, even by Dr. W’s
 “ Confession, they had *Custom*, and consequently *Right*, of their side, even for
 “ Assembling and Sitting, as well as being Summon’d. It is a dangerous thing
 to fall into the Hands of a Man of Art; who like a subtile Operator in *Logic*,
 has got the secret of forcing Reason, as well as Nature, and can Extract any
 Conclusion, out of any Premises. The Proposition taken from Dr. W’s Con-
 fession is this. “¹ That as long as the *Clergy* continued to assist the Government
 “ by Granting of Subsidies, the *Convocation* was Generally allow’d to Sit, as of-
 “ ten, and as long, as was *Necessary for that Purpose*. Now this, says Dr. A.
 they did till within these forty Years: The Conclusion which one would have
 thought should naturally have follow’d from these Premises is, I take it, this;
 That therefore till within these forty Years, the *Convocation* was wont not only
 to be Summon’d, but to Sit too, as often, and as long, as it was *Necessary for*
 it to do for that Purpose. But Dr. A. is a Man of a Higher Reach, than to be
 confined to the ordinary *Laws* of Argumentation: He will infer *General Conclu-*
sions, out of Particular Premises; and force Dr. W. whether he will or no, to
 Confess that he is in the Right when He do’s so. The *Convocation* was wont,
 says Dr. W. to Sit at such Times as the *King* wanted an *Aid* of them; and so
 long as it was needful in order to that End: Therefore, says this Philosopher, The
Convocation was wont, even by Dr. W’s Confession, To Meet, and Sit, and Act,
 (and that Indefinitely without any Respect to any such End) with every *Parlia-*
ment: They had *Custom*, and consequently *Right*, of their side, for Assembling and Sitting,
 as well as being Summon’d.

¹ Authority.
 &c. pag. 249.

I would willingly, if I could, bring my Acknowledgment, and Dr. A’s Con-
 sequence, to a better Understanding. In order thereunto I will adventure,
 with his leave, to add an intermediate Proposition to make up the *Syllogism*, and
 warrant his Conclusion; and then it will stand thus: The *Convocation* whilst it
 continued to *Grant Aids* to the *King*, was wont not only to be Summon’d, but to
 Sit too, as often, and as long as it was requisite in order thereunto. But in
 Order thereunto it was Requisite that it should Meet with every *Parliament*, and
 Continue to Sit, as long as every *Parliament* Sate: And therefore by Dr. W’s
 own Confession it did not only Meet, but Sit too, whilst it continued to *Aid* the
 King. It continued thus to *Aid* the King till within these forty Years: And therefore,
 till within these Forty Years, it not only Assembled, but Sate with Every *Parlia-*
ment, &c. during the Sessions of it *Quod erat demonstrandum*.

If Dr. A. approves of the Proposition which I have added, and without
 which it is impossible for him to warrant the Inference which he has drawn
 from my Concession; He will then please to prove these three things in *Confir-*
mation of it; without which we shall still be at a loss: 1st. That the *Convocation*
 Granted Subsidies every Session of *Parliament*; and therefore it was necessary
 that it should Meet and Sit with every Session of *Parliament*. 2^{dly}. That in Or-
 der thereunto, it has, or ought to have Sate, as long as the *Parliament* conti-
 nued: And, lastly, That, by thus Sitting by the Kings *Direction*, and at the
Archbishops Command, for this particular End; it has introduced a *Legal Custom*,
 and by that has gain’d a *Legal Right*, of Sitting and Acting Generally, as the *Clergy*
 themselves shall think fit, during the Session of every *Parliament*; tho’ the rea-
 son that introduced this *Custom* is ceased, and tho’ neither the *King* directs, nor
 the *Archbishop* requires them to do so: Nay, which is yet more, whether they
 think fit, or not, to allow of it.

Sect. 35.

Having thus far defended my self against the dangerous Attempt made by Dr.
 A. to turn my Own Principles upon me; and force me to Confess, his Assertions
 be true, which I know, and am perswaded, are evidently false; I shall now
 proceed to consider the two Arguments which He tells the World I advanced
 to prove that the *Clergy* ought not to Enjoy their *Customary Right* of Meeting and
 Sitting with the *Parliament*. “² The One drawn from the true End and De-

² Rights, &c.
 268, 269.

sign of Calling the *Clergy* to *Parliament*: The Other from the Alteration that
 “ has happen’d in the *Original Constitution* of these Meetings. As to the first of
 “ these, says Dr. A. He tells us, that the true End and Design of the *Clergies*
 “ Assembling with the *Parliament*, was to Raise Money: And that End there-
 “ fore now ceasing, since they left off to Assess themselves, the Right grounded
 “ upon it ought to cease too. As to the Second; that the *Convocation* when it
 “ used

“ used to sit with the *Parliament*, was a Member of *Parliament*, but not being
 “ so now, there is no Reason why it should sit with it. K. HENRY
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I have already spoken so largely to both these Points, that I shall need only to set my Opinion of them Right, and for the rest shall refer my self to what I have before said with Relation to both. And therefore 1st: That the main thing which moved our Kings first to Assemble the *Provincial Convocations* of our *Prelats* and *Clergy*, was to Obtain the same *Aid* of Them there, that they had of their *Lay Subjects* in *Parliament*, is a truth, which I think, is clear even to Demonstration; I will venture to add which I have demonstratively proved so to be.

As for their Assembling together with the *Parliament* from the time of King Henry the Eighth: I do now affirm the Ground of it to have been this, that the *Parliament* might confirm their Subsidies by their Authority; which till the passing of the *Act of Submission* they never did; but left it to the *Clergy* who gave them, to Enforce the Payment of them by their own *Ecclesiastical Orders* and *Constitutions*. If Dr. A. do's not like this Doctrine coming from my Pen, let Him take it from one of a much better Authority with him; and whose Principles were never yet doubted to run, to the utmost Heighth of a true *Churchman*. Mr. Fuller having laid down a Position in his *Church-History*, that when the *Parliament* notified, and declared the *Ecclesiastical Power* to be in the King, which the Pope had formerly unjustly invaded; it was done with this Restriction, that the Persons or Property of Refusers, should not be subjected to Temporal Penalty without the Consent of *Parliament*. Dr. Heylin, after he had made his Answer to it; raises this Objection which, with his Reply to it, I must here take the Liberty in good Measure to transcribe.

“ If it be Objected, as perhaps it may; That the *Subsidies* Granted by the
 “ *Clergy* in the *Convocation* are ratified, and confirmed by *Act of Parliament*, be- Fullers Ap-
peal. part. II.
pag. 66, 67.
 “ fore they can be levied either on the *Granters* themselves, or the rest of the
 “ *Clergy*: I answer; that this makes nothing to our Authors Purpose, &c. For,
 “ before the Submission of the *Clergy* to King Henry the viiith, they Granted
 “ Subsidies and other Aids unto the King in their *Convocations*; and levied them
 “ upon the Persons concern'd therein by no other way than the usual *Censures*
 “ of the *Church*. — As for the ratifying of their Bills by *Act of Parliament*, it
 “ came up first at such times (after the Submission before mentioned) as the
 “ Kings of England being in Distrust of their *Clergies*, did not think fit to em-
 “ power them by their *Letters Patents* for the making of any *Synodical Acts*, *Ca-*
 “ *nons*, or *Constitutions* whatsoever; by which their Subsidies have been levied
 “ in former times; but put them off to be Confirmed and made Obligatory by
 “ *Act of Parliament*: Which being afterwards found to be the more expedite
 “ way, and not considered as *Derogatory* to the *Churches Rights*, was follow'd
 “ in succeeding times, without doubt or scruple. He is in the right. Before
 the *Act of Submission*, when the *Clergy* were at Liberty to make any *Orders*, *Or-*
dinances, *Canons* and *Constitutions* without the Kings License, they did by such
 their *Ordinances* Confirm their own Grants, and needed not the *Parliaments* As-
 sistance to enforce the Payment of them. Till that Time therefore as all Seasons
 were alike to the Kings Purpose; so we find that the *Convocations* were called at
 Any indifferently; and not restrained either by Law or Custom to the Sessions of *Par-*
liament. But when this Power was limited by the Authority of that *Act*; So
 that without the Kings License to make such *Constitutions*, they had no Power to
 enforce the Payment of their Own Subsidies; and our Kings being in Distrust of
 their *Clergy*, did not think fit to Grant such Licenses to them: A new Way was
 set on foot to have them ratified by *Act of Parliament*; which from thenceforth
 obtaining, obliged the King to Assemble the *Convocation* together with the *Par-*
liament; and so brought up that Custom, which has ever since prevailed; but
 was never before practised.

This then is my humble Opinion in this Case, in which if I am mistaken, yet, as I am not the first who advanced it, so neither have I done it without good Reason. Our Princes changed the Method of Confirming the Grants of the *Clergy* from the time of King Henry the viiith; so that whereas before they were Ratified by the *Ecclesiastical Power* only, they were from thenceforth enforced by *Act of Parliament*. This method begun by Them for Other Reasons, they found by Experience to be a more Expedite way, than that which had before been used.

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As therefore in Order to the doing of this, it was Necessary that the *Convocations* should be held in time of *Parliament*, so did it from thenceforth become Customary for our *Kings* to Assemble them at the same Time with their *Parliaments*. And since Dr. A. will have this to be an Argument against himself, I do now add with him, that this *End Ceasing*, the Great Motive which first brought on this Usage is thereby taken off; so that now, our Princes are not only in point of Authority (for that they always were) at Liberty to Call their *Convocations* when they please; but may, in point of Expedience too, do it at any Other Time as well, nay and perhaps more conveniently (with Respect to the Other Province) than when their *Metropolitan* and his *Suffragans* are forced to be absent from their *Clergy*, and out of the Province; and are taken up with their Attendance upon the Affairs of the Realm in *Parliament*.

To the Other Argument which Dr. A. is pleased, 2^{dly}, to advance in my Name against the Right of *Custom* in this Case; He will give me leave to say, that it is either very unskilfully, or very unfairly represented by Him. My Opinion is plainly this: That from the Time that the *Lower Clergy* were called by the *Premunitory Clause* to *Parliament*, they have been an *Essential Part* of the *Parliament* of *England*; and together with the Bishops and Prelats have constituted One of the Three Estates of it. The only Change that, I conceive, Time has produced in this matter is, that the *Lower Clergy* have by degrees left off to Obey, and our *Bishops* to execute the *Parliamentary Summons*, and our *Kings* have tacitly consented to Both. As for the *Provincial Convocations*, I look upon Them to have been always quite different in their Nature from the Other Convention. They never were, any more than They now are, any part of the *Parliament*; The principal Members indeed of the One, the Bishops, and the Lower Prelats, were also, let me add, and (in Law) still are, Members of the Other. They are Summon'd to Both; and the former still continue to Sit, and Act in Both. But as the *Proctors* of the *Clergy* might always have been, and many times were different, so the Assemblies themselves are, and always were utterly different too in their *Legal Nature* and *Constitution* from One Another: And therefore Dr. A. must excuse me if I do not accept of his Favour; nor make use of an Argument founded upon a Change, which, without injury to the Rights of the *Clergy*, I cannot allow to have been ever made at all.

Sec. 36.

Having thus far disputed with Dr. A. the Matter of *Right* in this particular; and I persuade my self, sufficiently shewn, that the *Custom* which He would set up in Opposition both to the *Kings Prerogative*, and the *Metropolitans Authority*, has so many and such great Defects, as render it utterly void of all force in *Law*: I proceed now,

Secondly: To Examine the Matter of *Fact*; and to Enquire, whether there has been any considerable Innovation in this particular under the Late Government: Any thing done either by the *King* or our *Archbishops*, which had not been commonly done by other *Princes*, and *Metropolitans*, heretofore.

When this Controversy was first rais'd by the Letter to a *Convocation Man*; the great Complaint was laid against the *Late King*, whom that Author took the Liberty to accuse of I know not what Hardships (to say no worse) in his dealing with the *Clergy* as to this Matter. The Question which he propos'd was

Letter to a
Conv. Man. p.
21.

this: "What *Law* there is that commands or permits their *Assembling*, *Con-*
ferring, or *Resolving* as a *Convocation*, but the Absolute free Pleasure of the
Prince? At his very first setting forth upon which he tacitly intimated that
the *King* had hinder'd the *Clergy* from meeting in *Convocation*, as by *Law* they
ought to have done."

Ibid.

"Before I give a direct Answer (says He) to this Que-
stion, I shall take leave to say, that should it be admitted, that the *Assembling*
of *Convocations* is entirely dependant on the *Sovereigns Will*, yet considering
the great Need there at present is of One; We cannot doubt of the *Kings*
gracious and ready *Concurrence* to this purpose, upon the least motion of his
Grace, my Lord *Archbishop*. But this next step was more bold: Had we
no hold on his Majesties *Kindness* and *Affection* towards the *Religion Establish'd*
by *Law*, yet should we not suspect his Compliance on the Score of strict Ju-
stice: His *Coronation Oath* Obliges Him to preserve the Rights of the Church
of *England* intire; and we humbly presume that One of the chief of those
Rights is a *Frequent Sitting* of *Convocations*. In these kind of Preparatory Re-
flections he go's on for some Pages (all with relation to the *King*) and then Con-
cludes

3 Pag. 22.

cludes in these Words: "Were the Calling therefore of *Convocations* lodg'd purely in the Breast of the Sovereign, yet could we have no manner of Jealousie of his *Princely Readiness* to Call Them. HENRY the VIIIth.

But this was only a Preliminary Flourish to prepare us for his main Proofs; which like the foregoing Reflections are all Levell'd against His Majesty, as if He only were concern'd in this matter, and had alone been the great Opposer of the *Assembling* of our *Convocations*. I will take up a few of his Passages in Confirmation of this, as they Occur in the Process of his Argument. P. 30. "It is apparent by our Constitution, that the King is entrusted with the Power of *Convening Synods* and *Convocations* in respect of the Church, as He is with *Summoning Parliaments* for the Redress of Grievances, and the *Public Safety* of the Nation; in the same manner, and under the same Limitations. 'Tis true a *Convocation* cannot Assemble without the *Assent* of the King. But the Question is, Whether that Writ ought not to Issue whensoever a Summons goes out for a *Parliament*? And in another Place to the same Effect, but only more peremptorily, He thus writes: p. 33, 34. "That tho' the King (for 'tis at Him still that he aims) be entrusted with the *Formal Part* of *Summoning* and *Convening*, yet since by the very *Essence* and *Constitution* of our Church a *Convocation* ought to *Meet*, *Sit*, and *Act* — the Fundamentals of our Government shew Him when, and how, that Power is to be Exercis'd; and that it ought not to be at His *free Will* and *Pleasure*. In short; p. 36. Having argued from the Jurisdiction of the *Convocation* that it ought to Sit; He thus concludes again, with Relation to the King: "Now no Man will say that this *Act of Jurisdiction* was Precarious, and at the Kings *absolute Will* and *Pleasure*, whether it should be Exercis'd or not. From all which it is plain, that this *Question* at first was both Propos'd, and Resolv'd, with a direct Relation to the Kings *Authority*, and with a manifest Reflection upon a suppos'd Abuse which had been made of it. It is true that in *three Lines* in the Close of all, He would seem to palliate a little what he had before too Openly advanc'd; and lay the Blame upon the Conduct of the late Archbishop of Canterbury: "You may make, says He, what Inferences you please from hence, as to the Disuse of *Convocations* under the late Archbishop; We are sure his most Sacred Majesty did never oppose their Sitting and Acting. But still which soever were in fault, the King, or the Archbishop; whether the former ever Oppos'd the Sitting and Acting of the *Convocation* or Not, the very stating and arguing of the Point suppos'd that the King did not use his *Authority* in this Case as he ought to have done; tho' the Archbishop should be allow'd to have been the Evil Counsellor, in advising him against it; Or at least in not stirring him up so effectually as he should have done, to a due Exercise of that Power which our Constitution had intrusted him withal in this particular. Letter to a Conv. Man. pag. 63.

And now, would not any one think that something had been done by our Late Sovereign in this particular, very different from what his Royal Predecessors had ever attempted? That either our *Convocations* had never been Summon'd by Him at all: Or that those Summons had been render'd void and ineffectual, by his *Proroguing* of Them as soon as ever they were Met? This, I think, is the least that any one could infer either from his Arguments, or his Reflections. And of this Imputation Dr. A. has been so far from clearing his Royal Master, that he has (occasionally) added a new Weight to it. Here therefore, before I proceed to any farther Observations, it will be necessary for me in the first place, to vindicate the Honour of our Late Glorious King; by affirming now, what I shall presently make a particular Proof of, That never were our *Convocations* more regularly Assembled than under his Government: Never were they left more Free to Meet, if they had so pleas'd, without all Interruption from the Crown, than after his Happy Accession to the Throne.

Be the Innovation then, against which such Outcries have been made, what it will; I dare be bold to say, that Prince, tho' so highly charg'd, was altogether Innocent of any. He constantly Summon'd the *Convocations* with every *Parliament*: He permitted his Writs to take place during the whole Session of every *Parliament*: And never once interpos'd His Royal Authority to *Prorogue* or *Dissolve* them, till some time after every *Parliament* had been *Prorogued* or *Dissolv'd*. This therefore will abundantly argue either the unpardonable Malice, or Ignorance of that first Writer, in all his Procedure; and for this I Appeal to

K. HENRY the VIIIth. the Particular Parliaments and Convocations of the late Reign, to the time that this unhappy Controversy began.

Anno 1689. The Parliament met by Prorogation October the 19th: It continued to the 27th of January; and was then Prorogued to the 2d of April following. But before that it was Dissolv'd; February the 6th.

The Convocation of Canterbury met November the 6th: It continued to the 27th of January, and was then prorogued to February the 26th. But by the Kings Writ was dissolv'd February the 13th, a Week after the Parliament.

Anno 1690. A New Parliament began March the 20th. 1689. and sate till the 23d of May 1690.

The Convocation of the Province of Canterbury Assembled March the 27th: Was continued by the President to the 30th of April first, and then to the 17th of October following.

The same Year, the Parliament resum'd its Session, October the 2d: The Convocation its Meeting, October the 17th. The One sate till the 5th of January; the Other continued without any Prorogation from the King till the 5th of June after.

Anno 1691. The Parliament Re-Assembled, October the 22d. and sate on till the 24th of February following.

The Convocation of the Province of Canterbury met the same day with it; and was not prorogued by the King till the 12th of April; that is, till six Weeks after the Parliament was Risen.

Anno 1692. The Parliament sate again November the 4th, so did the Convocation of this Province too; on the same day, and by the same Authority. The Parliament continued to the 14th of March; but the Convocation was left to its Liberty by the King till the 2d of May, six Weeks again after the Other was Risen.

Anno 1693. The Parliament Assembled November the 7th, and sate till the 25th of April after. The Convocation of Canterbury met the same day; and was not prorogued, by vertue of the Royal Writ, till the 28th of April, 3 days after the Parliament had been Prorogued.

Anno 1694. The Parliament sate again November the 12th, and Continued till the 3d of May the next Year. The Convocation of this Province met the same day; and continued without any Interruption from the King till the 7th of May following.

Anno 1695. The Parliament which had hitherto sate being Dissolv'd, a New one began November the 25th, and continued till the 27th of April following. The Convocation of Canterbury met a few days before it, November the 22d. and was not prorogued by the Kings Authority till the 12th of May; a fortnight after the Parliament had been Prorogued.

Anno 1696. The same Parliament Met again October the 20th: The Convocation of our Province the same day. The Parliament sate till the 16th of April; the Convocation continued till the 13th of May, before the King interposed for the Prorogation of it.

Anno 1697. The Parliament began its last Session, December the 3d: and continued it to the 5th of July the next Year. The Convocation of Canterbury met again with it; but it continued longer, to the 12th of July, before it was dissolv'd by vertue of the Kings Writ.

Shall I go yet farther? Let me then add; that the next Year, Anno 1698. a New Parliament began; and with it the Convocation of this Province, December the 6th. The One sate but till the 4th of May; but the Other was left free by the King till the first of June; four Weeks after the Parliament had been Prorogued.

Anno 1699. The same Parliament met again November the 16th, and sate till the 11th of April following. The same Convocation was Assembled the same day with it; and continued till two days after it, April the 13th, before it was prorogued by the Royal Authority.

Such was the Conduct of that Great Prince with respect to these Assemblies: Let the most prejudic'd Person say, if He can, what any Other Prince ever did more to Authorize their Meeting? Or what he would have had his Late Majesty to have done more, to have prevented those Imputations which that Anonymous Writer has, in the Proposal, State, and Prosecution of the present Controversie, with equal Rudeness and Injustice, cast upon his Government?

But

But if there has therefore been no Innovation on the *Kings Part* nothing done or omitted by him, that was ever wont to be done by any of his Predecessors; where has been the Oppression? Or what is it that some Men have so loudly complain'd of? Is it that the Convocations have not been suffer'd Actually to Meet and Sit, and *Do Business* during the Session of every *Parliament*; but have been prorogued by their Presidents from time to time without Entering upon any? So the *Letter* to a *Convocation Man* intimated: For that is the Grievance of which He Complain'd, tho' He falsely laid the Cause of it at the *Kings* door: Let us hear how he made his Friend put the Question to him; p. 1. What Law "is there that Commands, or Permits the *Convocations* *Sitting* and *Acting*, but "the *Absolute* and *Free Pleasure* of the *Prince*? What the Friend here propos'd in the Terms of *Sitting* and *Acting*, the Author Explain'd by the other Words before mentioned. p. 21. of *Assembling*, *Conferring*, and *Resolving* as a *Convocation*. This He elsewhere calls the *Sitting of the Convocation*; p. 26. And tells us that by the Fundamentals of our Government it ought, in *Parliament* time (for that He means pag. 34) to *Meet*, *Sit*, and *Act*. In the next page he is more express; He speaks of the *Convocation* as an Assembly "which was frequently and of necessity to *Meet*, and *Sit* too, and *Act*: And from some other "Allegations He infers, p. 40, That the *Clergy* were to *Sit* and *Act* in *Parliament Time*. This therefore was evidently the Thing which that Author contended for; and that they were *Prorogued* by their *Presidents*, and not allow'd thus to *Meet*, *Sit*, and *Act*, was the Grievance complain'd of; and represented as the peculiar Innovation, and Oppression of the present Government.

In Opposition to this *Pretence*, I urged among other things even their own great Argument of *Custom* against Them. I agreed (but in that I was too forward) that the *Clergy* had indeed, a continued, immemorial *Custom*, for being Summon'd to *Convocation* in Time of *Parliament*; but I denied that they had any such *Custom* for their constant *Sitting* and *Acting*: And affirm'd, that excepting in Order to their Granting of their Subsidies, for which they were always Allow'd actually to *Assemble* and *Sit*, they had been Ordinarily *Prorogued*, without ever Entering upon, or Doing of, any Other Business. My Words in one Place (and they contain the Substance of all the rest) were these. "To settle this first Point, the Sum of it is this. That the *Church* has a Right to "have its *Convocations* Call'd, as often as the *Parliament* is *Assembled*, I agree. "That the *Convocations* thus Call'd have a Right to *Sit* and *Act* whenever the "Circumstances of the *Church* require it so to do; I allow also. But that the "Convocation ought of Right not only to be Summon'd, but to *Meet* and *Do Business* as often as the *Parliament* *Sits*, whether there be any Need for such its "Meeting or No; This I utterly deny: And I am perswaded it would be a "Burden to the *Clergy* rather than a *Privilege*, to oblige them to such an Attendance. And for this *Sitting*, p. 141. I deny them to have had any *Custom*, in these Words, which clearly determine what kind of Meeting and *Sitting* was meant by me. "If by *Sitting* be meant (as in the present Question I suppose it is) their Meeting to *Do Business*, and being allow'd to come together for that Purpose, then I reply, that for such their *Sitting* I know no Law besides the "Absolute and *Free Power* of the *Prince*. I should have added, and the Authority of the *Metropolitan*, Acting in Subordination thereunto. "Custom, we are sure, is as much against This, as it has been for the Other: And any Statute, or Positive Law for it, has not, that I know of, been pretended to. Indeed, whilst the *Clergy* were wont to Assess themselves; and their *Sitting* upon that Account was Necessary to the Support of the Government; They were not only Summon'd to *Meet*, but were wont actually to *Assemble* and *Sit*, so long as it was requisite for Them to do for this Purpose. But that being done, they were for the most part forthwith Adjourn'd; and Met no more (that is to *Do Business*) till the King had some New Occasion for their Assistance.

Now this being the State of the Question on Both Sides, 'tis Evident that to have confuted my Assertion; and to have Establish'd that of the Other Author, Dr. A. should have prov'd, that the *Clergy* had a Right, and that by Custom as well as by the Laws of our Constitution, to *Meet*, *Sit*, *Act*, and *Do Business*; Every time that the *Parliament* is *Assembled*. And accordingly it is to be Observ'd that his main Principle do's come up to this kind of Meeting; Where

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the VIII:th.
Sect. 38.

Sect. 39.

Authority,
&c. p. 140,
141.

Ibid. p. 168.

Sect. 40.

K. HENRY the VIII. determining the *Convocation* to be a part of the *Parliament*; a *State* of the *Realm*, which is by the *Laws* of our *Constitution* to Meet with it, and Attend upon it; and lastly, by declaring that the Lords and Commons have a Right to be thus Attended by the *Clergy* in *Convocation*; He do's sufficiently imply, that the *Convocation* ought not only to be Summon'd, but to Sit and Assemble as long as the *Parliament* do's; and so, in his own Words, make a Session of *Convocation*, as well as of *Parliament*.

This therefore is the thing, which should here have been put upon the Issue: Whether, *in Fact*, ever since the 25th of King Henry the viiith the *Two Convocations* have not only been Summon'd by our Princes with every *Parliament* (for that is, in great Measure, allow'd) but have in pursuance of such their Summons, Constantly Assembled, Sate, and Done Business every time the *Parliament* has Met? Or, whether our *Metropolitans* have not from time to time, as they have seen Occasion, eas'd their *Clergy* of such an *Actual Attendance*; and prorogu'd them from Session to Session; sometimes without entring upon any *Business* at all; at other times without debating or resolving upon any thing besides their Subsidies, for which they were Call'd by our *Kings*; and for which therefore they were necessarily to be, not so much Permitted, as Required, to Meet and Act by their *Metropolitans*? This, I say, was plainly the Question which ought to have been put upon the Issue between Us. But this Dr. A. knew very well, would not serve his turn. He saw that upon the true State of the Matter it would appear, that there had been nothing of any moment done in our Days, for which Precedents would not be found in those of our Fore-Fathers. He perceived that there was nothing more Evident in our History, than that our *Archbishops* had always enjoy'd and exercis'd, the *Power* of *Proroguing* their *Convocations* at their own Will. That in doing of this they had been accountable to None but their *Princes*, by Authority of whose Writs they Assembled them. In short, That they had often times done this, for whole Sessions together; when there was nothing to be done by the *Clergy*; Or nothing, which they thought it proper for them to do.

Rights, &c.
pag. 216.

Ibid. pag. 264.

Let me for this Appeal to Dr. A's own Confessions in this Case. He distinguishes their Meeting and Sitting, from their Acting: And then tells Us that the first is Occasional, tho' the Others be not. "For they may possibly when Met (says He) have no Business to do; and then as they met a Course, so they Adjourn, or are Adjourn'd, a Course. So He speaks; But He should have said, as they Met in Obedience to the Summons of their *Metropolitan*, so by his Authority they were *Prorogued* (if he pleases let him add) a Course to some Other Day. And again not long after; having mention'd the Opening of the *Convocation*, after the usual manner of this Province, He add's; "There are Instances indeed, wherein They have gone no further than this, nor done any Other Business. But where then is the great Difference between Dr. A. and Me in this particular? Or what have I asserted, that Dr. A. himself do's not allow to be true? I confess'd heretofore (whatever I now do) that the *Convocation* had a Right to be Summon'd with every *Parliament*; to Meet and do Business whenever there was any Business to be done in such Assemblies: All I denied was that they had either Right or Custom Actually to Meet and Sit every *Parliament*, when there was nothing for them to do; or that it was any Innovation, for their *Metropolitan*, in such Cases, to *prorogue* them from time to time, during the Session of *Parliament*. Dr. A. agrees that there are Instances (several in this Province; but Many in the Other) wherein they have Done nothing but Meet according to their Summons; and having pass'd the first Preliminaries, have Gone no further, nor done any other Business; but as they met a Course, so have been Adjourn'd a Course.

Sect. 41.

Rights, &c. p.
116, 216 (264)
&c.

Why yes, there is still a Difference betwixt us, and it consists in this: That heretofore the *Convocation* was wont not only to Meet at the Time appointed, but to be Open'd in Form by the *Archbishop*; Divine Service has been said; a Sermon preach'd, and a *Prolocutor* chosen. And this Dr. A. thinks to have been the Great Omission of the present Times: "For tho' it has been usual to Adjourn *Convocations* a few Days after they have Met and Sate, when there was little or no Business to do; yet it was never till this time known that a *Convocation* was Adjourn'd before it Sate, that is indeed, before it was a *Convocation*.

I do

I do confess what Dr. A. alledges is in good Measure true, with respect to the Usage of our *Convocation*; which since the Time of King Henry the Eighth has been wont not only to be Summon'd and Meet (as it has done within these three last Reigns) but to be *Open'd in Form*; and to choose a *Prolocutor*; and I will tell him the Reason how it came to be so. Till these three last Reigns scarce One *Convocation* was ever Assembled, in some Session or other, of which our Princes either had not a Subsidy granted to Them; Or did not Call them with a Prospect of Obtaining an *Aid* from them. Now in Order to this End, it was necessary that the *Convocation* should be put into a Posture of doing Business; and for that reason there is no Instance that I know of, before the time of King Charles the Second, in which this was not done. But no sooner did the Clergy leave off to do this, but they from thenceforth left off these Forms too, as matters of little moment; so that from the End of that *Convocation* which gave up this Right, we hear no more of any *Prolocutor*, till the the Reign of King James the second: When the Archbishop thinking, I suppose, it might be necessary to have the Clergy in a Readiness to joyn in any Acts that might be requisite to be done by them in those difficult times; Order'd them to Choose One; but yet after that never gave them the Opportunity of Presenting; if, of Electing, of Him. As for Those of the Other Province, they have all along held to the Old Method, which first obtain'd in Both; and have not troubled themselves with these Preliminaries but very rarely, and upon some very Solemn, and extraordinary Occasions.

But is this All then that Dr. A. insists upon? Will it content Him to have these Preliminaries observ'd; and will he afterwards leave it to the Archbishop to Prorogue his *Convocation* as he shall think fitting? No; that would not Answer his End, for which alone, if I judge aright, the Omission of these Preliminaries has been so much complain'd of by some of late. For alas! what Advantage would this be to the Lower Clergy? To be bound to Assemble, Many of them from a very great Distance, to their no small Cost, as well as Trouble, at London and York, only to hear a Sermon, and choose a *Prolocutor*, and then be told there is no farther Occasion for them? This would be a very wearisome and expensive Privilege to a Great Part of each Province; and such as the Clergy would, I believe, give Dr. A. but small thanks for Retrieving could he gain his Point in it. But the Secret is plainly this: That being thus form'd into a Body (as he speaks) and having fill'd the Chair of the Lower House; they from thenceforth become deliver'd, in good Measure, from the Power of their Metropolitan; and may move what they will; and not be prorogu'd but by their Own Consent. Let us hear how he delivers his Own Sense in this Case. "Tis Rights, &c. true (says he, speaking of the *Convocation*) their Acting is Occasional, tho' their Meeting and Sitting be not: For they may possibly when Met have no Business to do; and then as they met a-Course, so they Adjourn, or are Adjourn'd, a-Course. But the Chance of their Acting or Not Acting, ought not any ways to hinder their Meeting and Sitting; both because it cannot certainly be known till they are Met, whether there be any Business for 'em or no; and should there not be any, yet they preserve a Right to Do Business when there shall be Occasion for it, by thus Assembling when there is None.

But p. 115. He is more Open; where having shewn how much the Clergy may do when Met in *Convocation* without the Kings License, He thus Applies it to the Purpose of which we are now speaking: "Whether such Applications are Necessary, should, I suppose, be left to the *Convocation* itself to determine; tho' Others (He means our Archbishops) may afterwards either second or reject these Applications, who may in these Cases have the Power of Judging, but not of Prejudging the Actions of a Lawful Assembly. Much less have They the Power of Pre-condemning the very Being of such an Assembly; because They foresee not what may be done in it. — The Innovation made in these Matters has begun within these Ten Years last past. For tho' it has been usual to Adjourn *Convocations* a few days after they had Met and Sate, when there was little or no Business to Do; yet it was never till this time known, that a *Convocation* was Adjourn'd before it sate, that is indeed before it was a *Convocation*.

This therefore as it is the great thing which Dr. A. at last contends for, so

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Sect. 42.

"Tis Rights, &c.
pag. 216.

Ibid. pag. 115.

Sect. 43.

is

Rights, &c. p.
254, 255.

is it that for which He sets such a Value upon the Business of Opening the Convocation in Form, and filling the Chair of the Lower House. "There are Instances indeed, (he says) when they have Gone no farther than this, and Done no other Business; but it was when they had no other Business to do: For they were always put into a Posture of doing it, and into a Capacity of making such Motions, and Requests, as They should judge proper for the Good of the Church, or the Redress of Grievances. In all which if I take his meaning aright, the Points which he insists upon are these; That the Clergy being Call'd to Convocation by the *Archbishops Mandate*, in pursuance of the *Kings Writ*, have a Right not only to meet thereupon, but to be put into a Posture of Doing Business; To Sit so long as is requisite in order thereunto; To make whatsoever Motions or Applications they please in Church-matters: In short, To perform any such *Lawful Acts*, as such an *Assembly* may perform; and that without any Power in the *Archbishop* to Prorogue them, till they have done this; or at least have sufficiently shewn, or signified to him, that they have Nothing to Do.

Rights, &c. p.
257, 258.

Will Dr. A. put the Issue of this Case, thus *New-stated* by Him, upon the Authority of *Custom*, and the *Practise* of former *Archbishops* with their *Convocations* in Relation to these Matters? I have some reason to believe that He will not, because indeed, He has in one Place at least laid in for a Reserve against it; and, which makes it still the more remarkable, even there where He insists upon *Custom* for their Right to thus much. Let us take it again in his own Words. "If *Custom* therefore Creates a Right, we are sure that the Clergy have a Right to somewhat more than a bare Summons: They have a Right *Actually* to Assemble; to be form'd into a Body; to fill the Chair of the *Lower House*; and if they have any *Petitions* or *Motions* to make in Church-Matters, they have a Right to Sit so long as till they have made Them: For thus they have always been accusom'd to Do. Had Dr. A. stop'd there, the State of the Case had been Clear, and Certain: And our only Business would have been to Enquire, Whether, in Fact, Our *Archbishops* had never been wont to *Prorogue* their *Convocations*, till they had made all their *Motions* and *Petitions*; or at least had sate so long that they might have made them, if they had pleas'd? But what Dr. A. adds, not only perplexes the Matter, but in my Apprehension utterly overthrows, at least, all the *Pretence* of *Custom* before Asserted in this Case; "And when they were *Adjourn'd* without it, (which therefore He supposes they sometimes were) it was upon a *Presumption*, that they had nothing of this Kind to Offer; and were Themselves consenting to such *Adjournments*.

I would willingly take this mystical Author aright if I could. If his meaning be that the Clergy in these Cases were actually Themselves Consenting to their Own *Adjournments* (as He calls them) and did by some means signify such their Consent to the President, He might then indeed justly presume, or rather did certainly know, that they had nothing to Offer; no *Motions* or *Petitions* to make in *Church Matters*. But if his Intention were, that when the *Presidents* at any time prorogued their *Convocations*, without letting them Sit so long as to make these *Motions*, or to Do the Business which properly belong'd to them to Do, they are to be look'd upon to have presum'd, by such their Procedure, that the Clergy had nothing to offer, but were willing to be Dismiss'd; and so the Consent of the One is to be inferr'd from the Actions of the Other; this is such a Limitation, as I doubt will utterly overthrow all his former Assertions. For according to this account the result of the Case will stand thus: That the Clergy being Summon'd to Convocation, have a Right to Sit, and make *Motions*, and do Business, unless the *Archbishop* shall think fit to Prorogue them: In which Case, we are to suppose that the *Archbishop* did presume they had nothing to Do, and therefore never troubled them to come together at all.

How far Dr. A. will allow of such a confus'd Hypothesis, in which one part can hardly be reconcil'd with the other, I must leave it to himself to consider. It shall suffice me to observe, that here again the Force of Truth press'd upon him; and oblig'd him to a Concession, which his Argument would by no means allow of. He saw that our *Archbishops* had, in Fact, oftentimes prorogued their *Convocations*, either upon their Own Judgment, or by the Advice of such of their *Suffragans* whom they thought fit to consult withal, without asking any leave of their Clergy, or troubling themselves to enquire whether they had any

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Business to do ; any Motions to make, or any Petitions to offer in *Church Mat- K. HENRY*
ters. He was sensible therefore that *Custom* would be so far from supporting his *the VIIIth.*
 Pretensions of a Right in the *Lower House*, to do all this, whether their *Metro-*
politan would or No, that it would directly establish the Authority of the One,
 to Prorogue the Other at his Pleasure. What now was to be done? Why a
 Salvo must be invented to patch up this unlucky Procedure: And whenever
 any thing of this kind was done (as in one Province it was more often done,
 a great deal, than any business besides that of *Subsidies* was treated of) we are
 to presume that it was done with the *Clergy's Consent*, because they had nothing
 to do. Which being so, I shall leave it to any indifferent Person to consider
 whether this be not plainly to beg the Question ; and to set up a tacit presump-
 tion against the plain Evidence of *Fact*, in a Case where *Custom* is alledg'd to prove
 a Right ; and, I think, that *matter of fact* should be brought to Establish a
Custom.

To lay aside therefore Presumptions in a Case which will not admit of any ;
 The plain Question to be resolved in this matter is this : Whether ever since
 the time of King *Henry the 8th*, in has been the constant Custom for the *Clergy*
call'd to Convocation, to Sit, Act, and do *Business* every Parliament, so long as they
 had any *Motions to make*, or any *Petitions to offer*, or any *Church-matters to De-*
bate upon? So that during all that time the *Archbishop* or *President* of the *Convo-*
cation, had neither any Right to *Prorogue* them; nor did in *Fact* ever do it, till
 they had either finish'd all such *business* as they had to *Do* ; Or had signified to him
 that they had no *Business* to do, and were therefore content to be *Prorogued* by
 him? Or whether our *Archbishops* have not all along, not only claim'd a Right to
Prorogue their *Convocations* at their own Discretion, but exercis'd such a Right too;
 if not without ever consulting their *Clergy* in that Particular, yet at least with-
 out ever Depending upon their Consent, or requiring their Leave and Plea-
 sure so to do? And I do once more affirm, in Opposition to Dr. *A's* Pretences ;
 that during all this Period, They have from time to time prorogued these As-
 semblies ; very often for whole *Sessions of Parliament* together ; without ever
 suffering them to enter upon any Business, unless where the King has demand-
 ed a *Supply* of them : In which Case, I do again confess, they were Oblig'd to
 Him, tho' not to their *Clergy*, to Command them to Sit and to Enter upon
 the Consideration of what was required of them, and to come to a *Synodical Reso-*
lution upon it.

Sect. 42.

But there is another Point in which Dr. *A.* has also advanc'd the Authority
 of *Custom* against me ; in Claim of another Right of the *Clergy*, and that I think
 as little to the Honour, or Benefit of the *Church*, as the Doctrine of *Attendance* ;
 and as void of proof too. It is this; that the King has no Power to Autho-
 rize Our *Archbishops* either to Summon or Continue their *Convocations*, but on-
 ly in Time of *Parliament*. That the Judges in 1640. who deliver'd their Opi-
 nion to the Contrary, purposely Equivocated in the Case, to please the King,
 and delude the *Clergy*. That the Continuance of that *Convocation* was Illegal ;
 and the *Canons* which they pass'd justly to be Condemn'd, upon this Account,
 that they were Agreed to, and Enacted out of *Parliament* time. And this Opinion
 “ also (says He) that *Parliament* was of which Voted the *Canons* of 1640. Illegal,
 “ because they were made in an Assembly, which tho' it met by the *Parliament*
 “ Writ, yet Sate and Acted, after the *Parliament* was determin'd. He supposes
 that the *Parliament* of 1660 was of the same Opinion: And then add's these re-
 markable Words ; “ However that may be, sure we are that the *Convocations*
 “ of the *Clergy* have (as has been said already) for above 150 Years been used
 “ to Meet and Rise within a Day of the *Parliament*. And if *Custom* therefore be
 “ the Law of *Convocations* (and we have Dr. *W's* Word for it that it is) then is
 “ it Law that the *Convocation* should Meet ONLY, and ALWAYS, in Time of
 “ *Parliament*.

Sect. 45.

Rights, &c. p. 67.

Ibid. pag. 68.

I do not at all wonder at Dr. *A's* Endeavours to Advance such a Notion. It
 was necessary for One who resolv'd to make the *Convocation* a *Parlia-*
mentary Assembly, to represent it as an Assembly that had the utmost De-
 pendance upon the *Parliament*. But what Interest the *Clergy* should have
 in such a Notion I am yet to learn; the Freedom of whole Meetings at
 all proper and reasonable Times, whenever the Exigences of the *Church* or
Religion shall call for them; would I conceive be much more a Privilege and
 Ad-

K. HENRY
the VIIIth.

Advantage, than to be oblig'd at some certain times to Assemble, tho' to no manner of Purpose; and to be hindred from Meeting at others, tho' there should be never so much Occasion for it. However I am content that this also be put upon the same Issue of *Custom*, ever since the only time there has been any Ground for it, I mean the 25th of King Henry the 8th. For that before this there was no Dependance of One of these Assemblies upon the Other, has been already sufficiently shewn, and will not need any further proof.

These then are the two great Points, upon which we are to Enquire how the *Custom* of the last Age and Half has stood: And I shall enter upon it with all the Freedom of a Person utterly unconcern'd in the event of such an Enquiry. For let the Matter of Fact have been how it will for this last Period, I have before shewn that it will not prejudice either the King or the Archbishops Rights; nor Establish such a *Custom* as shall suffice, in the Construction of our Law, to overthrow the Just Power and Authority of either.

King HENRY the VIIIth.

Seft. 46.
1529.

¹ Lord Herbert Hist. Hen.
8. pag. 290.

When the *Parliament* began November the 3d, 1529, the State of our Affairs, as far as the present History is concern'd in it, was this. The Business of the *Divorce* between the King and *Queen Catharine*, was in the third Year of its Prosecution. Many delays had been made in it by the *Pope* abroad; and *Cardinal Woolsey*, who had appear'd so forward at first in the promoting of it, began now no less to Cool in it at Home. By his Conduct in this Affair He had equally disobligh'd, both the King, the *Queen*, and *Anne Bolen*, who was by this time grown High in the Kings Affections; and by the Interest of the two Latter, joyn'd with the general Disgust, which had been taken at his Administration by the Nobility and People, his fall was finally resolv'd upon by the Former. In order hereunto an *Indictment* was preferr'd against him upon the Statute of *Premunire* in the beginning of *Michaelmas Term*; and on the 19th of October the *Great Seal* was taken from him, and He was order'd to retire to a Countrey House, not far from *London*, belonging to his Bishoprick of *Winchester*. He was soon after convicted of the *Premunire* with which he had been charg'd; and his Goods seized into the Kings Hands.

Under these Circumstances the *Parliament* met. The King was equally displeas'd both with the *Pope* and with the *Cardinal*; and one End of his Assembling of this *Great Council* was to consider what He should do with Relation to Both. No sooner had the Commons chosen their Speaker, and the King accepted of Him, but returning to their own House they presently fell upon the Grievances wherewith the Spirituality had before time oppress'd them, contrary (as They affirm'd) both to the Law of the Realm and to Common Right. The chief of these they reduc'd to Six Heads, and ordered three Bills to be drawn for the redress of Them. The first related to the *Probates* of Wills; The second to *Mortuaries*; And the third to *Non-Residence*, and taking of Farms by Spiritual Men. This, my Lord Herbert says, they did by the Kings Permission; And it is not improbable but that he might be willing enough to make some Reformation in these things at this time, the more to alarm the *Pope*, and to bring Him to his Will.

Upon the sending up of these Bills to the House of Lords, *Fisher*, Bishop of *Rocheſter*, spake some Words so reflectingly upon the Commons, that they thought it necessary to complain to the King of it. The Bishop made a fair Interpretation of his meaning, which the King accepted; but the Commons were not at all satisfied with it. The Conclusion of this Matter was, that two New Bills were brought in upon the two first Heads, more moderate than Those first Drawn; and the third was a little qualified; and so they All pass'd, to the Great Displeasure of the *Pope* and *Clergy*.

While these things were in Agitation against the Interest of the *Clergy* in general; the *Cardinal* was not forgotten in particular. His ² Accusation was drawn up in forty four Articles, and presented to the King by the Lords first, and then sent down to the Lower House: The *Cardinal* had, in Testimony of his Confession, subscrib'd his own Hand to them All; ³ And at the same time by another

¹ Ibid. p. 294.

² Hall. fol. 150.
³ a. Henr. viii.

another writing, sealed with his own Seal, He gave all his Estate and Goods to the King. H. HENRY
the VIIIth.

To keep the Clergy the more under awe, the *Act of Pardon* which pass'd this *Parliament*, howsoever General in other respects, excepted all Offences against the Statutes of Provisors and Præmunire; and thereby at once shew'd them what designs the King and his Council had in their thoughts, and gave them a just ground to fear what the Effect of them at their next Meeting might be.

With this *Parliament* a ¹ *Convocation* was call'd in the Province of *Canterbury*, ² by Vertue of the *Kings Writ* Dat. *August* the 19th, and appointed by the *Arch-* ³ *bishop* to meet at *St. Pauls London* *November* the 5th, two days after the *Parlia-* ⁴ *ment* began. ⁵ *Cardinal Woolsey* was cited as *Bishop of Winchester* to it; and ⁶ so return'd in the *Certificate* of the *Bishop of London* to the *President* at the *O-* ⁷ *pening* of it. Regist.
Tunstal. Lon-
don. fol. 165. b.
Ibid fol. 166.

In this *Convocation* great *Deliberations* were had both among the *Prelats* and *Clergy* in their respective *Houses* about the *Reformation* of *Abuses*. The *Archbishop* forbad any *Discovery* to be made of what was done by them to any out of the *Convocation*, on pain of *Excommunication*. *Articles* were also order'd to be drawn up against *Hereticks*; and the *Loan* which the *Clergy* had formerly made to the *King* was remitted to Him. Thus the *Convocation* continued till the 24th of *December*, a full *Week* after the *Parliament* was risen; and then seems to have been prorogu'd: Tho' in the short *Minutes* which I have of it, this *Prorogation* is not so clearly mention'd as it ought to have been.

It do's not appear that any *Convocation* met in the Other *Province* with this *Parliament*. In *August*, when it should have been *Summon'd*, the *Cardinal Archbishop* was wholly taken up with the great *Affair* of the *Divorce* which then Lay before him in *Judgment*. In *November*, when it should have Sate, He was fallen into *Disgrace*, and had somewhat else to do than to *Præside* in his *Convocation*. But that, which is more to me than all the rest, is this; that in the ¹ *Writ* for the *Convocation* of that *Province* the next Year, directed to the *Guardians* of the *Spiritualties* upon the *Death* of *Woolsey*, there is no *Notice* taken of its having been *Summon'd* or *Assembled* before; no mention of any need of *Continuing* of it because of the *Death* of the *Archbishop*: All which we find to have been particularly express'd in the *Case* of our *Province*, when the *King* sent his *Writ* to our *Guardians* of the *Spiritualties* to continue on the *Convocation* after the like *Death* of *Archbishop Warham* during the *Sitting* of the *Synod* now *Assembled*. See Append.
ad Ann. 1530.

About the *Latter End* of *June* the next Year, was that famous ² *Letter* subscribed by a great part of the *Upper House* of *Parliament*, and by some of the *Lower*, which was sent to the *Pope* with relation to the *Affair* of the *Divorce* still depending. ³ The *King* himself had the Month before Order'd a *Translation* to be made of the *New Testament* upon an *Occasion* of which some *Notice* must be taken. Those sacred Books had been some time before put into *English* by *Tyndal*, *Joy*, and Others; and were greedily caught up and read by the *People*. This the *Clergy* could not endure, but severely punish'd all such as Read or Studied those Books. But the numbers which were gone abroad were so Great, and the *People* so fond of them, that a stop could not easily be put to this *Innovation*. The *King* therefore came to the *Starr Chamber*, *May* the 24th, and conferr'd with the *Bishops* and other *Learned Men* of this and some other Books. The great Thing alledg'd by the *Bishops* against permitting the *People* to use these Sacred Writings was this; that they were not truly translated, and that there were many things in the *Prologues* of those who had publish'd them, against which they found just Cause to Except. The *King* therefore took this Method as the most Wise and Pious; He commanded the *Translations* already publish'd to be Call'd in and *Prohibited*, and a New one to be made which He might peruse, and allow the Use of to his *People* when He should think it convenient so to do. Sect. 47.
1530.
Herbert. H.
8. pag. 321.
Hall. Henr.
viii. fol. 192. b.

This was another Step towards the *Work* of the *Reformation*: The next will carry us still farther. For on the 19th of *September* a *Proclamation* was set forth to forbid all *Persons* to purchase, or attempt to purchase, from the *Court* of *Rome*, or elsewhere; or to Use and put in *Execution* any thing heretofore purchased, or hereafter to be purchas'd, containing matter prejudicial to the high *Authority*, *Jurisdiction*, and *Prerogative Royal* of the *Realm*, or to the Let,

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Hindrance, or Impeachment of the Kings Noble and Vertuous intended Purposes in the Premises. Whether this Proclamation was aim'd particularly against the Cardinal, as some have thought; who affirm (but upon what Good Authority I know not) that He had procur'd a *Bull* from *Rome* to Oblige the King to restore him to his former Dignity and Authority, I cannot tell. This is certain that not long after the Cardinal himself was attach'd by the Kings Order, and died on his Way to *London*; and thereby gave such a Blow to the Interests of the *Papal Clergy*, as they were never able to recover.

Under these Circumstances the *Parliament* met by *Prorogation*, *January* the 16th; and the *Convocation* of the *Province* of *Canterbury* after the same manner, and about the same time. The great Work of this *Convocation* was to purchase their Indemnity from the *Premunire*, which they had generally Incurr'd, at the Price of 100000*l.* besides the Acknowledgment of the King to be the *Protector and Supreme Head of the Church and Clergy of England*. Upon this they had their Pardon granted by *Act of Parliament*, as far as this *Province* was concern'd in it. On the 30th of *March* the Opinions of the Universities with Relation to the *Kings Divorce*, were brought down to the *House of Commons* by *Sr. Tho. Moor*, then *Lord Chancellor*, and divers others of the *Lords Spiritual and Temporal*, and openly read before them. Which being done, the *Parliament* was the same Day prorogued by the King; and the *Convocation* the next day by the *Bishop of London*, whom the *Archbishop* had made his Commissary for that purpose.

¹ See the App.
pend. ad Ann.
1530.

Thus pass'd these Matters in our *Province*: ¹ The *Prelats and Clergy* of *York* were Summon'd by the *Kings Writ*, dated *December* the 7th, and met there *January* the 12th; Six days after the *Parliament* was Assembled. On *Saturday* the 14th they remitted to the *King* the Loan which he had borrow'd of them, as the *Convocation* of the Other *Province* had done the Year before. And this by the way may be another Argument to assure us that no *Convocation* met in that *Province* the last Year: It being hardly credible but that if there had, this Loan would then have been remitted by the *Clergy* there, as it was both by the *Parliament*, and the Other *Convocation*. This being done, they were continued by *Prorogations* to the 4th of *May*, five Weeks after the *Parliament* Rose. On that day they agreed to the *Grant* requir'd of Them to indemnifie them against the Penalties which they also had incurr'd, ² by Offending against the *Laws and Statutes* of the *Realm*, and particularly against Those of *Provisors, Provisions, and Premunire*. They are the very Words of the Instrument drawn up by the *Convocation*, and necessary to be taken notice of for the Vindication of the Account which I formerly gave of this matter; for which *Dr. A.* has very ignorantly, or rather has knowingly, and injuriously traduced me. But of this I shall Expostulate with him hereafter, and then leave it to the Reader to judge what Censure he shall think fit to pass upon it.

² Registr.
Cust. Spirit.
Sed. Vac. fol.
642.

The beginning of the next Year, the King, with the Advice of his Council, order'd a Bible of the largest and biggest Volume to be had in every Church. He had the Year before given directions for a *New Translation* to be made of it; and He now permitted and provided for the Use of it.

³ Hall Henr.
viii. fol. 202. a.

After Other *Prorogations*, the *Parliament* again came together *January* the 15th. The *Clergy* had now made their Peace with the King, and those of one *Province* had obtain'd their Pardon for all Offences against the *Penal Statutes* already committed. But the Commons were resolved to bring them still lower, and to lay hold on the Opportunity which the present State of Affairs gave them, to secure themselves against their Oppressions for the time to come. ³ Among these the chiefest, complain'd of in this *Parliament* was the Oath *ex Officio*, which brought on the other Grievances that were, in pursuance thereof, drawn up against them. It had been the Practise of Ordinaries to Summon any person before them, and lay Accusations to his Charge, without naming the Accuser; and the Person so cited must either Abjure or Burn, for Purgation they allow'd none. ⁴ This was a Practise which the *Commons* grievously complain'd of, and long Debates there were in the House about it. At last it was resolv'd to draw up a full Abstract of all their Grievs together, and to present them to the *King*; as accordingly they did by their *Speaker*, and many of their Members, *March* the 18th.

⁴ Herbert. H.
8 pag 357.

The *King* having receiv'd their Petition, told them that it contain'd divers *Articles* of Great and Weighty Matters; and that He would not give any Answer

swer to them, till he had heard the Party Accus'd concerning them. Nevertheless in this *Parliament* several Laws were made in matters of *Ecclesiastical Politie*, and in Order to the Reformation of the Church; as in the Statutes of this Year may more largely be seen.

R. HENRY
the VIIIth

The *Convocation* of the *Province* of *Canterbury*, after two *Prorogations*, met in like manner, *January* the 16th. the Day after the *Parliament* began. It appears by the Process of this Assembly that they were not a little Alarm'd at what was doing in the *House* of *Commons*. For besides that some *Constitutions* had been going forward during this and the preceding Session of this *Convocation*, which seem to have promis'd a Reformation in what was thought amiss; on the 20th of *February* the *Bishop* of *London*, (who was that day *Commissary* for the *Archbishop* of *Canterbury*) treated particularly about a Constitution in the Case of Correction *ex Officio*; the thing that then lay before the *Commons* in *Parliament*. On the 4th of *March* the *Constitutions* which they had been preparing being brought to some perfection, and receiv'd by the President; the *Prolocutor* of the *Lower House* desir'd that they might be publish'd.

But there was somewhat else done this same day in *Convocation*, which Dr. A. having misrepresented, and perverted to the Gratification of his own private Resentments, I shall take the Liberty to give a more exact account of it. The passage as he reports it was this. "That the *Lower House* complain'd to the other of the Practise of Some *Bishops* in those days, who took Bonds of Resignation of all the *Clerks* they preferr'd in their *Diocesses*, in order, as they said, to Oblige them to Residence. The End was very good, but the Means was thought Unjustifiable; and the *Clergy* in *Convocation* therefore thought it worth the while to Endeavour a Redress, tho' I find not whether they effected it, or what Answer was return'd.

Sect. 49.

Rights, &c.
P. 21.

I shall not need to say what *Bishop* Dr. A. had in his Eye, and design'd to Expose to the Censures of such of the *Clergy*, who love the Profits, more than the Duty, of their Cures; as by Complaints of former Ages, no less than the Experience of the Present, we may have Reason to fear too many at all times have done. But will He please to tell Us, where he met with this curious Piece of History, which He here thus formally delivers to the World? All that the Minutes, from which He wrote, speak, is but the little that stands in his Margin. ² What is there in that to shew that Some *Bishops*, or indeed that Any Others, at that time took Bonds of Resignation? Where is there any such Limitation, as that which He adds, of the *Clerks* they preferr'd in their *Diocesses*? I appeal to his Own Conscience, whether all this be not meer Romance; invented only to cast an Odium upon a Person whom He do's not love; and who, to say no more, had Deserv'd better at his Hands?

2 Sess. xci.
Convoc. In-
cept. Ao. 1529.

The Truth of the Case was this: Among other things complain'd of by the *Commons* against the *Clergy* two Years before, their Neglect of Residence upon their Benefices was One. The Matter went so far, that a severe Bill was pass'd in their House to Compell them to it: And tho' that was laid aside, yet a New One was drawn by the *Kings Order*, which pass'd the same Session into a ³ Statute; and Obliged the *Clergy* not to be Absent from their Dignities or Benefices for One whole Month together at any One time, or by the space of two Months at several times, in any One Year, under the Penalty of ten Pounds Forfeiture to be incurr'd by them if they were. Against this if Any one should obtain any License or Dispensation from the Court of *Rome*, or Elsewhere, He was to fall under a double Forfeiture.

3 21 Henr. 8.
c. 13.

At the very Beginning of this *Parliament*, the *Commons* had again resum'd their Complaints against the *Clergy*; and, as I have already observ'd, drew them up into a solemn *Petition*, which they presented to the King, and the King deliver'd to the *Clergy* for an Answer. These Vigorous Proceedings of the *House* of *Commons*, put the *Archbishop* and his *Convocation* upon the Resolution of Reforming what was complain'd of themselves, rather than to suffer the *Parliament* to do it. On the 23d of *January* we find certain *Constitutions* read, but what they were we cannot tell. The next Session more were added to them. These were again read, with the Corrections and Notes of the *Lower House*, the Session after: By the Minutes of the 80th, and 85th Sessions it appears that to some of these *Constitutions* the *Clergy* did not agree. After some farther Treaties had in their following Meetings, on Munday March the 4th, the *Bishop* of *London*,

HENRY as President of the *Convocation*, Agreed to Certain of them, and the *Prolocutor* petitioned "*ut Constitutiones admittæ publicentur*; That those which were Concluded upon might be publish'd. And farther requested, that *Persons presented to any Ecclesiastical Benefice, might not be constrain'd by their Diocefans to be Oblig'd to Residence, by any Obligation in Writing, or by any temporal Penaltie.* This is all that the Minutes tell Us of it, and my Conjecture concerning it is this; That among Other things which were debated of in the *Upper House*, One was this; that the Ordinaries when they Instituted a Clark to any Benefice, should take some Caution of Him, (either by Writing, or some Other Way,) to oblige Him to Re-side upon the Benefice to which He was to be admitted, according to the *Late Statute.* This, I suppose, the *Clergy* dislik'd; and desir'd might not pass into an Order among them.

Sect. 50.

Addit. p. 9.

¹ Heyl. answ. to Mr. Fuller. par. ii p. 26. fol.

Upon the 12th of *April* the *Archbishop* brought in the Petition which the *Commons* had presented to the *King* against the *Archbishops, Bishops, and Ordinaries*; and deliver'd it to the *Prolocutor* for Answer to be made by the whole *Convocation* to it. What this Petition was, Dr. A. tho' he professes to have seen a Copy of it was not willing to let the World know, nor doth He give us any Other means of Understanding so much as relates to the present Subject, any other wise than it may be gathered out of the Answers of the *Clergy* to it. But Dr. *Heylin* has helped us in this particular; and from him we are informed that the Substance of that part of it, in which we are chiefly concern'd, was to this Effect. "That the *Clergy* of this your Realm, being your Highnesses Subjects, in their *Convocation* by them holden within this your Realm, have made, and daily make, divers Sanctions or Laws concerning Temporal Things; and some of them be repugnant to the Laws and Statutes of your Realm, not having nor requiring your most Róyal Assent to the same Laws so by them made, neither any Assent or Knowledge of your Lay Subjects is had to the same, neither to them published and known in their Mother Tongue, albeit divers and sundry of the said Laws, extend in certain Causes to your *Excellent Person*, your *Liberty*, and *Prerogative Royal*, and to the Interdiction of your *Laws* and *Possessions*; and so likewise to the Goods and Possessions of your Lay Subjects; declaring the infringers of the same Laws, so by them made, not only to incur the terrible Censure of *Excommunication*, but also the detestable Crime and Sin of *Heresie*; by the which divers of your humble and Obedient Lay Subjects be brought into this ambiguity, whether they may do, and execute your Laws, according to your Jurisdiction Royal of this Realm, for dread of the same Censures and Pains compris'd in the same Laws so by them made in their *Convocations*; to the great Trouble and Inquietation of your said humble and obedient Lay Subjects, and the Impeachment of your *Jurisdiction* and *Prerogative Royal*.

² Sess. xcix. Convoc.

³ Hall Henr. viii. fol. 205. 2.

⁴ Hall. ibid.

⁵ Append. to his Addit. p. 14. num. vi.

To this Petition and Complaint the *Convocation* drew up their Answer, and Order'd it to be fairly transcribed ² *April* the 19th; that so it might with all speed be delivered to the *King*: As it was accordingly done about a Week after. ³ On the last of *April* the *King* sent for the *Commons*, and gave them the Answer that had been return'd to their Petition; Adding withal his own Opinion concerning it to this Effect; "We think their Answer will smally please you, for it seemeth to us very slender. You be a great sort of Wise Men; I doubt not but you will look Circumspectly on the Matter; and we will be indifferent between you. The *Commons* were accordingly utterly dissatisfied with it, when it was brought by their Speaker to them. ⁵ Dr. A. having publish'd a Copy of this Answer in his Latter *Appendix*; I shall choose rather to leave the Reader himself to judge of it, than undertake to descant upon it.

⁶ Heyl. again. ft Fuller. par. ii. p. 65.

On the 24th of *April* this matter came on again in the *Convocation*. After three Sessions, and great Debates on this Subject, they concluded *May* 8th to send certain of their Body to the *King*, with a Request that He would please to preserve the *Liberties* of the *Church*, which both Himself and His Progenitors had hitherto protected. This the persons nominated consented to; and accordingly the *Bishops* of *London* and *Lincoln*, with certain *Abbots*; the *Dean* of the *Chappel*, and *Fox* the *Kings Almoner*, waited upon Him with their Petition. To this the *King* returned his Answer in writing by his *Almoner* at their next Meeting, *May* the 10th: In which He peremptorily required, "That no
"COR-

" Constitution, or Ordinance, shall be hereafter by the Clergy *Enacted, Promul-* K. HENRY
ged, or put in Execution, unless the King's Highness do approve the same by his *the VIIIth.*
 " *High Authority, and Royal Assent;* and his Advice and Favour be also inter-
 " *pos'd for the Execution of every such Constitution* among His Highness's Sub-
 " *jects.*

The reading of this *Schedule* put the *Convocation* into a great disorder: They removed to the Chappel of St. Katharine, within the Monastery, and there read it a second Time. Then they were prorogued back to the *Chapter-House*, May the 13th. But the *Archbishop* and *Bishops* went themselves presently to St. Dunstan's Chappel; and agreed that the *Bishops* of *Lincoln* and *Bath* and *Wells*, with some others of the *Convocation*, should go to the *Bishop* of *Rochester's House*, there to treat together about the Contents of the same *Schedule*; and should meet the *Archbishop* the next Morning at his Lodging, within the Palace at *Westminster*, and declare their *Opinions* to him.

But the King did not stop here: The next Day, May the 11th, he sent for the *Speaker*, and Twelve of the *House of Commons*, to come to him; Eight of the *Lords* being with him. He spoke to them to this effect: " We thought that the *Clergy* of our *Realm* had been our *Subjects* wholly, but now we have well perceiv'd that they be but half our *Subjects*, yea, and scarce our *Subjects*. For all the *Prelates*, at their Consecration, make an *Oath* to the *Pope* clean contrary to the *Oath* that they make to us; so that they seem to be his *Subjects*, and not Ours. The *Copy* of both the *Oaths* I deliver here to you, requiring you to invent some Order, that we be not thus deluded of our *Spiritual Subjects*. The *Speaker* being return'd to the *House*, caused both the *Oaths* to be there read; but the *Parliament* was just at an end, and had not Time to proceed upon this new Matter: So three Days after, being May the 14th, it was prorogued till the 4th of *February* following.

The *Clergy* were now under a great Distraction; the *King* was resolv'd to carry his Point, and his *Parliament* dispos'd to comply with him in every thing against them. There was therefore no room for Debate; so the next Session, May the 13th, the Upper House agreed upon their *Submission*, and *Answer*. On the 15th of May they met again; the *Archbishop* had receiv'd the *King's Writ*, to prorogue the *Convocation*, and there remain'd but that Day to come to a Resolution. Under these Difficulties they finally consented to the *Submission*, upon which we shall hereafter see the *Statute* was framed which makes so great a Figure in this Dispute, and has occasioned this particular Enlargement upon the History of it.

What was done in the Province of *York*, during this *Parliament*, I cannot find. In Obedience to the *King's Writ*, of December the 23^d, Anno Regni 23, the *Convocation* assembled there February the 7th, three Weeks after both the *Parliament* and our *Clergy* were met.³ The Minute I have of it adds, that it granted the *King* a Tenth; what it did besides I have not been able to discover.

The next Year, the *Parliament* met, February the 4th. In it an *Act* was pass'd to restrain ⁴ Appeals to *Rome*, and to direct the Method of pursuing and ending of them within the *King's Dominions*. The *Convocation* of the Province of *Canterbury* was prorogued, as we have seen, to November the 5th. Before that time came *Archbishop Warham* died; and the *King* thereupon issued out his *Writ* to the *Prior* and *Chapter* of *Canterbury*, dated October the 28th, to prorogue it farther to the 5th of February following. This they did by the *Bishop* of *Salisbury*, whom they appointed their *Commissioner* for that Purpose. On that Day they were farther prorogued to Tuesday the 11th of February following. The *Prior* and *Chapter* of *Canterbury* had the Day before directed their Mandate to the *Bishop* of *London* for the Continuance of this *Convocation* and to remove all Scruples which the Death of the *Archbishop* might have caus'd; especially with relation to the *Proctors* of the *Chapters* and *Clergy*, whose Powers being limited, enabled them only to appear and act under Him, and it might therefore be doubted whether they did not expire at his Demise. By virtue of this Mandate, (which having some peculiar Passages in it not elsewhere to be found, I have put in my Appendix) the *Convocation* was order'd to meet full and entire, at St. Paul's, on Monday March the 17th, there to proceed according to the *King's Writ*.

But

¹ Hall. H. viii.
fol. 205. d.

² Registr. Dec.
& Capit. Ebor.
fol. 181.
Append. ad
Ann.
³ Registr.
Tunstall.
Dunelm.
fol. 2. b.

Seet. 51.
1532.
⁴ Herbert.
H. viii. p. 372.
373.
⁵ See the Ap-
pend. ad Ann.
1522.

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* Le Grand
Hist. du Div.
p. 264.

But notwithstanding this *Summons*, it appears by the Extracts of this *Convocation* that the *Bishops* and *Prelates* continued their *Sessions* in the mean time at *Westminster*. On the 17th of *March* they all met at *St. Paul's*, as Appointed; and the *Bishop of London* made his *Certificate* of the Execution of the *Mandate* directed to him. On the 26th of the same Month the Question of the Divorce was proposed to the *Convocation*; and the Opinions of the *Universities* were then, and at their next Meeting, lay'd before them. What was done by the *Prelates* and *Clergy* in this Matter, concerns not the present Subject to enquire. I will only observe, that on the First of *April* the *Archbishop* (who had been Consecrated two Days before, *March* 30th.) now first presided himself in *Convocation*; and on the 8th of the same Month, prorogued it, by virtue of the *King's Writ*, to the 7th of *June* following.

Thus pass'd this *Parliament* and *Convocation*: What was done in the other Province, or whether any *Convocation* at all was held there, I have not been able to discover. To proceed therefore with our History: The *Parliament* being risen, all things now tended to an entire Breach with the *Court of Rome*. On *May* the 23^d, the *Archbishop of Canterbury* determin'd the Cause of the *King's Divorce*, and gave final Sentence against the Validity of the *Marriage*. On *Whitsunday*, *June* the 1st, the *New Queen* was publickly Crown'd; and in *September* following *Queen Elizabeth* was born of her. To prevent the Disturbances which Factious Preachers might hereupon raise among the People, an Order was issued out for a *General Inhibition of Preaching* for some time. In *November*, the Cheat of the *Holy Maid of Kent*, which in the following *Parliament* ended in the *Attainder* of the Persons concerned in it, was publickly declared and censured.

Under these Circumstances stood Affairs at Home, when the *Parliament* met, nor were they at all better Abroad. The *Pope* had issued out a *Bull*, by which he *Excommunicated* both the *King* and his *New Queen*, if they did not either appear before him, or separate from one another, before the End of *September*. To this a Reply was made by the *King's Order*, and the Nullities of it shewn. The Execution of this *Bull* was suspended for a Month, till after the Interview between the *French King* and the *Pope* at *Marseilles* should be over, in a Consistory held for that Purpose at *Pisa*, *September* 26th. It was generally thought that at this Meeting the whole Affair of the *Divorce* would have been ended to the *King's Satisfaction*; but instead of that, the Differences grew higher; so that on the 23^d of *March*, (whilst the *Parliament* was sitting) the *Pope* gave Sentence for the *Marriage* against the *King*.

And now, when such was the State of Affairs both at Home and Abroad, we cannot wonder if we meet with some Extraordinary Proceedings in the *Parliament* which began by Prorogation *January* the 15th. On the 7th of *February* the *Commons* sent up a *Bill*, pass'd in their House, concerning the *Consecration of Bishops* within this *Realm*; which being not approved of by the *King*, to whom the *Lords* communicated it, that *Bill* was rejected, and a new one began in the Upper House to the same Purpose. *March* the 13th the *Commons* sent up another *Bill*, to *Abrogate* the *Payment of Peter-pence*, and to put an End to *Dispensations*, and other *Writings*, from the *Bishop of Rome*. The next Day they brought up a Third, for the *Abrogation* of the *Usurp'd Authority* of the *Bishop of Rome*. And on the 27th of the same Month, they brought up the *Bill* on which our present Dispute turns, of the *Submission of the Clergy to the King's Highness*. Besides these, some other *Bills* were introduc'd, and pass'd in this *Parliament*, with Relation to *Matters of Religion*. Such was the *Bill of Attainder* against the *Holy Maid of Kent* and her *Confederates*: The *Bill* for *Repealing* the *Statute of H. 4.* against *Hereticks*: And lastly, The *Bill* for *Establishing* the *Succession*; which, with the *Oath* prescrib'd to be taken thereupon, had no less Influence upon the Affairs of the *Church* than any of the foregoing.

But not to insist upon these *Acts* which with the present Cause is not immediately concern'd. The *Bill* relating to the *Submission* of the *Clergy*, which they had made in their *Convocation* of *May* 1532, being brought up to the *Lords*, *March* the 27th 1534, and read twice the same Day; was, the next Day, read the third time in the *Upper House*; and with a certain *Proviso* added by the *Lords*, was Agreed to, and sent back to the *Commons* for their Consent. The *Commons* return'd it, on *Monday* the 30th, to the *Lords* again; and the same Day, after

after Dinner, being the last Day of the *Parliament*, the *King* pass'd it into a *Statute*. What this Proviso was, which the *Lords* added, and how the Whole was drawn, will best appear in the the Copy which I have taken from the *Roll* it self, as far as concerns the Controversie in hand; and that so nicely, as to have observ'd not only the exact *Pointing*, but for the most part the very *Spelling* of it, as I found it in the *Record*.

To return now to the Business of the *Convocation*, prorogued first to the 7th of June, and then to the 4th of November: On which Day, the Bishop of London, by Commission, prorogued it yet farther to Friday the 30th of January following. Thus the Extracts, which have been preserv'd of these *Convocations*, relate it; but there must of necessity have been some Mistake in this Matter: For by the *Journal* of the *Parliament*, which met at the same time, it appears, that the *Lords Spiritual* were to meet in *Convocation* January the 16th, the Day after the *Parliament* began; and the Chancellor, upon the account of their Obligation to sit that Day in *Convocation*, by reason of which they could not attend in *Parliament*, prorogued the *Upper House* till the next Day after. On that Day, says the Extractor of the *Convocation-Acts*, January the 30th, the Bishop of London presiding continued the *Convocation* till Friday the 7th (or rather the 6th) of February following. This must again be false; For the *Lords* being Assembled on Saturday the 17th of January, made an Order for the *Bishops* and *Prelates* to have the Tuesday and Friday next following, and from thenceforth the Friday of every Week, allow'd them to be absent in *Convocation*; that so on all other Days the House might sit, and the Affairs of the Realm go on without Impediment. And accordingly, upon Thursday January the 22d, the *Lords* did, for this Reason, Adjourn till Saturday; because the *Lords Spiritual* were to be absent the next Day in *Convocation*.

In this *Convocation* the Question was debated, Whether the Bishop of Rome had any greater Jurisdiction given to him by God, in the *Holy Scripture*, in this Realm of England, than any other Foreign Bishop? To this their Answer was return'd in Writing, the last Day of the *Convocation*, March the 31st; and then the Assembly was continued, by the *King's Writ*, to the 4th of November following.

At what time the *Convocation* of York assembled, I am not able to say; but certain it is, that they sate, and did their Business, at a quite different time from either the *Parliament* or *Convocation* before mentioned. The former was, on the 30th of March, prorogued to the 3d of November; the latter, the next Day, continued to the 4th of the same Month. Five Weeks after both these were risen, the *Convocation* of York sate May the 5th; and, after some Days debate, agreed in their Answer as to the Question before propos'd, That the Bishop of Rome has not, in the *Holy Scripture*, any greater Jurisdiction in the Realm of England, than any other Foreign Bishop. This appears from the Instrument return'd by the Archbishop to the King upon it, Dated June the 2d; about which time I suppose that *Convocation* rose; which being a Matter of some Curiosity, and which flatly contradicts one of Dr. A's main Principles, of the Concurrence in Point of Time of the *Parliament* and *Convocation*, during this and the following Reigns, I have thought it not unfit to communicate it to the Reader in my Appendix.

Having thus given such a History of this Act of Submission, as seem'd requisite to shew by what Steps, and Methods, it was carried on; I shall only make this short Use, at the present, of it: That it appears, from the whole Process of it, to have been entirely design'd for the Restraint of the Clergy in the Exercise of their Synodical Powers; and to give the King a greater Authority over them, than He had before. By Consequence, that it was not the Intention either of the King or his *Parliament*, by that *Statute*, in any wise to Abridge the Royal Supremacy, which the Kings of England had all along both claim'd and exercised over the Clergy in that Capacity. As therefore I have demonstratively shewn from the History of our *Parliaments* and *Convocations*, for above Two hundred Years past, that our Princes were at Liberty to Call their *Parliaments*, without Assembling the *Convocations* at the same time with them; and to Require their *Archbishops* to Summon their *Convocations* when no *Parliament* was either Call'd, or intended to Meet; so we must conclude, that they were left to the same Freedom after the passing of this *Statute*, that we are sure they enjoy'd before: And there-

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Ann. 1534.

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K. HENRY therefore that upon the whole, neither the *Constitution* of our *Government*, nor any *Antient* or *Authoritative Custom*, nor this particular *Act*, (which expressly Regulated the *Assembling* of our *Convocations*, and Restrained the *Power* of *Calling* them to the *Authority* of the *King's Writ*) do require the necessary *Concurrence* of these two *Meetings*, the *Parliament* and *Convocation*, with one another; No, nor even the *Later Custom*, which I have just now shewn to have so eminently fail'd in the *first Instance*; and which will appear, in the *Prosecution* of this *History*, to have often done the like afterwards.

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But before I proceed to shew this, I must stop a while, and consider what Account Dr. A. has given of these Matters. He has made the *History* of this *Act* one of the largest, and most elaborate Parts, both of his *First Book* and his following *Additions*: And therefore I ought, in Justice, I had almost said in Civility to him, to take a particular Notice of it. And, indeed, as to the greater part of it, his Diligence has been highly commendable. Many things have been brought to light by him, which had, if not escaped the Searches of our most Eminent Historians, yet I know not how had not been observ'd by them. If in some Particulars he seems to have been still mistaken, 'tis a Service Dr. A. has a Right to from me to take Notice of them: Nor can I better requite his zealous Endeavours to expose my *Mistakes*, than by taking some little Pains (at least) to *Correct* his. And, to shew him how willing I am to follow a good Example, I will give him my Resolution in his own Words; "That

* Addit. p. 20. "this way my Gratitude shall be return'd, as Time and Opportunity favour me.

The first Rise of the *Act* of *Submission*, Dr. A. dates from the Resolution taken by King Henry the viiith to disgrace *Woolsey*, and so to lessen the *Pope's Authority*: "For the better effecting this Design, which could not well be accomplish'd, without striking a Terror into those who were then but too much the *Pope's Vassals*, the *Clergy*; especially the *Monks* and *Fryars*; He tells us, That the King involved them All in a *Premunire*, for Submitting to *Woolsey's Legantine Character*, *Unauthorized* by the *Crown*; not for procuring or making Use of *Provisional Bulls*, as Dr. Wake, in his usual Kindness to the Memory of the *Clergy*, and according to his deep Skill in *English History*, has represented it.

* Rights, &c. p. 80.

It has always been accounted a little Ominous to stumble at the Threshold. How Dr. A. will proceed in his following History we shall see hereafter: This I will venture to affirm, that he could not well have been more grossly mistaken than he has here shewn himself in the Beginning of it. That the King did intend to keep the *Clergy* under the Terror of a *Premunire*, the *Act* of *Pardon*, granted by him in the foregoing *Parliament*, sufficiently shews: In which, as I before observ'd, the Offences of this kind were particularly excepted. But that they had incurr'd this *Premunire* meerly by submitting to *Cardinal Woolsey's Legantine Authority*, *Unauthorized* by the *Crown*; Or that *Cardinal Woolsey's Character* of *Legate* was, indeed, *Unauthorized* by the *Crown*; Or that if this had been the Case, it would at all have contradicted my Assertion, which more generally referr'd it to their Offending against the *Statutes* of *Provision*, and *Premunire*; are such manifest Errors, as one could hardly have expected from a Man of a less deep Skill in our *English History*, than I dare say Dr. A. would be thought to be.

To come to Particulars: May I ask Dr. A. first of all, How he proves that the *Clergy* fell under the *Premunire*, solely for submitting to *Woolsey's Legantine Character*, exclusive of those other more General Grounds which I alledged for it? Has he any *Publick Records*, any *Authentick Acts*, to justify his Opinion? I will venture to say He has not. On the contrary, they all speak in general Terms, and take no notice of the *Cardinal*, or his *Character*; Or of any thing else, but their having (indefinitely) offended against the *Statutes* of *Provision* and *Premunire*.

I have already remarked, How that the King having granted a General Pardon to All his Subjects the Year before, excepted these Offences on purpose to keep the *Clergy* in Awe, and to have a Tye upon them if they should Oppose his Measures. Let us hear, first of all, how that Exception runs; 21 H. 8. c. 1. "Excepted and Foreprised out of this Pardon, all Offences and Contempts, committed and done against the Statute and Statutes of *Provisors* and *Premunire*, or any of them; and of Forfeitures and Titles that may grow to the King's

“ King’s Highness, by reason of any of the same Statutes. These words are General enough, and do not confine the Offences to any one kind or branch of Offences against those Laws. K. HENRY the VIII.

How the *Indictment* preferr’d against the *Bishops* by the Attorney-General in the *King’s Bench*, upon these *Statutes*, was drawn up, I am not able to say: But yet we may, in some measure, judge of it by the *Act* of the *Convocation* for avoiding it. In what Terms that ran Dr. A. could not be ignorant. He has given us their Instrument in his *Additional Appendix*, and I am content to abide by the Terms of it. The Pardon then which they desir’d (and sure we cannot better judge of the Offence than by the tenor of what they propos’d for the Remission of it) was this: “ *Generalem Gratiam & Pardonationem de Omnibus eorum transgressionibus Penalium Legum & Statutorum hujus Regni, tum Ceterorum, tum etiam Statutorum de Provisoribus & Præmunire.* Let Dr. A. look over that famous Instrument, and try whether he can there find one Word of Cardinal Woolsey, or his Legantine Character in it; Or of their Desire of a Pardon for submitting to That unauthorized by the Crown. Addit. Appendix. p. 8, 9.

When the King accordingly granted the Clergy his Pardon by *Act* of Parliament, he recited their Request in the same Terms, “ *The King our Sovereign Lord calling to his Blessed and most Gracious Remembrance, that his Good and Loving Subjects, the most Reverend Father in God the Archbishop of Canterbury, and other Bishops, &c. which have exercised, practised, or executed in Spiritual Courts, and other Spiritual Jurisdictions within the said Province, have fallen and incur’d into divers Dangers of his Laws, by things done, perpetrated, and committed, contrary to the Order of his Laws, and especially contrary to the Form of the Statutes of Provisors, Provisions, and Præmunire, &c. shall be by Authority of this present Pardon, acquitted, pardoned, releas’d, and discharged, against His Highness, his Heirs, Successors, and Executors, and Every of them, All and all manner of Offences, Contempts, and Trespasses committed, or done, against All and Singular Statute, and Statutes, of Provisors, Provisions, and Præmunire, and every of them, &c.* Stat. 22. Hen. viii. c. 15.

These are the Words in which the Pardon of the Clergy of this Province was granted: If there be any Difference, I may say that the Pardon of those of the Other is yet more fully penn’d to the same effect: “ *They are acquitted, pardoned, releas’d, and discharged, against the King’s Highness, his Heirs, Successors, and Executors, and every of them, of All, and All manner of Offences, Contempts, and Trespasses, committed or done, against All and Singular Statute and Statutes, of Provisors, Provisions, and Præmunire, and every of them; and of All Forfeitures and Titles that may grow to the King’s Highness, by reason of any of the same Statutes.* Stat. 23. Hen. viii. c. 19.

And now let the Reader judge, who gave the truest Account of the Clergy’s *Præmunire*? Whether Dr. A. in restraining it precisely to their Submitting to the Cardinal’s Legantine Character, and that not only as distinct from but in Opposition to, their having generally offended against the Statutes of Provision and Præmunire? Or Dr. W. who having first noted the main Statutes of this kind, added his Opinion in these Words; “ *But notwithstanding these Laws, the Pope still proceeded in his own way, and the Clergy were always ready to assist him in it: And by these Means there were but very few of any Note among Them, who had not upon some Account or other incur’d the Penalty before mentioned. Upon this Ground therefore the King resolv’d to attack them.*— If the Clergy understood their own Danger, and knew what they desir’d of the King: If the King and his Council knew upon what Grounds they attacked them, and how to express those Grounds in their Release, both of their Offence, and its Punishment; then we must from both conclude, that the Clergy desir’d a General Pardon of All Forfeitures and Penalties, against All and Singular Statutes of Provision and Præmunire; and restrain’d not either their Danger, or their Pardon, to the sole Case of having submitted to the Cardinal’s Legantine Character unauthorized by the Crown. Let Dr. A. now shew, in his turn, upon what Authority he not only restrains their Case to that One Instance; but reflects with so much Bitterness, as well as Scorn, upon me, for strictly following these Public Records; and putting it, from them, upon a more General Bottom. Authority, &c. p. 247, 248.

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Sect. 58.
Rights, &c.
p. 81.
Le Grand
Hist. du Di-
vorce. Vol I.
pag. 161.

But Dr. A. proceeds in his *New Discoveries*; the next of which is, that the Danger of the Clergy lay in this, that they had submitted to the *Cardinals Legantine Character Unauthorized by the Crown*. Is Dr. A. sure of this? So one would think He should be; for he repeats it again in the very next page: "The Subject neither durst, nor thought it necessary to enquire whether he had a License from (He would have said under) the great Seal, who had himself the keeping of it. However their Obedience to this Unlicensed Authority was Criminal, even to the Loss of Liberty and Estate." And yet the Cardinal constantly avow'd that He not only had the *Kings License* for his Assuming of this Character, but had it in the very Form that Dr. A. prescribes; I mean under the *Great Seal of England*: And that he could have produced the *Kings Patent* for it, had not those who seized his Papers secur'd that among the rest.

The Truth is, so notorious was the Fact that the King had Consented to the *Cardinals Legantine Character*, that those who drew up the (44) Articles against him were not able to deny it. They charge him indeed with breaking the Condition upon which the King had Consented to it: But that He had obtain'd the Kings Consent for it, was too notorious to be denied, or even dissembled by them. Let us hear, how they attaque him in their XXVIIIth Article to this effect. "Also where the said Lord Cardinal did first sue unto your Grace to have your Assent to be Legat de Latere, He promised and solemnly protested before your Majesty, and before the Lords both Spiritual and Temporal (so that this was no such Secret, into which the Clergy neither durst, nor thought it necessary to Enquire; but a matter of Public Notice) that He would nothing Do, nor Attempt, by the Vertue of his Legacy that should be contrary to your Gracious Prerogative or Regality, or to the Damage or Prejudice of the Jurisdiction of any Ordinary; and that by his Legacy no Man should be hurt nor offended; and upon that Condition, and no other, He was Admitted by your Grace to be Legate within this Your Realm: This Condition He hath broken, as is well known to all your Subjects.

This was their Allegation against that great Minister, with respect to his *Legantine Character*: And from it I will now take the Liberty to draw these two Inferences contrary to Dr. A's Account of this Matter; 1st. That the Cardinal had, and that it was notorious that He had, the *Kings Allowance* to be Legate. 2dly: That his *Legantine Character* thus Allow'd of, was not, of its self, thought to be at all contrary to the *Kings Prerogative* or *Regality*; nor by consequence would the Clergies Submission to it, after such an Allowance, have alone been sufficient to have brought them under a *Præmunire*, as Dr. A. affirms that it did.

The Truth is, Dr. A. is wholly mistaken both in his Law and History in this particular. The King Consented to *Woolsey's* being Legate: Had *Woolsey* kept his Word, and Attempted nothing thereby contrary to the *King's Prerogative*, or to the *Laws* of the *Realm*, in vertue of it; He might as safely have Enjoy'd that Character without any Damage to himself, or Detriment to the Clergy, as *Cardinal Pool* afterwards did, or might have done. But he abus'd it grossly in the Exercise of it; and the Clergy Consented, or at least Submitted, to those Abuses: And so They both offended against the *Laws* of *Provision* and *Præmunire*, and thereby Both fell under the Penalty of them. Which therefore brings me to the last thing I had to remark on this Passage of Dr. A. That the Account I gave of the *Præmunire*, is not, as He represents it, contrary to the more Common Account, which refers it to their Submission to the *Legantine Power* (not Character) of *Cardinal Woolsey*; but includes that as the chief Cause of their Fall, tho' not the Only One, and so as to exclude All Others besides.

Sect. 59.
Authority,
&c. p. 248.

The Difference between Dr. A. and me in the present Case is this. I say (in general) that the Clergy had so acted against the Statutes of *Provisions* and *Præmunire*, that there were but very few of any Note among Them, who had not, upon Some Account or Other, incurr'd the Penalty of those Statutes. And for this I have both the Clergies Own Request to the King for Pardon, and the Statutes of Pardon granted to them, on my side. They speak in the same terms; as largely and generally as I did.

Dr. A. dislikes this Account: He not only charges me as grossly Ignorant of our History, but traduces me as an Enemy of the Clergy, for giving of it. He affirms that they incurr'd the *Præmunire* "for Submitting to the *Cardinals Legantine Character Unauthorized by the Crown*: Not for procuring or making use of provisional

visioal Bulls, &c. contrary to those Statutes. That the Cardinal did not take up his *Legantine Character Unauthorized by the Crown* we have before seen. And that he might have so used it, as not to have at all impeach'd the *Kings Prerogative*; or Regality thereby, we must also allow, or we must say, that the Solemn Protestation which He made to the King, before the *Lords Spiritual and Temporal*, that He would so Use it, as not to Do, or Attempt any thing by virtue of it contrary thereunto, was a Contradiction in Law; a Promise not to do that by virtue of His *Legantine Character*, which the very Character it self alone, tho' taken with the *Kings Allowance*, would cause him to Do.

What therefore was the *Cardinals and Clergies Crime*? Let the *Kings Attorney General* speak it. His fault was, that knowing the Laws of *Præmunire*; and particularly that of the 16 R. 2, He had nevertheless obtain'd certain Bulls, from *Clement the viith*, by which He Exercised Jurisdiction and Authority *Legantine* to the "Deprivation of the Kings Power in his Courts of Justice;—to the Prejudice of the Right of both Secular and Ecclesiastical Persons: One instance of which, instead of many, the Attorney particularly insists upon. But the Articles against him are more full, and bring home the Charge upon him, upon the same Statute. "Also the said Lord Cardinal, by his Authority Legantine, hath given by prevention the Benefices of divers Persons, as well Spiritual as Temporal, contrary to your Crown and Dignity, and your Laws and Statutes therefore provided: By reason whereof He is in Danger to your Grace of Forfeiture of his Lands and Goods, and his Body at your pleasure. Art. 7.

Here then we see wherein the Cardinal offended; not in taking upon him the Character of Legate, for that the King and Lords had agreed to, and judged he might take without any detriment to the *Prerogative of the Crown*; but in Exercising the Jurisdiction and Authority of it beyond what he had promis'd, and the Laws permitted him to Do. Now in this Exercise of it, the Clergy complied with Him, and submitted to Him: And by so doing They involved themselves in the same Guilt. But still both He and They were criminal for offending against the Laws of *Provisions* and *Præmunire*: The One by granting Faculties, and Instruments, and giving Benefices by Prevention, and doing Other things contrary to the Statutes of the Realm: The Others, by purchasing and receiving such Instruments, and accepting of such Benefices from Him; and so complying with Him in those his Illegal and Criminal Procedures.

But tho' it be therefore certain, that in thus submitting to the Exercise of the *Cardinals Legantine Jurisdiction and Authority*, the Clergy were many of them guilty of a *Præmunire*, How will Dr. A. assure Us that they were Guilty in no other Respect? That they had broken these Statutes only in that one Instance; and so needed a Pardon for nothing else, but meerly for having complied with the *Legantine Character of Cardinal Woolsey Unauthorized by the Crown*? Was the Intercourse with Rome so intirely broken, for twenty Years before the Quarrel began about the Divorce, that all Bulls and Faculties were stop'd; no Appeals made thither; no Causes heard, or determin'd there, for which by our Laws any of the Clergy might be in Danger? This Dr. A. will hardly affirm; I am sure will never prove. Yet this he must say; or He must allow the Account which I gave of their Danger to have been the right; and that they had incurr'd a *Præmunire* not only in that one particular Instance which He advances, but on many other Accounts: And therefore that the true, as well as full Representation of it, required me to put it, as I said, on their having, generally, Offended against the Statutes of *Præmunire*; without restraining it, as He has done, to One, and that One, a mistaken, and misrepresented Cause of it.

So little Skill, as well as Good Nature, has Dr. A. shewn in his first Entrance upon this History. But his next step is intolerable; and declares him when he set about this part of his Work to have understood nothing at all of what he wrote. "Thus, saith he, both the Clergy and Laity were unawares at the Kings Mercy, and the Clergy not admitted to pardon *Gratis* (as the Laity afterwards were) but forced to ransom themselves by a good round Sum for those times; and by an Acknowledgment in Convocation, that the King was Supreme Head; together with the SUBMISSION and PETITION Recited in the PREAMBLE of the ACT we are now discoursing of. In which Words 'tis plain, that He makes not only the good round Sum of which he speaks, and the Acknowledgment of the Kings Supremacy, to have been the Condition upon which

Sect. 60.

Rights, &c. P. 82.

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which they obtain'd their Indemnity from the *Premunire* which they had fallen under ; but the *Submission* and *Petition* too, upon which the *Statute* of the 25th of H. VIII. c. 19 was drawn. And accordingly, p. 92. He falls foul upon an *Ingenious Writer*, with that peculiar Freedom which runs through his whole Work, for affirming, that the *Premunire* was off, when the *Clergy* made their *Submission* : And blames my Lord of *Sarum* for forgetting in one part of his History, what he tells us his Lordship seem'd to have known by another, that the *Submission* was made by the *Convocation* in the Year 1531.

¹ Rights, &c.
p. 92, 93

I shall not need to tell Dr. A. that this was a great Mistake, who himself has own'd the *Submission* to have pass'd May the 15th. 1532. But this I must say, It was a much more unpardonable Mistake in One who pretended to so much *Light*, as he did, in that whole Transaction ; than in my Lord of *Salisbury*, who complain'd of the want of it. Let us hear how he speaks of it in his First Edition : " Whether his Lordship were aware of this, or no, it is certain the *Submission* was so much older than the Act ; that is, was made Anno 1531, as appears by the *Journal* of the *Convocation* that framed it, still remaining, tho' his Lordship (p. 147) complains that it is lost, and excuses himself on this account, &c. I have seen the *Journal* of that *Synod*, &c. There is no Reason therefore to complain for want of *Light* in this Case ; for perhaps there is scarce any one thing done in any of Henry the VIIIth's *Convocations*, of which we have a clearer and fuller Account, &c. But how then came Dr. A. to be himself so grossly mistaken in that very thing for which he Censures that Great Prelate ? I cannot but think it will astonish the Reader, (I am sure it ought to do every Considering Person) to find this Vain Man at last Professing his Error, in this very Point, to have proceeded from his Reliance upon my Lord of *Sarum*'s Authority in it. I must set down his own Words again, or I shall hardly be believed in the most favourable Report that I can make of them.

² Addit. p. 18.

" Indeed I have need my self of this Plea, upon the present Article, who have, in more than One place of the former Edition of this Book, spoken of the Clergies *Submission*, and *Subsidy*, as if they had born one another Company. Why Dr. A. confines this Mistake to the former Edition of his Book, I cannot imagine : Sure I am, that if his Second Edition corrects nothing, but what his Additions and Emendations refer to, the same will be found to stand unaltered

³ Ibid. p. 4.

there, in the ³ Passage I before alledged ; the most Remarkable of any, in which it before occur'd. But this by the way : The great Question is, How under so clear a Light, One who so severely corrected my Lord of *Sarum*, for placing of this *Submission* in a wrong Year, and had restor'd it, as he thought,

⁴ Rights, &c.
p. 92.

to its right Period ; and told us, " It was certain, whether his Lordship were aware of it, or no, that the *Submission* was so much older than the Act, as he there says ; came, after all, to be himself in the Wrong ? He tells us in these Remarkable Words ;

⁵ Addit. p. 18.

" But in this (says He) I follow'd his Lordship's Accounts too respectfully ; thinking that what his Lordship had so often lay'd down, in a Point so obvious to be known, could not well be mistaken. But if the Reader will forgive my Implicit Reliance this once, I promise to do so no more ; Nor to take any thing for the future, even upon his Lordship's Authority, great as it is, without examining into the Truth of it.

⁶ Rights, &c.
p. 92.

Dr. A. must excuse me if I take the Liberty to expostulate a little with Him, upon so strange an Assertion. He owns himself mistaken, in having affirm'd that the *Submission* of the *Clergy* was made, when the *Subsidy* of 100000 l. was given : And he imputes his Error to his Implicit Reliance upon my Lord of *Salisbury*'s Authority. How can this possibly be reconciled with the Passages of his former Book ? To say nothing more of what I before observ'd, that he undertook from *Journals*, and *Acts*, to Correct my Lord of *Sarum*'s Mistake, among Others, in this very Point : I appeal to the Correction it self, as it stands in his own Words, " My Lord of *Sarum*'s Expressions (says he) in the Year 1534, are ; As the Parliament was going on with these good Laws, there came a *Submission* from the *Clergy* then sitting in *Convocation*, to be pass'd in Parliament, (p. 147.) But this is one of those NODS that Great Men in long Works are subject to. For his Lordship, p. 133. of that Work seems to have known that the *Submission* was made by the *Convocation* in 1531 and 2, however he came to forget it here, and to place the Rise of it two Years lower. But whether his Lordship were aware of this, or not, It is certain the *Submission* was so much Older than

“than the *Act*. These are Dr. A's Words; and I Appeal to the World to say, whether these were the Words of a Man who implicitly Rely'd on the Authority of that very Person whom he Corrected, I had almost said Ridicul'd, for his Mistake in this very Matter? K. HENRY the VIIIth.

He observes indeed, that his Lordship, who so grossly Err'd in the Date of the Submission here, SEEMED to have known in other Parts of his History, that it was made in the Year 1531. “But, says he, whether his Lordship were aware of this or not, (for Dr. A. was not then satisfied whether he did ever truly know the Date of this Submission) it is certain that it was made in that Year. And then he adds his Authority for it, “As appears by the Journal of the Convocation that framed it still remaining. It was from the Journal of the Convocation therefore, not from the Bishop of Sarum's History, that Dr. A. pretended to deliver his Certain Oracle about the Date of this Submission. As for my Lord of Sarum, he had given such different Accounts of this Submission, in Dr. A's own Words, “Had expressed himself in the several Parts of his Work in such an observable Variety on this Head, that he could not well tell whether his Lordship knew the true Date of it, or no. Which being so, I shall leave it to Dr. A's own Conscience to reflect with what Truth, or Ingenuity, he could nevertheless, after all tell the World, as he does in his fleering way, that he was led into this Error, “by following his Lordship's Accounts too respectfully; “as thinking what his Lordship had so often laid down, in a Point so obvious to “be known, could not well be mistaken. Rights, &c. p. 92.

I may now venture to say, that when Dr. A. first undertook the Interpretation of this Statute, he knew very little of the true Grounds of it: And particularly that he was utterly Ignorant of the two Great Circumstances upon which the whole History of it depends; the Time when it was made, and the State of the Clergy at their making of it. As for what he has so much labour'd since, I mean the several Steps and Progressions by which it went on in the Convocation, they All amount but to thus much; That the Bishops and Clergy were drawn very unwillingly to make the Concessions which were requir'd of them; That they stood out as long as ever they durst against them; and, at last, compounded with the King upon the best Terms they could concerning them. Sect. 61.

To examine this Account with any Exactness, I ought to have, as some other Papers, so especially those Extracts of the Upper House of Convocation, of which Dr. A. speaks, ³Appendix p. 41, and tells us are in his Hands. Had he given us a faithful Copy of them, as he has of those which he has printed, we should have been much more able to have judged of the Truth of this Relation, than we now are, by comparing it only with those more antient Extracts which alone he has published. However, to shew that there may be some Reason to doubt, if not of his Fidelity, yet at least of his Exactness, in several Circumstances of his History; I will briefly run thro' the main Circumstances of it; in several of which, according to the small Light which I yet have, I take him to have been much mistaken. Addit. Appendix p. 41.

⁴Dr. A. having told us, that the King was displeas'd with the first Answer of the Convocation, concluded upon April the 19th, adds, that he remitted it back again to them, to be better consider'd of by them. “For (says he) on Monday April the 29th, I find the Matter again in debate there; and those Debates continuing till the Monday afterwards, without effect. Addit. p. 9.

In this I thus far agree with him, that the King was dissatisfied with their Answer, and did signify his Dissatisfaction to them. The Speech which he made to the Commons, when he put it into their Hands, shews the One; and the Preface to their next Paper, which Dr. A. himself has publish'd from the Cotton MS. assures us of the Other. But where does Dr. A. find, “that the King remitted their Answer back again to the Convocation to be better consider'd of by them? Of this, his Printed Minutes are utterly silent: And I have before shewn, that instead of remitting it back to the Convocation, he sent it by the Speaker to the House of Commons, where it was read, and dissatisfied them as much as it had done the King before. Now this the King did not till April the 30th, and therefore it must needs be a Mistake in Dr. A. to affirm, as he does, (upon what Authority I desire to know) that it was remitted to the Convocation on, or before, the 29th of the same Month.

But

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¹ Addit. Ap-
pend p. 37.
Sess. ci.

² Ibid. p. 10.

But why do's Dr. A. put off the *Resumption* of this Matter in the *Convocation* to Monday April the 29th? His own Minutes shew that it was resum'd the Wednesday before, April the 24th; and his Transcript of that Session, which has no other Business in it, assures us, that he was (at least when he printed his *Appendix*) himself sensible of it. But he proceeds:

The Prelates ² "having felt the King's Frowns, on the account of their first Answer, were willing that the Lower House should have the Honour of drawing up the next: And therefore recommended it to the Prolocutor, and Clergy, to Agree upon such a Reply as They should think expedient. How far Dr. A's *Invisible Extracts* affirm this, I must not pretend to conjecture. The printed Ones are, I am sure, too short and obscure to let us into so formal a Piece of *Convocation-History*. In the three Sessions of April the 24th, 29th, and May the 3d, we find the Prelates and Prolocutor, &c. treating of this Matter. Session CIV. May the 6th, the Bishop of London being at the Head of the *Convocation*, rehears'd the Will of the Archbishop, touching the *Supplication* aforesaid; and Order'd (Dr. A. says Recommended it to) the Prolocutor, &c. to draw up their Answer in writing. This is all our *Extracts* speak; and from this nothing more can, I think, be inferr'd, than this; that the Archbishop requir'd the Answer of the Lower House to be brought, the next Session, in writing, to such Points as the Bishop of London, in his Name, propos'd to them, touching this *Supplication*; which both Houses appear to have been treating of in the Sessions foregoing.

But Dr. A. goes on: "A Committee of the Lower House was thereupon appointed, who drew up a New Answer to the former part of the *Supplication*, (which stuck most with the King) and accompanied it with an Assertion of the Clergies Power to make Canons, as founded in Scripture; the Passages of which, they ranged under Four several Heads. And this, and their New Answer, they laid before the Upper House, on Wednesday May the 8th. I am here again under the same Difficulty I was before: The *Invisible Extracts* will not suffer me to say this is wholly false; nor yet the Visible Ones encourage me to believe that it is exactly true.

³ Sess. cv.

³ On the 8th of May, the Bishop of London "being Commissioner for the Archbishop, receiv'd from the Prolocutor *Quatuor Libellos*, concerning the Authority of Ecclesiastical Persons to make Laws for the Suppression of Heresie; conceiv'd (as he affirm'd) by Learned Men; and protested that he did not Exhibit them as Approv'd by the Unanimous Consent of the Whole House, but that the Commissary, and other Bishops, might read them, and choose out what made most for the Truth; and then desir'd, that if the Bishops should draw up any thing, the Lower House might be made acquainted with it, *Prinsquam auferentur*. This is all that our Minutes report: What these *Quatuor Libelli* were; or that any New Answer was drawn up by the Lower House to the *Supplication* of the Commons; or, at this time, tender'd to the Upper; we must be beholden to the *Hidden Extracts* to inform us. He adds:

⁴ Addit. p. 11.

⁴ "The Upper House agreeing to this Answer, the Bishops of London and Lincoln, the Abbots of Westminster and Burton, together with Sampson Dean of the Chappel, and Fox the Almoner, were desir'd to attend the King with it; and at the same time to be instant with him, that he would preserve and protect their Liberties and Immunities, in like manner as his Noble Ancestors had done. That the Lower Clergy did this Session desire that some might be sent to the King, to beseech him that he would vouchsafe to maintain the Liberties of the Church which himself and his Progenitors had preserv'd; and that the Persons here mentioned did at their Request undertake to do this, our printed *Extracts* tell us. But of this Answer drawn up by the Lower House, and agreed to by the Upper; and sent by these Persons to the King in the Name of the *Convocation* (tho' so eminent an Act that one would think it could hardly have escaped the Observation even of a Careless Abridger) not one Word appears in them. It is well therefore that Dr. A's *Later Extracts* have been more full: And we ought to entreat him, both for his own Vindication, and for our Instruction, to give us an Authentic Copy of them.

"This done, the *Convocation* Adjourn'd till Friday: (so his Private MS. I suppose tells him. Our *Extracts* speak more justly to the Authority of the President; that he Prorogued it till Friday; & tunc Contin. Dominus Locum tenens usque in diem Veneris)

Veneris) "When the Almoner reported to 'em, how little Satisfaction their ^{HENRY} ^{the VIIIth.} *Second Answer* had given; and withal produced a Form, which the King requir'd them peremptorily to sign, and under which He would not be contented. Of this *Schedule*, or Form, sent to the *Convocation* by the *Almoner*, our *Extracts* take a very particular Notice: But of the *Second Answer* of the *Convocation* to the *Commons Petition*, which makes so great a Figure in this part of *Dr. A's Narrative*, they are still, I know not how, most obstinately silent. Might I be allow'd to offer my own Conjecture against the Authority of this *MS. Collection*, I should think, that tho' several Forms might be, and I doubt not, were drawn for the Kings Satisfaction; nay, and privately communicated to Him also for his Approbation: Yet that the *Convocation* having not pleased Him in their *first Answer*, and the King proceeding with such Resolution against Them, They did not think fit to present any *Other Answer*, as the *Act* of the *Convocation*, to Him; till they finally concluded upon that, which the King appears to have Agreed to, and promised to Accept of. So that, tho' I can easily allow *Dr. A.* that all those *Forms*, which he has publish'd, were drawn upon this Occasion; and that some of them, for ought I know, were shewn to the King; yet in this I must beg leave to differ from him, till he shall favour Us, with a more easy Access to his *MS. Authorities*; that as our antient *Extracts* take not the least Notice of their sending to his Majesty any *Answers* besides their *first* and their *last*, so were those the only Ones that the *Convocation* did present, as their *Act*, to Him. But this is Conjecture only; and shall readily be retracted as soon as the *MS. Extracts* shall shew I was mistaken.

To return now to the *Schedule*, which we are sure the King sent to the *Convocation*, and of which *Dr. A.* has given us, I suppose, a true Copy. "Upon" ^{Addit. p. 122} receiving this Paper, the Clergy (He says) *Adjourn'd* first to *St. Catharines*, and then to *St. Dunstons Chappel* in the Monastery. This again must be *MS. History*; for the printed *Extracts* speak much Otherwise. Their Words are these: "The Archbishop, after that the *Schedule* was read, and Deliver'd by Mr. Fox the Almoner, prorogued the *Convocation* to the Chappel of *St. Catharine* within the Monastery, to which the Archbishop and the rest of the Prelats immediately went, and there the *Schedule* was again read. Then the Archbishop prorogued the said *Convocation* to the Chapter House aforesaid, to Munday May the 13th. Here we read nothing of the Clergies *Adjourning*, but of the Archbishops *Proroguing* of the *Convocation*: Nothing of their *Adjourning* first to *St. Catharines*, and then to *St. Dunstons*; but of their reading again the *Schedule* in *St. Catharines Chappel*, and so being prorogued back again to the Chapter House, by the Archbishop, on Munday following. But to proceed with his Narrative:

"The Result of their Debates (the Clergies on their removal to *St. Dunstons Chappel*) was to send four of the Upper, and six of the Lower House, to the Bishop of Rochester then absent, for his Advice in the Case, by which they seem'd inclin'd to govern Themselves; and in Expectation of it, *Adjourn'd* till Munday. *Dr. A.* still writes out of his *MSS.* in contradiction to his printed *Extracts*; whose account of this Transaction is this: "That the Archbishop having in *St. Catharines Chappel* prorogued the *Convocation* till Munday, did Himself, together with the Bishops, go directly from thence to the Chappel of *St. Dunstan*; and there it was agreed, that the Bishops of Lincoln, and Bath and Wells, and the Abbot of *St. Bennet*; as also Mr. Edward Fox, Mr. Powel, Wilson, and Duck, Doctors of Divinity, and Mr. Raynes, and Cliff, Doctors of Law, should Go to the Bishop of Rochester to his Lodging, to treat maturely about the Contents of the *Schedule* aforesaid. They were chosen by the Archbishop and Bishops, after the *Convocation* was prorogued, to go to the Bishop of Rochester's Lodging, not for his private Advice, but as a Committee, to debate together with Him, on this Affair; "As the Words of the Minute are, "to treat maturely about the Contents of the *Schedule* aforesaid: In Expectation whereof *Dr. A.* says they *Adjourn'd* till Munday. But Our *Extracts* tell us, that the *Convocation* had been prorogued before any thing of this was resolved. As for the Bishops, who appointed the Meeting of this Committee, They were so far from *Adjourning* till Munday in expectation of Bishop Fisher's Advice, that They expressly Order'd this Select Committee, to report Their Opinions, *Eorum Opiniones*, to Themselves the next day, being Saturday, at the Archbishop's Chamber, where He was wont to dine in Parliament time. So wide is the Difference between these two *Extracts*;

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tracts; and so impossible is it to reconcile Dr. A's History, with the proofs of it in his own Appendix.

From this short Specimen it may appear, that either the antient *Extracts* of this *Convocation*, which Dr. A. himself has published, are not only very imperfect, but in some considerable Circumstances utterly false too; Or there may be just Reason to suspect the Exactness of his Relation, in several matters of no small Importance. He will no doubt easily clear our Suspicions, by shewing that his MSS. *Notes* do not barely illustrate the Obscurity, and supply the Defects of the Other; but in all these Passages correct their *Errors* too. I shall only add, that either my *Copier* has been very negligent, or those Forms of Submission, which he has printed from the *Cotton Library*, may need his Review. How far the rest have Escaped the like Errors, I cannot tell, because Dr. A. has not been pleased to let us know where we are to look for Them. But in the main *Record* of all, I cannot but complain of a very Arbitrary, and Unwarrantable procedure. The piece, I speak of is the *Act of Submission*; which still remains very fair among the other Statutes of that *Parliament*; is duly and regularly pointed; and lay open in a *Public Office* to his Inspection. (a) Yet in the very *Sentence*, upon which the whole Meaning of it turns, in one part (at least) of our Dispute; Dr. A. has not only divided the *Verbs*, which lead the *Sence*, from One another, by his Own perverse *Interpretation*; but to give the fairer Colour thereunto, has printed it with a *distinguishing Point*, both in the *Recital*, and in the *Enacting Part*; and laid the Whole Stress of his Argument upon it: Whereas in truth not only no such *Considerable Point*, but *None at All*, is found there in the *Record*; as by the Copy, which I have from thence taken of it, may appear.

Append. ad
Ann. 1533.

The Record.

Dr. A's Rights, &c. p. 82.

(a) Have promised in *Verbo Sacerdotii* that They will never from hence-furth presume to Attempt Alege Clayme or put in Ure or Enact Promulge or Execute any newe Canons Constitutions Ordinaunce Provincial or other or by whatsoever other name they shal be called in the Convocation oneles the Kingis most Roial Assent and Licence may to Them be had to make promulge and execute the same/

Be yt therefore nowe Enacted by Autoritie of this present Parliament according to the said Submission and Petition of the said Clergy that they ne enny of them from hencefurth shall presume to attempt alege clayme or put in ure any Constitutions or Ordinauncys Provincial or Sinodals or any other Canons nor shall enacte promulge or execute any suche Canons Constitutions or Ordinaunce Provincial by whatsoever name or names they may be called in ther Convocations in tyme comyng whiche alway shal be Asssembled by Autoritie of the Kingis Writ/ Oneles the same Clergy may have the Kingis moste Royal Assent and Licence to make promulge and execute suche Canons Constitutions and Ordinauncys &c.

Have promised in *Verbo Sacerdotii*, that They will never from henceforth presume to attempt, alledge, claim, or put in ure: or enact, promulge, or execute any new Canons, Constitutions, Ordinances, Provincial, or other, or by whatsoever other name they shall be called in the Convocation, unless the Kings most Royal Assent, and Licence may to Them be had, to make, promulge, and execute the same:

Be it therefore now enacted by the Authority of this present Parliament, according to the said Submission and Petition of the said Clergy, that They, ne Any of Them, from henceforth shall presume to attempt, alledge, claime, or put in ure any Constitutions, or Ordinances, Provincial or Synodal, or any other Canons: Nor shall enact, promulge, or execute any such Canons, Constitutions, or Ordinances Provincial, by whatsoever Name or Names they may be called in their Convocations in time coming (which alway shall be assembled by Authority of the Kings Writ) unless the same Clergy may have the Kings most Royal Assent and Licence to make, promulge, and execute such Canons, Constitutions, and Ordinances, &c.

I could mention some other Escapes, of a lesser moment in the same *Transcript*, but one more there is, which is too Notorious to be pass'd by; that in the " Clause which declares the *Clergies* Opinion, that the *Convocation* of the same " same *Clergy* is, always has been, and ought to be assembled *ONLY* by the " Kings *Writ*; the Word *ONLY* is drop'd by Him; tho' it be expressly inserted, both in the *Form of Submission*, which Himself has publish'd from my *Lord Longuevill's Library*; and in the last and most common *Editions* of our *Statutes* themselves, which have restored it from the *Record*, and thereby render'd his Disingenuity, or Negligence, the more Culpable in the Omission of it.

But of this *Statute*, and the several Circumstances, which may seem requisite to be farther taken notice of in Order to a Right Understanding of it, I shall have Occasion to speak more fully hereafter: Nor should I have stay'd so long, as I have now done, upon it, but only to shew, that after all ² Dr. A's Insults upon Others, for not clearing this Part of our Church History, He has not himself

Addit. p. 18,
19.

self been either so full, or so correct, as not to leave a sufficient ground for those who come after him both to supply his Defects, and to animadvert upon his Errors.

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To return now to our Enquiry into the Sessions of our Parliaments and Convocations, which the History of the Submission of the Clergy has too long interrupted. On the 3d of November the Parliament which had continued so many Years successively, met again by Prorogation, and sate till the 18th of December following. The Convocation of our Province began the next Day, and held till Saturday, December the 19th, the Day after the Parliament rose. It was then prorogued to the 4th of November the next Year, 1535: But the Convocation of the other Province kept not its Measures so exactly with the Parliament. When it Resumed its Session, I cannot tell; but by the King's Writ for Proroguing of it, dated January the 26th, it appears to have sate at least till the 3d of February, above Six Weeks after both the Parliament and the other Convocation were risen. In this Writ there is one thing that will deserve to be particularly taken notice of; that the King prescribed no Day for the next Meeting of that Assembly, but left it to the Archbishop to prorogue it to any Day, which he should reasonably limit and appoint for the Meeting of it. Had there been any such necessary Dependence of the Convocations upon the Parliament as is now contended for, I cannot understand how the King could have indulged this Favour to the Archbishop; but much less could the Archbishop have proceeded as he did upon it. For instead of appointing it to meet again with our Convocation, November the 4th, he assign'd a longer time to it, February the 4th: So that either our Convocation must have Anticipated the Session of the Parliament, by Re-assembling by its self in November without it; or this Convocation must have been design'd to have come after the End of it in February; to be sure both could not have been Appointed to Meet at the same time with it.

Sect. 64.
1534

Registr.
Lee Ebor.
fol. 93.

Append ad
Ann. 1534

However it were, upon the 4th of February the Parliament assembled the last time; it sate till the 14th of April, and was then Dissolv'd. Whether any Convocation sate with it in either Province, I much doubt. Neither Archbishop Cranmer's, nor Archbishop Lee's Registers, make mention of any. In September before, the King began his Royal Visitation, and suspended the Jurisdiction of the Archbishops and Bishops during the Time of it. This, join'd with the Silence of our Registers, and of the Ancient Extracts of our Convocation, (which barely note the Proroguing of our Convocation to the Fifth of February, and so proceed immediately to the next Assembly of 1536) incline me to think, that the Parliament sate this Year without any Convocation in either Province: Sure I am I have not met with the least Intimation of any, in those Registers and Records in which I have, with some Care, searched after them.

1535

It was in June this Year that the King, as I conceive, publish'd the Proclamation to which Dr. A. refers, p. 275, and in which he thinks he has met with something to prove the Convocation Clergy to be a part of the Parliament of England. The King recites, "how that by the deliberate Advice, Consultation, Consent, and Agreement as well of the Bishops and Clergy, as by the Nobles and Commons Temporal of his Realm, assembled in his High Court of Parliament, the Abuses and Authority of the Bishop of Rome, had not only been utterly Extirpated, Abolish'd, and Secluded; but also the same his Nobles and Commons both of the Clergy and Temporality, by another several Act, and upon the like Foundation, had united, knit, and annex'd to him, and the Crown Imperial of this his Realm, the Title, Dignity, and Stile, of Supreme Head in Earth, immediately under God, of the Church of England: Which things also (continues the King) the said Bishops and Clergy, particularly in their Convocations, have wholly and entirely consented, recognized, &c.

Rights, &c.
P. 274, 279

From this Instrument, Dr. A's Argument must lie thus; That the Bishops and Clergy of whom the Proclamation twice speaks, as being Assembled and Acting in Parliament, were the Bishops and Clergy in Convocation; and therefore the Clergy Assembled and Acting in Convocation, are spoken of in our Public Instruments as being Assembled and Acting in Parliament; and by Consequence are to be accounted a Part of it.

But what then shall we say to the last Clause of this Proclamation? "Which things also the said Bishops and Clergy, particularly in their Convocations, have wholly and intirely Consented, Recognized, Ratified, Confirmed and

T t t

"Approved.

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Approved. For if the *Bishops and Clergy*, who before were said to have done this in *Part* with the *Nobles and Commons Temporal*, did then *Act* in their *Convocational State and Capacitie*, when they so join'd with the *Nobles and Commons* in *Parliament*; How are they afterwards said to have also done the same thing particularly, that is *Apart by Themselves*, in their *Convocations*? Do's not the very wording of this *Instrument* plainly shew that the *Bishops and Clergy* did *Twice*, and in a *double Place and Capacity*, what is there mention'd: Once jointly with the *Nobles and Commons Temporal* in *Parliament*; and once particularly, by *Themselves*, in their own *Convocations*?

But we will examine these Matters more fully, and then see whether the History of these Transactions do's not agree, to the plain Sense and Meaning of the Expressions. In the *Convocation of Cant. Anno 1530*, the King was recognized by the *Clergy* of this *Province* to be *Supreme Head of the Church of England*. The same was done by the *Clergy of York*, in their *Convocation* in *May* following, *Anno 1531*.

In the *Convocation of Cant. Ann. 1533*, the *Bishop of Rome* was determined to have no more or greater Authority in this Realm, than any other *Foreign Bishop*. The same was done in the *Convocation of York* the *June* after, *1534*.

25 H. viii.
c. 19, 20, 21.

In the *Parliament* which met *January* the 15th, 1533, Three solemn *Acts* were pass'd against the *Pope's Authority*; to one, or all of which, I take the *Proclamation* now before us to referr. These were pass'd into *Statutes* by the King, *March* the 30th. But the *Resolution* of the *Bishops and Clergy* in our *Convocation*, concerning the *Authority* of the *Bishop of Rome*, was not finally concluded upon till *March* the 31st, the *Day* after the *Parliament* was risen; and in the *Other Province*, not till above two Months after.

The Case is the same, or rather is (if possible) yet more clear, in the other *Act* which the *Proclamation* refers to. The *Statute* by which the King was declar'd to be *Supreme Head of the Church of England*, was made the 26th of *H. 8. 1534*. But the *Clergy* in *Convocation* had recognized this three Years before; and therefore the *Clergy*, who made this *Act* in *Parliament* in 1534, must needs be different from the *Clergy* who made that *Recognition* in *Convocation*, in *February* and *May*, 1530, 1531.

Accordingly we find the very *Statutes* themselves distinguishing between the *Acts* of the *Convocations*, and the *Acts* of *Parliament*, in this very Matter. They speak of the Former as a thing already done, and from thence, infer the Reasonableness of what the latter were, in those *Statutes*, about to do. So 25 H. 8. c. 21. "Forasmuch as your Majesty is *Supreme Head of the Church of England*, "as the *Prelates and Clergy of your Realm* representing the said *Church* in their "Synods and *Convocations* have recognized; it may please your Majesty to ordain "and enact, by the Assent of your *Lords Spiritual and Temporal*, and the *Commons* "in this present *Parliament* assembled. Which *Lords and Commons* (to observe that by the way) are before in the same *Act* said to represent the whole *State* of the *Realm* in *Parliament*. And in the other *Statute*, 26 H. 8. c. 1. the Preamble runs in these Terms, to the same effect: "Albeit the King's Majesty, justly and "rightfully is, and ought to be, the *Supreme Head of the Church of England*; "and so is recognized by the *Clergy of the Realm* in their *Convocations*, &c. Yet "nevertheless, Be it enacted, &c.

The *Clergy* then, as well as the *Bishops*, are to be consider'd under a double Capacity: As Members of the *Provincial Convocations* of *Cant. and York*, and as Members of the *Parliament of England*, summon'd by the King's Writs to that *Great Council*, and making up, together with the *Bishops and Prelates*, one of the *Chiefest States* of it. In this latter Capacity they confirm'd by Law in *Parliament*, what themselves had before Recognized, as their Opinion, in their several *Convocations*. The *Bishops and Prelates* were actually present in Both. The *Deans, Priors, and Archdeacons*, who came to the One, were summon'd to, and so in Law reputed, to be present in the Other. So might many of the *Proctors* of the *Chapters and Diocesses* have been likewise: And therefore tho' the *Bishops and Parliamentary Prelates* alone at that time sat and voted at the Passing of these *Statutes*, yet what they did was in the Name, and look'd upon as the *Act*, of the whole *Estate* of the *Clergy of the Realm*, assembled in *Parliament*. The whole *Estate* was legally called by the King's Writs thither; and therefore, whether they All came or no, yet All were to be accounted as present there. The Case is the

the same in his other *Proclamations*; 35 H. 8, and therefore the same Answer may suffice to have been given to it. The *Clergy* of which they both spake were the *Parliament*, not the *Convocation Clergy*; Assembled, and (in part) acting together with the *Lay Nobles and Commons in Parliament*; not particularly by themselves, in their own *Synods*, or *Convocations*.

The next Year a *New Parliament* was call'd to meet at *Westminster*, June the 8th, 28 H. 8. To this the *Chapter of York* deputed their *Proxies* in form; and therein sufficiently shew how different an Assembly the *Civil Convention of the State of the Clergy in Parliament* is from that of their own *Provincial Convocation*. They appoint their *Proctors* first to appear in the *Parliament of the most Serene Prince Henry the 8th, King of England*. Then they name the *Time and Place* where they were to meet, viz. at *Westminster*, June the 8th: And finally, the *Persons* with whom they were to *Treat*; to *Treat*, and *Consent to such things as shall there be Ordain'd by the Common-Council, of the same Realm of England*. All which are so widely different from their *Convocation Proxies and Powers*, that he must resolve to be mistaken who do's not plainly perceive the Difference between them.

In this *Parliament* a Bill was framed upon the *Determinations* of the *Clergy in Convocation*, against the *Usurped Authority of the Bishop of Rome*: The *Statute of Residence* was enforced, and some other *Acts* passed with Relation to *Church Affairs*. In these *Debates* it continued till the 18th of *July*, and then was dissolv'd.

With this *Parliament* the *Convocation of the Province of Canterbury* Assembled June the 9th, and sate till the 20th of *July*, two Days after the *Parliament* was Dissolv'd. In the *Mandates* for the two last *Convocations* of this Province, an extraordinary Clause was inserted, which I have never observed in any such *Summons*, before the Year 1523. By the *Bishop of London's* Execution of the *Archbishop's* *Mandate*, it seems to have been continued now the third time, in this first Assembly under *Archbishop Cranmer*. They follow'd the *Forms* which lay before them, and had not yet reduced them to the old and usual Terms. But the *Archbishop* seems to have been somewhat aware of this: For in the very next *Convocation* we find that Clause again omitted; and never inserted any more, that I know of, to this Day.

Whether there was any *Convocation* held this Year in the other Province, I do again doubt: The *Registers* of it have no Footsteps of any. Now this I take to be the more considerable, because that of the *Parliament* of this Year, the *Register of the Dean and Chapter of York* makes express mention: Of the next *Convocation* the same *Register* fully speaks. The *Archbishop's Register* goes on with other Matters of lesser moment; and it is very much that had any *Convocation* been held there this Year, none of these, or any Other of their *Records*, should have taken the least notice of it. But indeed there is another Reason, which still confirms me in the same Opinion. In the *Subscriptions* to the *Articles of Religion* which passed this Year in Our *Convocation*, the *Archbishop of York* and *Bishop of Durham* subscribe with our *Bishops*. The *King* in his *Confirmation* of them says, that for the making of them he had caus'd his *Bishops*, and other the most discreet, and best Learned Men of the *Clergy of the whole Realm*, to be Assembled in *Convocation*. In the first *Article of Faith* it is thus Agreed, as hereafter followeth by the whole *Clergy of this our Realm*. In the *Articles and Injunctions* set forth not long after to enforce these *Articles*, the *King* speaks to the same Purpose of them; "Which (says he) were by you all the *Bishops* and whole *Clergy of this our Realm in Convocation*, agreed on. In none of these Places is there the least mention of any *Convocation*, of the Other Province, as we may reasonably suppose there would have been, had this *Book of Articles* distinctly pass'd in that, as it did in the *Synod of Our Province*. But indeed their *Bishops*, and possibly some select *Persons* of their *Clergy* too, assisted at the framing of them: The *Archbishop of York* and *Bishop of Durham* Subscrib'd with the *Bishops* of our Province to them: And it do's not appear by the minutes of this *Convocation*, that our *Synod* did do any more than barely Hear them Read, and so give their Consent to Them.

From this time, some Years pass'd before a *New Parliament* was Assembled. The next which met was Summon'd by *Writs* dated *March* the 1st, to begin on the 28th of *April* Anno 1539. To this the *Clergy of the Realm* were not only Summon'd, as usual, but seem to have return'd their *Proctors* too. The *Bishops*

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Rights, &c.
p. 59.

Sect. 65.
1536.
Registr. Dec.
& Capit. Ebor.
ab Anno 1508.
fol. 210, 211.
Append. ad
Ann. 1536.

Append. ad
Ann. 1536.

Sect. 66.
1539.

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Sect. 58.
Rights, &c.
p. 81.
Le Grand
Hist. du Di-
vorce. Vol I.
pag. 161.

But Dr. A. proceeds in his *New Discoveries*; the next of which is, that the Danger of the Clergy lay in this, that they had submitted to the *Cardinals Legantine Character Unauthorized by the Crown*. Is Dr. A. sure of this? So one would think He should be; for he repeats it again in the very next page: "The Subject neither durst, nor thought it necessary to enquire whether he had a License from (He would have said under) the great Seal, who had himself the keeping of it. However their Obedience to this Unlicensed Authority was Criminal, even to the Loss of Liberty and Estate." And yet the Cardinal constantly avow'd that He not only had the *Kings License* for his Assuming of this Character, but had it in the very Form that Dr. A. prescribes; I mean under the *Great Seal of England*: And that he could have produced the *Kings Patent* for it, had not those who seized his Papers secur'd that among the rest.

The Truth is, so notorious was the Fact that the King had Consented to the *Cardinals Legantine Character*, that those who drew up the (44) Articles against him were not able to deny it. They charge him indeed with breaking the Condition upon which the King had Consented to it: But that He had obtain'd the Kings Consent for it, was too notorious to be denied, or even dissembled by them. Let us hear, how they attaque him in their XXVIIIth Article to this effect. "Also where the said Lord Cardinal did first sue unto your Grace to have your Assent to be Legat de Latere, He promised and solemnly protested before your Majesty, and before the Lords both Spiritual and Temporal (so that this was no such Secret, into which the Clergy neither durst, nor thought it necessary to Enquire; but a matter of Public Notice) that He would nothing Do, nor Attempt, by the Vertue of his Legacy that should be contrary to your Gracious Prerogative or Regality, or to the Damage or Prejudice of the Jurisdiction of any Ordinary; and that by his Legacy no Man should be hurt nor offended; and upon that Condition, and no other, He was Admitted by your Grace to be Legate within this Your Realm: This Condition He hath broken, as is well known to all your Subjects.

This was their Allegation against that great Minister, with respect to his *Legantine Character*: And from it I will now take the Liberty to draw these two Inferences contrary to Dr. A's Account of this Matter; 1st. That the Cardinal had, and that it was notorious that He had, the *Kings Allowance* to be Legate. 2dly: That his *Legantine Character* thus Allow'd of, was not, of its self, thought to be at all contrary to the *Kings Prerogative* or *Regality*; nor by consequence would the Clergies Submission to it, after such an Allowance, have alone been sufficient to have brought them under a *Premunire*, as Dr. A. affirms that it did.

The Truth is, Dr. A. is wholly mistaken both in his Law and History in this particular. The King Consented to *Woolsey's* being Legate: Had *Woolsey* kept his Word, and Attempted nothing thereby contrary to the *King's Prerogative*, or to the *Laws* of the *Realm*, in vertue of it; He might as safely have Enjoy'd that Character without any Damage to himself, or Detriment to the Clergy, as *Cardinal Pool* afterwards did, or might have done. But he abus'd it grossly in the Exercise of it; and the Clergy Consented, or at least Submitted, to those Abuses: And so They both offended against the *Laws* of *Provision* and *Premunire*, and thereby Both fell under the Penalty of them. Which therefore brings me to the last thing I had to remark on this Passage of Dr. A. That the Account I gave of the *Premunire*, is not, as He represents it, contrary to the more Common Account, which refers it to their Submission to the *Legantine Power* (not Character) of *Cardinal Woolsey*; but includes that as the chief Cause of their Fall, tho' not the Only One, and so as to exclude All Others besides.

Sect. 59.
Authority,
&c. p. 248.

The Difference between Dr. A. and me in the present Case is this. I say (in general) that the Clergy had so acted against the *Statutes* of *Provisions* and *Premunire*, that there were but very few of any Note among Them, who had not, upon Some Account or Other, incurr'd the Penalty of those *Statutes*. And for this I have both the Clergies Own Request to the King for Pardon, and the *Statutes* of Pardon granted to them, on my side. They speak in the same terms; as largely and generally as I did.

Dr. A. dislikes this Account: He not only charges me as grossly Ignorant of our History, but traduces me as an Enemy of the Clergy, for giving of it. He affirms that they incurr'd the *Premunire* "for Submitting to the *Cardinals Legantine Character Unauthorized by the Crown*: Not for procuring or making use of provisional

visional Bulls, &c. contrary to those Statutes. That the Cardinal did not take up his *Legantine Character Unauthorized by the Crown* we have before seen. And that he might have so used it, as not to have at all impeach'd the *Kings Prerogative*; or Regality thereby, we must also allow, or we must say, that the Solemn Protestation which He made to the King, before the *Lords Spiritual and Temporal*, that He would so Use it, as not to Do, or Attempt any thing by virtue of it contrary thereunto, was a Contradiction in Law; a Promise not to do that by virtue of His *Legantine Character*, which the very Character it self alone, tho' taken with the *Kings Allowance*, would cause him to Do.

What therefore was the *Cardinals and Clergies Crime*? Let the *Kings Attorney General* speak it. His fault was, that knowing the Laws of *Præmunire*; and particularly that of the 16 R. 2, He had nevertheless obtain'd certain Bulls, from Clement the viith, by which He Exercised Jurisdiction and Authority *Legantine* to the "Deprivation of the Kings Power in his Courts of Justice;—to the Prejudice of the Right of both Secular and Ecclesiastical Persons: One instance of which, instead of many, the Attorney particularly insists upon. But the Articles against him are more full, and bring home the Charge upon him, upon the same Statute. "Also the said Lord Cardinal, by his Authority Legantine, hath given by prevention the Benefices of divers Persons, as well Spiritual as Temporal, contrary to your Crown and Dignity, and your Laws and Statutes therefore provided: By reason whereof He is in Danger to your Grace of Forfeiture of his Lands and Goods, and his Body at your pleasure. Art. 7.

Here then we see wherein the Cardinal offended; not in taking upon him the Character of Legate, for that the King and Lords had agreed to, and judged he might take without any detriment to the *Prerogative of the Crown*; but in Exercising the Jurisdiction and Authority of it beyond what he had promis'd, and the Laws permitted him to Do. Now in this Exercise of it, the Clergy complied with Him, and submitted to Him: And by so doing They involved themselves in the same Guilt. But still both He and They were criminal for offending against the Laws of *Provisions* and *Præmunire*: The One by granting Faculties, and Instruments, and giving Benefices by Prevention, and doing Other things contrary to the Statutes of the Realm: The Others, by purchasing and receiving such Instruments, and accepting of such Benefices from Him; and so complying with Him in those his Illegal and Criminal Procedures.

But tho' it be therefore certain, that in thus submitting to the Exercise of the Cardinals *Legantine Jurisdiction and Authority*, the Clergy were many of them guilty of a *Præmunire*, How will Dr. A. assure Us that they were Guilty in no other Respect? That they had broken these Statutes only in that one Instance; and so needed a Pardon for nothing else, but meerly for having complied with the *Legantine Character of Cardinal Woolsey Unauthorized by the Crown*? Was the Intercourse with Rome so intirely broken, for twenty Years before the Quarrel began about the Divorce, that all Bulls and Faculties were stop'd; no Appeals made thither; no Causes heard, or determin'd there, for which by our Laws any of the Clergy might be in Danger? This Dr. A. will hardly affirm; I am sure will never prove. Yet this he must say; or He must allow the Account which I gave of their Danger to have been the right; and that they had incurr'd a *Præmunire* not only in that one particular Instance which He advances, but on many other Accounts: And therefore that the true, as well as full Representation of it, required me to put it, as I said, on their having, generally, Offended against the Statutes of *Præmunire*; without restraining it, as He has done, to One, and that One, a mistaken, and misrepresented Cause of it.

So little Skill, as well as Good Nature, has Dr. A. shewn in his first Entrance upon this History. But his next step is intolerable; and declares him when he set about this part of his Work to have understood nothing at all of what he wrote. "Thus, saith he, both the Clergy and Laity were unawares at the Kings Mercy, and the Clergy not admitted to pardon *Gratis* (as the Laity afterwards were) but forced to ransom themselves by a good round Sum for those times; and by an Acknowledgment in Convocation, that the King was Supreme Head; together with the SUBMISSION and PETITION Recited in the PREAMBLE of the ACT we are now discoursing of. In which Words 'tis plain, that He makes not only the good round Sum of which he speaks, and the Acknowledgment of the Kings Supremacy, to have been the Condition upon which

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which they obtain'd their Indemnity from the *Premunire* which they had fallen under ; but the *Submission* and *Petition* too, upon which the *Statute* of the 25th of H. VIII. c. 19 was drawn. And accordingly, p. 92. He falls foul upon an *Ingenious Writer*, with that peculiar Freedom which runs through his whole Work, for affirming, that the *Premunire* was off, when the *Clergy* made their *Submission* : And blames my Lord of *Sarum* for forgetting in one part of his History, what he tells us his Lordship seem'd to have known by another, that the *Submission* was made by the *Convocation* in the Year 1531.

¹ Rights, &c.
p. 92, 93

I shall not need to tell Dr. A. that this was a great Mistake, who himself has own'd the *Submission* to have pass'd May the 15th. 1532. But this I must say, It was a much more unpardonable Mistake in One who pretended to so much *Light*, as he did, in that whole Transaction ; than in my Lord of *Salisbury*, who complain'd of the want of it. Let us hear how he speaks of it in his First Edition : ¹ " Whether his Lordship were aware of this, or no, it is certain the *Submission* was so much older than the Act ; that is, was made Anno 1531, as ² " appears by the *Journal* of the *Convocation* that framed it, still remaining, tho' ³ " his Lordship (p. 147) complains that it is lost, and excuses himself on this account, &c. ⁴ " I have seen the *Journal* of that *Synod*, &c. There is no Reason ⁵ " therefore to complain for want of *Light* in this Case ; for perhaps there is ⁶ " scarce any one thing done in any of *Henry the VIIIth's* *Convocations*, of which ⁷ " we have a clearer and fuller Account, &c. But how then came Dr. A. to be himself so grossly mistaken in that very thing for which he Censures that Great Prelate ? I cannot but think it will astonish the Reader, (I am sure it ought to do every Considering Person) to find this Vain Man at last Professing his Error, in this very Point, to have proceeded from his Reliance upon my Lord of *Sarum's* Authority in it. I must set down his own Words again, or I shall hardly be believed in the most favourable Report that I can make of them.

¹ Addit. p. 18.

² " Indeed I have need my self of this Plea, upon the present Article, who have, ³ " in more than One place of the former Edition of this Book, spoken of the *Clergies Submission*, and *Subsidy*, as if they had born one another Company. Why Dr. A. confines this Mistake to the former Edition of his Book, I cannot imagine : Sure I am, that if his Second Edition corrects nothing, but what his *Additions* and *Emendations* refer to, the same will be found to stand unaltered

¹ Ibid. p. 4.

there, in the ² Passage I before alledged ; the most Remarkable of any, in which it before occur'd. But this by the way : The great Question is, How under so clear a Light, One who so severely corrected my Lord of *Sarum*, for placing of this *Submission* in a wrong Year, and had restor'd it, as he thought,

⁴ Rights, &c.
p. 92.

to its right Period ; and told us, ⁴ " It was certain, whether his Lordship were ⁵ " aware of it, or no, that the *Submission* was so much older than the Act, as he there says ; came, after all, to be himself in the Wrong ? He tells us in these Remarkable Words ; ⁵ " But in this (says He) I follow'd his Lordship's Accounts

¹ Addit. p. 18.

⁶ " too respectfully ; thinking that what his Lordship had so often lay'd down, in a ⁷ " Point so obvious to be known, could not well be mistaken. But if the Reader ⁸ " will forgive my *Implicit Reliance* this once, I promise to do so no more ; Nor ⁹ " to take any thing for the future, even upon his Lordship's Authority, great ¹⁰ " as it is, without examining into the Truth of it.

Dr. A. must excuse me if I take the Liberty to expostulate a little with Him, upon so strange an Assertion. He owns himself mistaken, in having affirm'd that the *Submission* of the *Clergy* was made, when the *Subsidy* of 100000 l. was given : And he imputes his Error to his *Implicit Reliance* upon my Lord of *Salisbury's* Authority. How can this possibly be reconciled with the Passages of his former Book ? To say nothing more of what I before observ'd, that he undertook from *Journals*, and *Acts*, to Correct my Lord of *Sarum's* Mistake, among Others, in this very Point : I appeal to the Correction it self, as it stands in his own Words, ⁶ " My Lord of *Sarum's* Expressions (says he) in the Year 1534, ⁷ " are ; As the Parliament was going on with these good Laws, there came a *Submission* ⁸ " from the *Clergy* then sitting in *Convocation*, to be pass'd in Parliament, (p. 147.) ⁹ " But this is one of those NODS that Great Men in long Works are subject ¹⁰ " to. For his Lordship, p. 133. of that Work seems to have known that the ¹¹ " *Submission* was made by the *Convocation* in 1531 and 2, however he came to ¹² " forget it here, and to place the Rise of it two Years lower. But whether his ¹³ " Lordship were aware of this, or not, It is certain the *Submission* was so much Older

⁶ Rights, &c.
p. 92.

than

"than the *Act*. These are Dr. A's Words; and I Appeal to the World to say, whether these were the Words of a Man who implicitly Rely'd on the Authority of that very Person whom he Corrected, I had almost said Ridicul'd, for his Mistake in this very Matter? K. HENRY the VIIIth.

He observes indeed, that his Lordship, who so grossly Err'd in the Date of the Submission here, SEEMED to have known in other Parts of his History, that it was made in the Year 1531. "But, says he, whether his Lordship were aware of this or not, (for Dr. A. was not then satisfied whether he did ever truly know the Date of this Submission) it is certain that it was made in that Year. And then he adds his Authority for it, "As appears by the Journal of the Convocation that framed it still remaining. It was from the Journal of the Convocation therefore, not from the Bishop of Sarum's History, that Dr. A. pretended to deliver his Certain Oracle about the Date of this Submission. As for my Lord of Sarum, he had given such different Accounts of this Submission, in Dr. A's own Words, "Had expressed himself in the several Parts of his Work in such an observable Variety on this Head, that he could not well tell whether his Lordship knew the true Date of it, or no. Which being so, I shall leave it to Dr. A's own Conscience to reflect with what Truth, or Ingenuity, he could nevertheless, after all tell the World, as he does in his fleeing way, that he was led into this Error, "by following his Lordship's Accounts too respectfully; "as thinking what his Lordship had so often laid down, in a Point so obvious to "be known, could not well be mistaken. Rights, &c. p. 92.

I may now venture to say, that when Dr. A. first undertook the Interpretation of this Statute, he knew very little of the true Grounds of it: And particularly that he was utterly Ignorant of the two Great Circumstances upon which the whole History of it depends; the Time when it was made, and the State of the Clergy at their making of it. As for what he has so much labour'd since, I mean the several Steps and Progressions by which it went on in the Convocation, they All amount but to thus much; That the Bishops and Clergy were drawn very unwillingly to make the Concessions which were requir'd of them; That they stood out as long as ever they durst against them; and, at last, compounded with the King upon the best Terms they could concerning them. Sect. 61.

To examine this Account with any Exactness, I ought to have, as some other Papers, so especially those Extracts of the Upper House of Convocation, of which Dr. A. speaks, ³Appendix p. 41, and tells us are in his Hands. Had he given us a faithful Copy of them, as he has of those which he has printed, we should have been much more able to have judged of the Truth of this Relation, than we now are, by comparing it only with those more antient Extracts which alone he has published. However, to shew that there may be some Reason to doubt, if not of his Fidelity, yet at least of his Exactness, in several Circumstances of his History; I will briefly run thro' the main Circumstances of it; in several of which, according to the small Light which I yet have, I take him to have been much mistaken. Addit. Appendix p. 41.

⁴Dr. A. having told us, that the King was displeas'd with the first Answer of the Convocation, concluded upon April the 19th, adds, that he remitted it back again to them, to be better consider'd of by them. "For (says he) on Monday April the 29th, I find the Matter again in debate there; and those Debates continuing till the Monday afterwards, without effect. Addit. p. 9.

In this I thus far agree with him, that the King was dissatisfied with their Answer, and did signify his Dissatisfaction to them. The Speech which he made to the Commons, when he put it into their Hands, shews the One; and the Preface to their next Paper, which Dr. A. himself has publish'd from the Cotton MS. assures us of the Other. But where does Dr. A. find, "that the King remitted their Answer back again to the Convocation to be better consider'd of by them? Of this, his Printed Minutes are utterly silent: And I have before shewn, that instead of remitting it back to the Convocation, he sent it by the Speaker to the House of Commons, where it was read, and dissatisfied them as much as it had done the King before. Now this the King did not till April the 30th, and therefore it must needs be a Mistake in Dr. A. to affirm, as he does, (upon what Authority I desire to know) that it was remitted to the Convocation on, or before, the 29th of the same Month.

But

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¹Addit. Ap-
pend. p. 37.
Sess. ci.

²Ibid. p. 10.

But why do's Dr. A. put off the *Resumption* of this Matter in the *Convocation* to Monday April the 29th? His own Minutes shew that it was resum'd the Wednesday before, April the 24th; and his Transcript of that Session, which has no other Business in it, assures us, that he was (at least when he printed his *Appendix*) himself sensible of it. But he proceeds:

The *Prelates* ²“having felt the King's Frowns, on the account of their “*first Answer*, were willing that the *Lower House* should have the Honour of “drawing up the next: And therefore recommended it to the *Prolocutor*, and “*Clergy*, to Agree upon such a Reply as They should think expedient. How far Dr. A's *Invisible Extracts* affirm this, I must not pretend to conjecture. The printed Ones are, I am sure, too short and obscure to let us into so formal a Piece of *Convocation-History*. In the three Sessions of April the 24th, 29th, and May the 3d, we find the *Prelates* and *Prolocutor*, &c. treating of this Matter. Session CIV. May the 6th, the *Bishop of London* being at the Head of the *Convocation*, rehears'd the *Will* of the *Archbishop*, touching the *Supplication* aforesaid; and Order'd (Dr. A. says Recommended it to) the *Prolocutor*, &c. to draw up their *Answer* in writing. This is all our *Extracts* speak; and from this nothing more can, I think, be inferr'd, than this; that the *Archbishop* requir'd the *Answer* of the *Lower House* to be brought, the next Session, in writing, to such Points as the *Bishop of London*, in his Name, propos'd to them, touching this *Supplication*; which both Houses appear to have been treating of in the Sessions foregoing.

But Dr. A. goes on: “A Committee of the *Lower House* was thereupon appointed, who drew up a *New Answer* to the former part of the *Supplication*, “(which stuck most with the King) and accompanied it with an *Affertion* of the “*Clergies Power* to make *Canons*, as founded in *Scripture*; the Passages of which, “they ranged under Four several Heads. And this, and their *New Answer*, they “laid before the *Upper House*, on Wednesday May the 8th. I am here again under the same Difficulty I was before: The *Invisible Extracts* will not suffer me to say this is wholly false; nor yet the *Visible Ones* encourage me to believe that it is exactly true.

³Sess. cv.

³On the 8th of May, the *Bishop of London* “being Commissioner for the “*Archbishop*, receiv'd from the *Prolocutor* *Quatuor Libellos*, concerning the “*Authority* of *Ecclesiastical Persons* to make *Laws* for the *Suppression* of *Heresie*; “conceiv'd (as he affirm'd) by *Learned Men*; and protested that he did not “*Exhibit* them as *Approv'd* by the *Unanimous Consent* of the *Whole House*, but “that the *Commissary*, and other *Bishops*, might read them, and choose out what “made most for the *Truth*; and then desir'd, that if the *Bishops* should draw up “any thing, the *Lower House* might be made acquainted with it, *Prinſquam au-* “*ferentur*. This is all that our *Minutes* report: What these *Quatuor Libelli* were; or that any *New Answer* was drawn up by the *Lower House* to the *Supplication* of the *Commons*; or, at this time, tender'd to the *Upper*; we must be beholden to the *Hidden Extracts* to inform us. He adds:

⁴Addit. p. 11.

⁴“The *Upper House* agreeing to this *Answer*, the *Bishops* of *London* and *Lin-* “*coln*, the *Abbots* of *Westminster* and *Burton*, together with *Sampson Dean* of “the *Chappel*, and *Fox* the *Almoner*, were desir'd to attend the King with it; “and at the same time to be instant with him, that he would preserve and pro- “tect their *Liberties* and *Immunities*, in like manner as his *Noble Ancestors* “had done. That the *Lower Clergy* did this Session desire that some might be sent to the King, to beseech him that he would vouchsafe to maintain the *Liberties* of the *Church* which himself and his *Progenitors* had preserv'd; and that the *Persons* here mentioned did at their Request undertake to do this, our printed *Extracts* tell us. But of this *Answer* drawn up by the *Lower House*, and agreed to by the *Upper*; and sent by these *Persons* to the King in the Name of the *Convocation* (tho' so eminent an *Act* that one would think it could hardly have escaped the *Observation* even of a *Careless Abridger*) not one Word appears in them. It is well therefore that Dr. A's *Later Extracts* have been more full: And we ought to entreat him, both for his own *Vindication*, and for our *Instruction*, to give us an *Authentic Copy* of them.

“This done, the *Convocation* Adjourn'd till Friday: (so his *Private MS.* I suppose tells him. Our *Extracts* speak more justly to the *Authority* of the *President*; that he *Prorogued* it till Friday; & tunc Contin. Dominus Locum tenens usque in diem Veneris)

Veneris) "When the Almoner reported to 'em, how little Satisfaction their ^{HENRY} *Second Answer* had given; and withal produced a Form, which the King ^{the VIIIth.} requir'd them peremptorily to sign, and under which He would not be contented. Of this *Schedule*, or Form, sent to the *Convocation* by the *Almoner*, our *Extracts* take a very particular Notice: But of the *Second Answer* of the *Convocation* to the *Commons Petition*, which makes so great a Figure in this part of *Dr. A's Narrative*, they are still, I know not how, most obstinately silent. Might I be allow'd to offer my own Conjecture against the Authority of this *MS. Collection*, I should think, that tho' several Forms might be, and I doubt not, were drawn for the Kings Satisfaction; nay, and privately communicated to Him also for his Approbation: Yet that the *Convocation* having not pleased Him in their *first Answer*, and the King proceeding with such Resolution against Them, They did not think fit to present any *Other Answer*, as the *Act* of the *Convocation*, to Him; till they finally concluded upon that, which the King appears to have Agreed to, and promised to Accept of. So that, tho' I can easily allow *Dr. A.* that all those *Forms*, which he has publish'd, were drawn upon this Occasion; and that some of them, for ought I know, were shewn to the King; yet in this I must beg leave to differ from him, till he shall favour Us, with a more easy Access to his *MS. Authorities*; that as our antient *Extracts* take not the least Notice of their sending to his Majesty any *Answers* besides their *first* and their *last*, so were those the only Ones that the *Convocation* did present, as their *Act*, to Him. But this is Conjecture only; and shall readily be retracted as soon as the *MS. Extracts* shall shew I was mistaken.

To return now to the *Schedule*, which we are sure the King sent to the *Convocation*, and of which *Dr. A.* has given us, I suppose, a true Copy. "Upon ^{Addit. p. 122} receiving this Paper, the Clergy (He says) *Adjourn'd* first to *St. Catharines*, and then to *St. Dunstons Chappel* in the Monastery. This again must be *MS. History*; for the *printed Extracts* speak much Otherwise. Their Words are these: "The Archbishop, after that the *Schedule* was read, and Deliver'd by Mr. Fox the Almoner, prorogued the *Convocation* to the Chappel of *St. Catharine* within the Monastery, to which the Archbishop and the rest of the Prelats immediately went, and there the *Schedule* was again read. Then the Archbishop prorogued the said *Convocation* to the Chapter House aforesaid, to Munday May the 13th. Here we read nothing of the Clergies *Adjourning*, but of the Archbishops *Proroguing* of the *Convocation*: Nothing of their *Adjourning* first to *St. Catharines*, and then to *St. Dunstons*; but of their reading again the *Schedule* in *St. Catharines Chappel*, and so being prorogued back again to the Chapter House, by the Archbishop, on Munday following. But to proceed with his Narrative:

"The Result of their Debates (the Clergies on their removal to *St. Dunstons Chappel*) was to send four of the Upper, and six of the Lower House, to the Bishop of Rochester then absent, for his Advice in the Case, by which they seem'd inclin'd to govern Themselves; and in Expectation of it, *Adjourn'd* till Munday. *Dr. A.* still writes out of his *MSS.* in contradiction to his printed *Extracts*; whose account of this Transaction is this: "That the Archbishop having in *St. Catharines Chappel* prorogued the *Convocation* till Munday, did Himself, together with the Bishops, go directly from thence to the Chappel of *St. Dunstan*; and there it was agreed, that the Bishops of Lincoln, and Bath and Wells, and the Abbot of *St. Bennet*; as also Mr. Edward Fox, Mr. Powel, Wilson, and Duck, Doctors of Divinity, and Mr. Raynes, and Cliff, Doctors of Law, should Go to the Bishop of Rochester to his Lodging, to treat maturely about the Contents of the *Schedule* aforesaid. They were chosen by the Archbishop and Bishops, after the *Convocation* was prorogued, to go to the Bishop of Rochester's Lodging, not for his private Advice, but as a Committee, to debate together with Him, on this Affair; "As the Words of the Minute are, "to treat maturely about the Contents of the *Schedule* aforesaid: In Expectation whereof *Dr. A.* says they *Adjourn'd* till Munday. But Our *Extracts* tell us, that the *Convocation* had been prorogued before any thing of this was resolved. As for the Bishops, who appointed the Meeting of this Committee, They were so far from *Adjourning* till Munday in expectation of Bishop Fisher's Advice, that They expressly Order'd this Select Committee, to report Their Opinions, *Eorum Opiniones*, to Themselves the next day, being Saturday, at the Archbishop's Chamber, where He was wont to dine in Parliament time. So wide is the Difference between these two *Extracts*;

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tracts; and so impossible is it to reconcile Dr. A's History, with the proofs of it in his own Appendix.

From this short Specimen it may appear, that either the antient *Extracts* of this *Convocation*, which Dr. A. himself has published, are not only very imperfect, but in some considerable Circumstances utterly false too; Or there may be just Reason to suspect the Exactness of his Relation, in several matters of no small Importance. He will no doubt easily clear our Suspicions, by shewing that his MSS. *Notes* do not barely illustrate the Obscurity, and supply the Defects of the Other; but in all these Passages correct their *Errors* too. I shall only add, that either my *Copier* has been very negligent, or those Forms of Submission, which he has printed from the *Cotton Library*, may need his Review. How far the rest have Escaped the like Errors, I cannot tell, because Dr. A. has not been pleased to let us know where we are to look for Them. But in the main *Record* of all, I cannot but complain of a very Arbitrary, and Unwarrantable procedure. The piece, I speak of is the *Act of Submission*; which still remains very fair among the other Statutes of that *Parliament*; is duly and regularly pointed; and lay open in a *Public Office* to his Inspection. (a) Yet in the very *Sentence*, upon which the whole Meaning of it turns, in one part (at least) of our Dispute; Dr. A. has not only divided the *Verbs*, which lead the *Sence*, from One another, by his Own perverse *Interpretation*; but to give the fairer Colour thereunto, has printed it with a *distinguishing Point*, both in the *Recital*, and in the *Enacting Part*; and laid the Whole Stress of his Argument upon it: Whereas in truth not only no such *Considerable Point*, but *None at All*, is found there in the *Record*; as by the Copy, which I have from thence taken of it, may appear.

Append. ad
Ann. 1533.

The Record.

Dr. A's Rights, &c. p. 82.

(a) Have promised in *Verbo Sacerdotii* that They will never from hence-furth presume to Attempt Alege Clayme or put in Ure or Enact Promulge or Execute any newe Canons Constitutions Ordinaunce Provincial or other or by whatsoever other name they shal be called in the Convocation oneles the Kingis most Roial Assent and Licence may to Them be had to make promulge and execute the same/

Be yt therefore nowe Enacted by Autoritie of this present Parliament according to the said Submission and Petition of the said Clergy that they ne enny of them from hencefurth shall presume to attempt alege clayme or put in ure any Constitutions or Ordinauncys Provincial or Sinodals or any other Canons nor shall enacte promulge or execute any suche Canons Constitutions or Ordinaunce Provincial by whatsoever name or names they may be called in ther Convocations in tyme comyng whiche alway shal be Asssembled by Autoritie of the Kingis Writ/ Oneles the same Clergy may have the Kingis moste Royal Assent and Licence to make promulge and execute suche Canons Constitutions and Ordinauncys &c.

Have promised in *Verbo Sacerdotii*, that They will never from henceforth presume to attempt, alledge, claim, or put in ure: or enact, promulge, or execute any new Canons, Constitutions, Ordinances, Provincial, or other, or by whatsoever other name they shall be called in the Convocation, unless the Kings most Royal Assent, and Licence may to Them be had, to make, promulge, and execute the same:

Be it therefore now enacted by the Authority of this present Parliament, according to the said Submission and Petition of the said Clergy, that They, ne Any of Them, from henceforth shall presume to attempt, alledge, claime, or put in ure any Constitutions, or Ordinances, Provincial or Synodal, or any other Canons: Nor shall enact, promulge, or execute any such Canons, Constitutions, or Ordinances Provincial, by whatsoever Name or Names they may be called in their Convocations in time coming (which alway shall be assembled by Authority of the Kings Writ) unless the same Clergy may have the Kings most Royal Assent and Licence to make, promulge, and execute such Canons, Constitutions, and Ordinances, &c.

I could mention some other Escapes, of a lesser moment in the same *Transcript*, but one more there is, which is too Notorious to be pass'd by; that in the " Clause which declares the *Clergies* Opinion, that the *Convocation* of the same " same *Clergy* is, always has been, and ought to be assembled *ONLY* by the " Kings *Writ*; the Word *ONLY* is drop'd by Him; tho' it be expressly inserted, both in the *Form of Submission*, which Himself has publish'd from my *Lord Longuevill's Library*; and in the last and most common *Editions* of our *Statutes* themselves, which have restored it from the *Record*, and thereby render'd his Disingenuity, or Negligence, the more Culpable in the Omission of it.

But of this *Statute*, and the several Circumstances, which may seem requisite to be farther taken notice of in Order to a Right Understanding of it, I shall have Occasion to speak more fully hereafter: Nor should I have stay'd so long, as I have now done, upon it, but only to shew, that after all ² Dr. A's Insults upon Others, for not clearing this Part of our Church History, He has not him-

² Addit. p. 18,
19.

self

self been either so full, or so correct, as not to leave a sufficient ground for those who come after him both to supply his Defects, and to animadvert upon his Errors.

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To return now to our Enquiry into the Sessions of our Parliaments and Convocations, which the History of the Submission of the Clergy has too long interrupted. On the 3d of November the Parliament which had continued so many Years successively, met again by Prorogation, and sate till the 18th of December following. The Convocation of our Province began the next Day, and held till Saturday, December the 19th, the Day after the Parliament rose. It was then prorogued to the 4th of November the next Year, 1535: But the Convocation of the other Province kept not its Measures so exactly with the Parliament. When it Resumed its Session, I cannot tell; but by the King's Writ for Proroguing of it, dated January the 26th, it appears to have sate at least till the 3d of February, above Six Weeks after both the Parliament and the other Convocation were risen. In this Writ there is one thing that will deserve to be particularly taken notice of; that the King prescribed no Day for the next Meeting of that Assembly, but left it to the Archbishop to prorogue it to any Day, which he should reasonably limit and appoint for the Meeting of it. Had there been any such necessary Dependence of the Convocations upon the Parliament as is now contended for, I cannot understand how the King could have indulged this Favour to the Archbishop; but much less could the Archbishop have proceeded as he did upon it. For instead of appointing it to meet again with our Convocation, November the 4th, he assign'd a longer time to it, February the 4th: So that either our Convocation must have Anticipated the Session of the Parliament, by Re-assembling by its self in November without it; or this Convocation must have been design'd to have come after the End of it in February; to be sure both could not have been Appointed to Meet at the same time with it.

Sect. 64.
1534

Registr.
Lee Ebor.
fol. 93.

Append ad
Ann. 1534

However it were, upon the 4th of February the Parliament assembled the last time; it sate till the 14th of April, and was then Dissolv'd. Whether any Convocation sate with it in either Province, I much doubt. Neither Archbishop Cranmer's, nor Archbishop Lee's Registers, make mention of any. In September before, the King began his Royal Visitation, and suspended the Jurisdiction of the Archbishops and Bishops during the Time of it. This, join'd with the Silence of our Registers, and of the Ancient Extracts of our Convocation, (which barely note the Proroguing of our Convocation to the Fifth of February, and so proceed immediately to the next Assembly of 1536) incline me to think, that the Parliament sate this Year without any Convocation in either Province: Sure I am I have not met with the least Intimation of any, in those Registers and Records in which I have, with some Care, searched after them.

1535

It was in June this Year that the King, as I conceive, publish'd the Proclamation to which Dr. A. refers, p. 275, and in which he thinks he has met with something to prove the Convocation Clergy to be a part of the Parliament of England. The King recites, "how that by the deliberate Advice, Consultation, Consent, and Agreement as well of the Bishops and Clergy, as by the Nobles and Commons Temporal of his Realm, assembled in his High Court of Parliament, the Abuses and Authority of the Bishop of Rome, had not only been utterly Extirpated, Abolish'd, and Secluded; but also the same his Nobles and Commons both of the Clergy and Temporality, by another several Act, and upon the like Foundation, had united, knit, and annex'd to him, and the Crown Imperial of this his Realm, the Title, Dignity, and Stile, of Supreme Head in Earth, immediately under God, of the Church of England: Which things also (continues the King) the said Bishops and Clergy, particularly in their Convocations, have wholly and entirely consented, recognized, &c.

Rights, &c.
p. 274, 279

From this Instrument, Dr. A's Argument must lie thus; That the Bishops and Clergy of whom the Proclamation twice speaks, as being Assembled and Acting in Parliament, were the Bishops and Clergy in Convocation; and therefore the Clergy Assembled and Acting in Convocation, are spoken of in our Public Instruments as being Assembled and Acting in Parliament; and by Consequence are to be accounted a Part of it.

But what then shall we say to the last Clause of this Proclamation? "Which things also the said Bishops and Clergy, particularly in their Convocations, have wholly and intirely Consented, Recognized, Ratified, Confirmed and

T t t

"Approved.

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Approved. For if the *Bishops and Clergy*, who before were said to have done this in *Part* with the *Nobles and Commons Temporal*, did then *Act* in their *Convocational State and Capacitie*, when they so join'd with the *Nobles and Commons* in *Parliament*; How are they afterwards said to have also done the same thing particularly, that is *Apart by Themselves*, in their *Convocations*? Do's not the very wording of this *Instrument* plainly shew that the *Bishops and Clergy* did *Twice*, and in a *double Place and Capacity*, what is there mention'd: Once jointly with the *Nobles and Commons Temporal* in *Parliament*; and once particularly, by *Themselves*, in their own *Convocations*?

But we will examine these Matters more fully, and then see whether the History of these *Transactions* do's not agree, to the plain Sense and Meaning of the Expressions. In the *Convocation of Cant. Anno 1530*, the King was recognized by the *Clergy* of this *Province* to be *Supreme Head of the Church of England*. The same was done by the *Clergy* of *York*, in their *Convocation* in *May* following, *Anno 1531*.

In the *Convocation of Cant. Ann. 1533*, the *Bishop of Rome* was determined to have no more or greater *Authority* in this *Realm*, than any other *Foreign Bishop*. The same was done in the *Convocation of York* the *June* after, *1534*.

25 H. viii.
c. 19, 20, 21.

In the *Parliament* which met *January* the *15th*, *1533*, Three solemn *Acts* were pass'd against the *Pope's Authority*; to one, or all of which, I take the *Proclamation* now before us to referr. These were pass'd into *Statutes* by the King, *March* the *30th*. But the *Resolution* of the *Bishops and Clergy* in our *Convocation*, concerning the *Authority* of the *Bishop of Rome*, was not finally concluded upon till *March* the *31st*, the *Day* after the *Parliament* was risen; and in the *Other Province*, not till above two *Months* after.

The *Case* is the same, or rather is (if possible) yet more clear, in the other *Act* which the *Proclamation* referrs to. The *Statute* by which the King was declar'd to be *Supreme Head of the Church of England*, was made the *26th* of *H. 8. 1534*. But the *Clergy* in *Convocation* had recognized this three *Years* before; and therefore the *Clergy*, who made this *Act* in *Parliament* in *1534*, must needs be different from the *Clergy* who made that *Recognition* in *Convocation*, in *February* and *May*, *1530*, *1531*.

Accordingly we find the very *Statutes* themselves distinguishing between the *Acts* of the *Convocations*, and the *Acts* of *Parliament*, in this very Matter. They speak of the Former as a thing already done, and from thence, inferr the Reasonableness of what the latter were, in those *Statutes*, about to do. So *25 H. 8. c. 21*. "Forasmuch as your Majesty is *Supreme Head of the Church of England*, "as the *Prelates and Clergy of your Realm* representing the said *Church* in their "Synods and *Convocations* have recognized; it may please your Majesty to ordain "and enact, by the Assent of your *Lords Spiritual and Temporal*, and the *Commons* "in this present *Parliament* assembled. Which *Lords and Commons* (to observe that by the way) are before in the same *Act* said to represent the whole *State* of the *Realm* in *Parliament*. And in the other *Statute*, *26 H. 8. c. 1*. the *Preamble* runs in these Terms, to the same effect: "Albeit the *King's Majesty*, justly and "rightfully is, and ought to be, the *Supreme Head of the Church of England*; "and so is recognized by the *Clergy of the Realm* in their *Convocations*, &c. Yet "nevertheless, Be it enacted, &c.

The *Clergy* then, as well as the *Bishops*, are to be consider'd under a double Capacity: As Members of the *Provincial Convocations* of *Cant. and York*, and as Members of the *Parliament* of *England*, summon'd by the *King's Writs* to that *Great Council*, and making up, together with the *Bishops and Prelates*, one of the *Chiefest States* of it. In this latter Capacity they confirm'd by *Law* in *Parliament*, what themselves had before Recognized, as their Opinion, in their several *Convocations*. The *Bishops and Prelates* were actually present in Both. The *Deans, Priors, and Archdeacons*, who came to the *One*, were summon'd to, and so in *Law* reputed, to be present in the *Other*. So might many of the *Proctors* of the *Chapters and Diocesses* have been likewise: And therefore tho' the *Bishops and Parliamentary Prelates* alone at that time sate and voted at the *Passing* of these *Statutes*, yet what they did was in the *Name*, and look'd upon as the *Act*, of the whole *Estate* of the *Clergy of the Realm*, assembled in *Parliament*. The whole *Estate* was legally called by the *King's Writs* thither; and therefore, whether they All came or no, yet All were to be accounted as present there. The *Case* is the

the same in his other *Proclamations*, 35 H. 8, and therefore the same Answer κ. HENRY the VIIIth's Rights, &c. p. 59. may suffice to have been given to it. The *Clergy* of which they both spake were the *Parliament*, not the *Convocation Clergy*; Assembled, and (in part) acting together with the *Lay Nobles and Commons in Parliament*; not particularly by themselves, in their own *Synods, or Convocations*.

The next Year a *New Parliament* was call'd to meet at *Westminster*, June the 8th, 28 H. 8. To this the Chapter of *York* deputed their *Proxies* in form; and therein sufficiently shew how different an Assembly the *Civil Convention of the State of the Clergy in Parliament* is from that of their own *Provincial Convocation*. They appoint their *Proctors* first to appear in the *Parliament* of the most Serene Prince *Henry the 8th, King of England*. Then they name the *Time and Place* where they were to meet, viz. at *Westminster*, June the 8th: And finally, the *Persons* with whom they were to *Treat*; to *Treat, and Consent to such things as shall there be Ordain'd by the Common-Council, of the same Realm of England*. All which are so widely different from their *Convocation Proxies and Powers*, that he must resolve to be mistaken who do's not plainly perceive the Difference between them.

In this *Parliament* a Bill was framed upon the *Determinations* of the *Clergy in Convocation*, against the *Usurped Authority of the Bishop of Rome*: The *Statute of Residence* was enforced, and some other *Acts* passed with Relation to *Church Affairs*. In these *Debates* it continued till the 18th of *July*, and then was dissolv'd.

With this *Parliament* the *Convocation of the Province of Canterbury* Assembled June the 9th, and sate till the 20th of *July*, two Days after the *Parliament* was Dissolv'd. In the *Mandates* for the two last *Convocations* of this Province, an extraordinary Clause was inserted, which I have never observed in any such *Summons*, before the Year 1523. By the *Bishop of London's* Execution of the *Archbishop's* *Mandate*, it seems to have been continued now the third time, in this first Assembly under *Archbishop Cranmer*. They follow'd the *Forms* which lay before them, and had not yet reduced them to the old and usual *Terms*. But the *Archbishop* seems to have been somewhat aware of this: For in the very next *Convocation* we find that Clause again omitted; and never inserted any more, that I know of, to this Day.

Whether there was any *Convocation* held this Year in the other Province, I do again doubt: The *Registers* of it have no Footsteps of any. Now this I take to be the more considerable, because that of the *Parliament* of this Year, the *Register of the Dean and Chapter of York* makes express mention: Of the next *Convocation* the same *Register* fully speaks. The *Archbishop's Register* goes on with other Matters of lesser moment; and it is very much that had any *Convocation* been held there this Year, none of these, or any Other of their *Records*, should have taken the least notice of it. But indeed there is another Reason, which still confirms me in the same Opinion. In the *Subscriptions to the Articles of Religion* which passed this Year in *Our Convocation*, the *Archbishop of York and Bishop of Durham* subscribe with our *Bishops*. The *King* in his *Confirmation* of them says, that for the making of them he had caus'd his *Bishops*, and other the most discreet, and best Learned Men of the *Clergy of the whole Realm*, to be Assembled in *Convocation*. In the first *Article of Faith* it is thus Agreed, as hereafter followeth by the whole *Clergy of this our Realm*. In the *Articles and Injunctions* set forth not long after to enforce these *Articles*, the *King* speaks to the same Purpose of them; "Which (says he) were by you all the *Bishops and whole Clergy of this our Realm in Convocation, agreed on*. In none of these Places is there the least mention of any *Convocation*, of the Other Province, as we may reasonably suppose there would have been, had this *Book of Articles* distinctly pass'd in that, as it did in the *Synod of Our Province*. But indeed their *Bishops*, and possibly some select *Persons* of their *Clergy* too, assisted at the framing of them: The *Archbishop of York and Bishop of Durham* Subscrib'd with the *Bishops of our Province* to them: And it do's not appear by the minutes of this *Convocation*, that our *Synod* did do any more than barely Hear them Read, and so give their Consent to Them.

From this time, some Years pass'd before a *New Parliament* was Assembled. The next which met was Summon'd by *Writs* dated *March* the 1st, to begin on the 28th of *April* Anno 1539. To this the *Clergy of the Realm* were not only Summon'd, as usual, but seem to have return'd their *Proctors* too. The *Bishops*

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¹ Append. ad
Ann. 1539.

² Append. ibid.

³ Registrum
Cranmer,
fol. 9. a.

⁴ Registr.
Dec. & Capit.
Ebor. fol.
225. a.
Sect. 67.
1540.

⁵ Rights, &c.
270.
Addit. p. 103.
1541.

⁶ Registr.
Dec. & Capit.
Ab Ann. 1520.
fol. 194.

⁷ Registr.
Cranmer,
fol. 9. b.

⁸ Registr.
Dec. & Cap.
Dunelm. V.
fol. 12. a.
Sect. 68.
1542.

1543.

Sect. 69.
1544.
1545.

⁹ Registr.
Binner,
fol. 63. b.
¹ Registr.
Cranmer,
fol. 11.
² Lib. Ross. v.
fol. 27.
³ Registr.
Cranmer,
fol. x.

affrighted at the late vigorous Proceedings of the King against them, Executed the *Premunientes*, and their Clergy Obedied them both in their *Choice* of *Proctors*, and the *Attendance* of those *Proctors* at *Parliament*. Of this I shall take notice of two Instances, that may deserve to be consider'd: The One of the Bishop of *Rochester*, in this *Province*; whose ¹ *Certificatory* to the King upon his *Execution* of the *Parliament Writ*, being a Piece of some Curiosity, I have put it into the *Appendix*. The Other of the *Church* of *York*, whose *Procuratory Letters*, for the *Parliament* and *Convocation* of this Year so evidently prove the Difference of the two *Assemblies* to which they relate, that I have for that reason only once more adventur'd to trouble the *Reader* with a Transcript of them.

The *Parliament* which thus met April the 28th was by *Sessions*, and *Prorogation*, continued to June the 28th. The ³ *Convocation* of *Canterbury* met at *St. Pauls* *London* four days after, May the 2d. It sate till the last of June, two days after the *Parliament* was *Risen*; and so was prorogued to the 4th of *November* following. On the same day, May the 2d, began the *Convocation* of the *Other Province*. Of this, I can give no further certain account, and shall therefore insist no longer upon it.

On the 12th of April 1540, the same *Parliament* sate again by *Prorogation*: It continued, with one short *Recess*, to the 24th of July, and so was *Dissolved*. The next day after this *Parliament*, the *Convocation* of the *Province* of *Canterbury* began. It sate till the 28th of July, and by the King's *Writ* dated that day, was in like manner *Dissolv'd*. While this *Parliament* was *Assembled*, the King by his *Commission* held a *National Council* of the *Bishops* and *Clergy* of the *Whole Realm*, to debate of and determine the *Affair* of his *Marriage* with *Anne* of *Cleve*: But of this ⁵ *Dr. A.* has given so full an *Account*, that I shall not need to insist upon it.

By *Writs* dated *November* the 23d the next year, a *New Parliament* met, *January* the 16th: To this the *Church* of ⁶ *Lincoln* sent its *Proctors*; *ad Comparend. Nomine suo coram Potentissimo, &c. Principe Henrico, &c. in Parlamento suo apud Westm. 16 die instantis Januar. tenend;* say their *Chapter-Acts*. It sate till the first of April, and was prorogued till the 3d of *November* following. Above a fortnight after the *Writs* for *Parliament* were issued out, the King by Others, dated *December* the 10th, Ordered the *Archbishops* to *Summon* their respective *Convocations* at *London* and *York*, *January* the 20th; four days after the *Parliament* was to begin. The ⁷ *Archbishop* of *Canterbury* ordered his *Province* to *Assemble* at the time appointed. They sate till the 3d of April, two days after the *Parliament* had been prorogued; and were continued by the King's *Writ* to the 4th of *November*. The ⁸ *Convocation* of *York* met the same day there, *January* the 20th: How long it sate, I have not been able to discover.

On the 22d of *January* the *Parliament* met again: It sate till the 12th of May, and was then prorogued to the 3d of *November* following. The *Convocation* of the *Province* of *Canterbury* met indeed by *prorogation* the day after the *Parliament*: But it met only to be continued for three Weeks longer, to the 16th of *February*; when being again *Assembled*, it granted a *Subsidy* to the King, and did some other *Business*: On which having sate till May the 14th, it was by the *Authority* of the *Kings Writ* prorogued to the 5th of *November* following.

The *Parliament* which had been prorogued to the 3d of *November* was farther continued till the 14th of *January* 1543. From thence it sate on to the 29th of *March*, and so was *Dissolv'd*. Our *Convocation* again kept time with it: It met by a further *Continuation* *January* the 15th, and on the last of *March*, two days after the *Parliament*, that also was *dissolv'd*.

We are now come to the last *Parliament* of *K. Henry* the 8th. By *Writs* dated *December* the 1st, 1544, the King *Summon'd* it to meet at *Westminster* *January* the 30th: The ⁹ *Bishop* of *London* Executed the *Premunitory Clause* upon the *Dean* and *Chapter* of his *Cathedral Church*. But this *Parliament* sate not at the time appointed; but by other *Writs* dated the 20th of the same *December*, was ¹ prorogued to the 15th of *October* the next Year. It met not then, but was again continued to the 23d of *November*, ² first at *Windsor*, and then at *Westminster*, where accordingly it met and sate to the 24th of *December* following.

With this *Parliament* the *Convocation* of our *Province* was *Summon'd* by two ⁴ *Writs*, Both dated the same day, *December* 9th. The Form of the One was more General, both as to *Time*, *Place* and *Persons*: "That the *Archbishop* "should

“ should Summon All and singular the Bishops of his Province, with the Arch-
 “ deacons, Deans, and All other Ecclesiastical Persons of every Diocese of the
 “ same Province, to appear before Him in the Church of St. Paul London, or
 “ elsewhere, as should be most expedient, with all convenient speed. But the
 Other was express; That he should Cite “ All and singular the Bishops of his
 “ Province; the Deans of Cathedral Churches, ac alios Electivos, Exemptos & non
 “ Exemptos; as also the Archdeacons, Chapters, and Colledges, and All the Clergy
 “ of every Diocese of the same Province, to appear before him in the Church of
 “ St. Paul London, the 31st day of January next ensuing. Thus was the Convo-
 cation summon’d; but by ¹ Other Writs, as the Parliament had been, so was
 this Meeting also prorogued to the 16th of October first, and then to the 24th
 of November following. On that Day it was called first to Eaton Colledge, and
 afterwards to London. There it sate at the time appointed, and granted a Sub-
 sidy to the King. And as it appears by the Writ for its farther Continuance,
 was prorogued to the 5th of November the next Year; the day after the Parlia-
 ment was appointed to meet again.

K. HENRY
the VIIIth.

¹ Registr.
Cranmer,
fol. 11. b.

The Convocation of the Other Province was by a Writ ² directed to the Guar-
 dians of the Spiritualties, dated the same day with Ours, Summon’d in the first
 of the Forms I before mentioned, to meet with all convenient Speed. By other
³ Writs dated December the 26th, directed to the same Guardians, it was prorogued
 to the 16th of October the next Year. And by a third Writ sent to the new
 Archbishop, September the 2^d, was a third time prorogued to the 24th of No-
 vember, as the Convocation of Our Province before had been. With this Convoca-
 tion, the Books of York, containing the Acts of their Synods, Begin. From thence
 it appears that this Convocation being met at the time appointed, was prorogued
 by the Commissioners, named by the Archbishop, to the 26th of January: And
 had it not been for the Subsidy which was demanded of them, ’tis most probable
 it would not have met any more till that day. This was done in the same man-
 ner that the Convocation of our Province is prorogued. And to convince those
 who have made some Exceptions against this method of Proroguing both Houses
 by One Schedule of the Archbishops, that this is no modern Practice, but at least as old
 as the Reformation, I shall from these Books transcribe some of these Schedules, as I
 find them inserted at length in the Acts of their Convocations.⁴

² Registr.
Dec. & Capit.
Ebor. sede
Vac. fol. 655.
³ Ibid. fol. 648.

⁴ Append. ad
Ann. 1545.

The Prelates and Clergy of our Province, having Granted a Subsidy to the King;
 He requir’d the like Aid of those of the Other. For this their Convocations pro-
 rogued to January the 26th, was Re-summon’d by order of the Archbishop to
 meet December the 14th. The Archbishop declar’d to them what the Clergy of
 Canterbury had done: Upon which they withdrew *ad domum suam solitam infra*
Ecclesiam Metropolitancam Eborum (The Archbishop’s Vestry) And being return’d,
 their Prolocutor presented a Schedule of a Grant of the same that the Clergy of
 Canterbury before had given. Having done this, the Archbishop prorogued them
 first to the 22^d of December, then to the 24th: From thence, by his Commis-
 sioners, to the last of that Month. Thus was the Convocation continued from
 Session to Session, till February the 25th, Eight Weeks after the Parliament was
 risen; and then finally prorogued to the 24th of November 1546, Three Weeks
 after the time that the Parliament was appointed to meet.

To conclude the Affairs of this Reign: From the 4th of November 1546, to
 which Day the Parliament of the last Year had been Prorogued, it was farther
 continued to January the 14th. It then sate till the last of the Month; when
 the Chancellor declar’d to Them the Death of the King, which had happen’d
 the Friday before, and how by reason thereof the Parliament was Dissolved,
 and so it was free to them to Depart when ever they would: Only he admo-
 nished the Lords to attend at the Coronation of King Edward the VIth.

1546.

Our Convocation being Assembled on the 5th of November, the next Day after
 the Parliament, was by a ⁵ Royal Writ dated the same Day, prorogued to January
 the 15th, and so Continued under the Government of the Archbishop, till the
 King’s Death put an end to it. The Convocation of York, notwithstanding the
 more early Assembling both of the Parliament and our Synod, kept to its Own
 Day; and met by Prorogation November the 24th. It was then by vertue of
 the King’s Writ continued to the 15th of January following; after which the
 Books give us no farther Account of it.

⁵ Registr.
Cranmer,
fol. 11. b.

Thus

R. HENRY
the VIIIth.

Thus passed the busie and troublesome Reign of King *Henry the VIIIth*. The Changes which happen'd in it, and the Influence which they have had on our *Synodical Assemblies* ever since, have Obliged me to insist more largely than I thought to have done upon the Affairs of it. And thus much we have already gain'd by it, that from what has been observ'd it appears, that tho' our *Convocations* since the *Act of Submission*, have sate about the *same time* with the *Parliament*, yet they were not Confined to the *Sessions* of it: But have sometimes not begun till several *Weeks* after the Other was Open'd; and oftner sate on as many after it was *Prorogued*, or *Dissolv'd*. A Demonstration, in this Case, that there was yet no such necessary Connexion known between these *Assemblies*, as is now pretended; nor any Obligation thought to lie upon our Kings, to Call our *Convocations ALWAYS and ONLY* in time of *Parliament*; as Dr. A. would make us believe that there was, and is. Let us see how the Case stood under his Son and Successor,

King EDWARD the VIth.

Sect. 70.
1547.

His first *Parliament* was summon'd to meet at *Westminster*, *November the 4th*, 1547: It continued to sit till the 24th of *December*; and so was prorogued, first to the 20th of *April*, then to the 15th of *October*, and lastly, to the 24th of *November*, 1548.

¹ Registr.
Cranmer,
fol. 12.

On the 15th of *November* the *Convocation* of the Province of *Canterbury*, Summon'd by the Authority of the *King's Writ*, began at *St. Pauls London*. It appears by the Minutes which remain of both Houses, that little was done by it. However it continued to sit till the 26th of *December*, and was then prorogued by several *Writs* to *April the 21st*; And from thence to such other time as the *Archbishop* should appoint. At the Opening of this *Convocation*, the President in his Speech told them, that it had been the Custom of the Realm of *England*, the first Year of every *King's* Reign, to Summon the *Parliament*, and also to call a *Synod* of the *Bishops and Clergy*; and that so it was at present done, by the Command of the *King and his Lords*. This² Dr. A. alledges to prove the necessary Connexion between the *Parliament* and *Convocation*. He observes indeed, that the *Archbishop* speaks only of a Custom in the first Year of every *King*; and therefore seems to think it not sufficient to prove the same of all the other Years of their Reigns. He might rather have observed, that such Expressions as these, in such kind of Speeches, are not to be too rigorously interpreted; nor produced as Matters of Record on these Occasions. It is true, that generally speaking, our *Kings* have at the beginning of their Reigns call'd their *Parliaments*; and our *Archbishops* their *Synods* about the same time, or not very long after. It was a Matter of just Prudence in Both so to do; for the Service of the *Prince*, and for the Peace of the *Church and Realm*. But yet Exceptions there have been, and that in the Reigns immediately foregoing. In that of King *Henry the viiith*, we hear of no *Convocation* in the Other Province, tho' a *Parliament* met, and a *Synod* was held the first. In that of his Father King *Henry the viith*, we find no *Convocation* in either; but the *Parliament* was held the first, the *Convocations* the 2d Year, after his Accession to the Throne; as in the History of those Years I have more fully declar'd. But how this can be interpreted to prove the necessary Attendance of the two *Convocations* upon the *Parliament*, either at the Beginning of every Reign, or at any other time, I must confess I am yet to learn.

² Rights, &c.
p. 70.

In the Province of *York* the *Convocation* began upon the same day, *November the 5th*. The *King's Writ* was read, and the Persons Summon'd were Call'd over: But that was all that was done, and so the *Synod* was Prorogued to the 23d of the same Month. On that day it was again prorogued to the 20th of *January*, that is, till near a month after the *Parliament* was risen: So that however this *Convocation* met twice during the time of the *Parliament*, yet according to Dr. A's account, here was no Session of *Convocation* at all. On the 20th of *January* it met and was prorogued to the 20th of *April* first, and then to the 6th of *October*; after which we hear no more of it till it's *Dissolution*, of which I shall take notice in its proper place.

Sect. 71.
1548.

Upon the 24th of *November* 1548, the same *Parliament* met again, and with a short Prorogation from the 21st of *December* to the 2d of *January*, sate till the 14th of *March*, when it was farther prorogued to the 4th of *November* the next

next Year. What our *Convocations* did all this time more than the *Granting* of a *Subsidy*, I cannot tell. Most probable it is, that they only met, and were *Continued* from time to time, by the *Archbishops* while the *Parliament* sate, as I find that of our Province was by Order of the *King's Writ*, at the End of it; and that to the very same day on which the *Parliament* was ordered by him to meet again: A Practice, not so strange, or novel, as Dr. A. wou'd have us think, who represents it as One of the many *Innovations* of the Late Reign.

The *Parliament* sate according to its *Prorogation*, November the 4th, and Continued till the 1st of February after. I dare not affirm that the *Convocation* of our Province was, by *Writ*, *Prorogued* during this whole Session; tho' I think some such thing is imply'd in the *Writ* by which it was *Prorogued* at the End of it. ¹ That *Writ* bears date February the 2d, 4. Edward VI. It recites a *Prorogation* which had been made of the *Convocation* to the day following, and so *Prorogues* it on to the 22d of April; the next day after the *Parliament* was appointed to meet. From this time both these great Assemblies were Continued to the 23d of January 1551. Then the *Parliament* Assembled a fourth time; sate till Fryday, April the 15th, and was Dissolv'd. ² The next day our *Convocation* was by *Writ* Dissolved too; which is all that I know of it. But the *Convocation* of York was not so soon broken up. ³ It continued till the 4th of May, almost three Weeks after the *Dissolution* of the *Parliament*; and had not yet learnt that necessary Dependence on the *Parliament* which is now advanced by Dr. A. at least it did not yet by its Practice shew, that it knew of any such Obligation it had either to Sit, or Separate, with it.

About the latter End of the next Year, another *Parliament* was call'd to meet at Westminster the 1st of March, 1552. It sate to the End of that Month, and was Dissolved the very last day of it. ⁴ On the 2d of March the *Convocation* of our Province began. What it did, Or how it proceeded, I am not able to say. This is certain, that it was Dissolved by *Writ* the day after the *Parliament*; and so began, and ended within a day of it. But the *Convocation* of York is here again as cross to Dr. A's Purpose, as any thing can well be imagined. It met the 2d of March, and was continued to the 28th of the same Month, that is to say, till within Three Days of the End of the *Parliament*. On the 15th of April it met again, a Fortnight after the *Parliament* had been Dissolved. ⁵ Then the Cause of the *Convocation* being proposed to them by the *Archbishop's* Commissioners, to this Effect, namely, *pro Concessione Subsidii*, &c. to Grant the King a Subsidy; and treating thereupon, they Agreed to a Subsidy of six Shillings; and that, for ought appears, was all that they did at this Meeting.

And here we must Close up the short Reign of that Excellent Prince King Edward the VIth. For tho' another *Parliament* and *Convocation* were Appointed by Him to have met in September this same Year; yet the King dying before that time came, those Summons fell with Him: And so are no stop to our Proceeding to the next Reign, of his Sister, and Successor,

Queen MARY the 1st.

This Princess being come to the Throne, July the 6th, the very next Month issued out ⁶ *Writs* for a *Parliament* to be held at Westminster, the 5th of October following. To this the Church of Lincoln deputed their Proctors, ⁷ *ad Comparend. pro Eisdem coram Excellentissima, &c. Domina Maria Regina, &c. in Parlamento suo apud Westmonaster, 5 Octob. prox, &c. ad Consentiendum iis qua tunc ibidem de Communi Concilio hujus Regni Anglia divina favente Clementia contingerent Ordinari*; as their Chapter Acts speak. The *Parliament* thus Assembled, sate till the 21st of the same Month; and after a short Intermission of a few days, resumed its Session, and continued it to the 6th of December, and so was Dissolv'd.

With this *Parliament* the *Convocation* of our Province, was also Summon'd by the ⁸ *Queen's Writ*, to Archbishop Cranmer, Dated August the 4th, to meet at St. Paul's London, October the 6th, the Day after the *Parliament*: But before it sate the Archbishop was imprison'd, and so Bonner Bishop of London remain'd President of the Assembly. It sate till Wednesday, December the 13th, a Week after the *Parliament* had been Risen, and then was Dissolv'd, as that before had been.

K EDWARD
the VIth.

1549.

Regist. Cran-
mer. fol. xii. b.

1551.

Ibid. fol. xiii.

See the 1st
Convoc. Book.

1552.

Reg. Cran-
mer. fol. xiii. b.See Convoc.
Book of York.

Sect. 72.

1553.

Dugd. Sum-
monit. Parl.
p. 514.Regist. Dec.
& Capit. ab
Anno 1520.
fol. 373.Reg. Cran-
mer. fol. xiv.

MARY been. The *Convocation* of the *Other Province* met at the same time, and probably after its usual manner sate much longer than Ours did. But the Acts of this, and the following *Convocation*, being never fair Transcribed into the *Convocation Book* (the Leaves of which are here left Blank for them) the *Minutes* of what they did, and when they were Dissolv'd, are, I doubt, entirely lost.

Sect. 73.
1554.

¹ Liber Admissi-
on. Sec. A.
ab A°. 1549.
in Regist. Prin-
cipal. Episc.
Norwic.

² Regist. Bon-
ner. fol. 337.

³ Ibid. fol.
240, 241.

It was not above two *Months* after the *Dissolution* of the first *Parliament*, before the *Queen* issued out her *Writ*s for another to Assemble at *Oxford*, *April* the 2d. The *Bishop* of *Norwich* being then out of *England*, the *Parliament Writ* was directed to the *Guardian* of the *Spiritualities* of that *Diocese*, quod interfit *Parlamento apud Civitatem Oxon.* 2^o *April. prox. tenend.* This was afterward adjourn'd from *Oxford* to *London*; where it sate to the 5th of *May*, and so was Dissolv'd.

The *Archbishop* of *Canterbury* was now under an *Attainder*, so the *Queen* directed her *Writ* for the *Convocation* to meet in the Church of *St. Marie Oxon*, *April* the 3d, immediately to the *Bishop* of *London* (*sede Archiepiscopali Vacante per Condemnationem Thome Cranmeri*, as the *Writ* runs.) By a *Second Writ* directed to the same *Bishop*, *Presidenti Convocationis sede Cant. vacante*, He was ordered to *Prorogue* the said *Convocation* from *Oxford* to *London*; there to meet on the same day that had before been assigned for it. It met accordingly, and continued till *Fryday* the 11th of *May*, six days after the *Parliament* was Dissolv'd. It was then *Prorogued* only to *Fryday* the 5th of *October*, and that by *Commission*, without any *Royal Writ*; and with a reserve for meeting on any day before, *facta prius intimatione & premonitione Prelatis & Clero Convocationis hujusmodi, & Eorum procuratoribus legitimis*; say the *Acts* of that *Synod*. In pursuance of this *Exception*, they again met on *Fryday*, *May* the 18th; on *Munday*, *May* the 21st; and on *Fryday*, *May* the 25th: And then the *President* renew'd this *Prorogation* in the same terms, and to the same time to which he had before made it.

This I hope may be a sufficient Evidence to convince even *Dr. A.* himself, that, as yet, the Dependance even of the *Convocation* of this *Province* upon the *Parliament*, was by no means so strict as he supposes it to have been. That the One may lawfully Sit after the Other is Dissolved: Nay, and only *Prorogue* its self to a farther time, with a *Power* of meeting sooner, upon due and legal Notice given to its *Members*; tho' its *Contemporary Parliament* were put out of all Capacity of doing the same. At least this is plain, that thus this *Convocation*, in fact, did Do: It sate three Weeks after the *Parliament* was Risen; and then was only *Prorogued* by its Own *President*, tho' the other had been Dissolv'd by the *Queens Authority*.

⁴ Dugd. Sum-
monit. Parl. p.
516.

⁵ Reg. Bonner
fol. 351.

On the 12th of *November*, a New *Parliament* met at *Westminster*. It sate till the middle of *January*, and was then, as the others before had been, Dissolv'd. By a *Writ* directed to the *Dean* and *Chapter* of *Canterbury*, the *Convocation* of that *Province* was Summon'd to meet at *St. Paul's London*, *November* the 13th; the next day after the *Parliament*. ⁵ In this *Convocation* the *Bishop* of *London* is said to be *Deputat. Commissarius sive Presidens*; and the *Commission* of the *Dean* and *Chapter* of *Canterbury* is expressly noted to have been read to that purpose at the Opening of that Assembly. And here again, the *Convocation* out-sate the *Parliament* no less than Ten days: The one being Dissolv'd *January* the 16th; the Other continued till *January* the 26th. What became of it then, whether it were Dissolv'd, or *Prorogued* only, the *Minutes* which I have seen of it, speak not; so that I cannot with any certainty determine any thing in that Particular.

Sect. 74.
1555.

⁶ Dugd. Sum-
monit. Parl. p.
517.

⁷ Regist. Bonner
fol. 392.

⁸ 6 Id. Nov.
Reg. Eccl. Can.
M. fol. 30. b.

To proceed therefore to the next Year, in which a *New Parliament* was call'd, to meet at *Westminster*, *October* the 21st, and continued till the 9th of *December* following. The *Convocation* of this *Province* was by Order of the *Dean* and *Chapter* of *Canterbury* appointed to be held at *St. Paul's London*, the next day, *October* the 22d. It was not long after, ⁸ that *Cardinal Pool* Appointed his *Legantine Synod* of both *Provinces* to meet at *Westminster*, in the *Royal Chappel*; But of this I shall have Occasion to speak more fully by and by, when I come to consider *Dr. A's* Account of it.

The *Clergy* met according to their *Summons*, *October* the 22d: And upon the 30th agreed to a large *Subsidy* for the *Queen*: What they did more, at this Meeting, the *Minutes* which remain of this *Convocation* deliver but obscurely to
Us.

Us. I shall therefore proceed to consider that more perfect Account which Dr. A. imagines He has first communicated to the World of these Assemblies. Q. MARY the 1st.

In Vindication of the Supremacy of our Princes in these Matters, I had observed, that Queen Mary, not only call'd her first Convocation by Authority of her own Writ (I might have added, and all the following Convocations of her Reign, not one of which met but in Obedience thereunto) but gave her Licence to Cardinal Poole, to Assemble that which was held two Years after, and to make such Canons as he should think needful in it. For this I refer'd to a very accurate Author, upon whose Care and Fidelity I did not doubt but that I might safely Rely. Appeal. p. 30.

But this Dr. A. says, is according to my Usual Exactness in these Matters: For that Cardinal Poole's Licence was to hold his Legantine Synod, not Our Provincial Convocation. I must indeed confess that I did not distinguish, as I ought to have done, between these two Assemblies: I follow'd my Author, and made no Question but that I might have securely depended upon his Exactness. But the Crime is not great, either in Him or me, if what Dr. A. adds be true, that All our Writers have (equally) confounded these same Meetings. The Fault will be much more Inexcusable if Dr. A. who refers to the MSS Acts, or rather Extracts, of this Year, should after all be no less mistaken in the Report of these Synods, than Any of Us the humble Transcribers of One another's Blunders, hav been. Let us hear what He says of Them: Rights, &c. p. 373, 374.

"The true Account of this Matter is, that the Parliament meeting this Year Ibid. p. 373.
 "October the 21st, the Convocation also in Course met the day after it, at Pauls,
 "being Convened by the Dean and Chapter of Canterbury, as was usual in the
 "Vacancies. The Cardinal, tho' in England, did not appear at it; but Bonner
 "by Commission from the (He should have added Dean and) Chapter presided.
 "There they Sate and did Business till October the 30th; when I find them com-
 "ing to a Conclusion, and Offering their Subsidies and Complaints to the
 "Queen. What Business this Convocation did from the time that the Bishop
 of Eli declared to them the Causes of their Meeting, till October the 30th, it is
 pretty hard to imagine. The Synod met October the 22^d; Presented their Pro-
 locutor, and had the Causes of their Meeting Open'd to them, October the 25th.
 Now the very next Session, was that of October the 30th. On which Dr. A. tells
 us, he finds them coming to a Conclusion (he means about their Subsidy, and so
 far he is in the Right: but when he adds) and Offering their Subsidies and Com-
 plaints to the Queen, He will give me leave to say that he mistook his Acts; which
 I am pretty sure were the same that are now before me. On that day, the Ex-
 tracts inform Us, that the Lower House Agreed to the Subsidy which had been
 proposed to them, and brought up the Instrument of their Agreement to the
 Lords, with the Three Petitions, which are there expressly set down. This was
 all that was yet done, or indeed, that the Shortness of the time would allow
 them to have done. And eight days after we find the President agreeing, that
 the Cardinal should be consulted about the Manner, Form, and Quality of their
 Subsidy; and that his Assistance should be desired in it.

In order to this, the President Continued the Clergy to the King's Chappel, at
 Westminster, the Fryday following, November the 15th: After which we have
 only a Memorandum of the two Provinces meeting in the Legantine Synod, and so
 the Acts of the Present Assembly break off. But Dr. A. proceeds: "The Se-
 "cond of the next Month the Cardinal had his Licence under the Broad Seal to hold Anth. Harmer p. 141.
 "his Synod Legantine of Both Provinces, and upon it issued out his Mandate to
 "Bonner, November the 8th, for the Province of Canterbury to meet those of
 "York on the 2^d of December following. Accordingly both Provinces met in
 "the King's Chappel at Whitehall; and from thence adjourn'd back again to
 "Pauls, and afterwards to Lambeth; and continued sitting there till February
 "the 11th, which was two Months after the Parliament was dissolved: Nor
 "was the Synod even then Dissolved, but Prorogued only to the 10th of
 "October.

This is Dr. A's Account of this Legantine Synod, in which after all his Tri-
 umphs over our Other Historians for their Unaccuracy in this particular, he
 must give me leave to tell him, he is himself not a little mistaken. For indeed,
 the Truth of this Matter is this. Cardinal Poole being Authorized by the Queens
 Licence, under the Great Seal of England, to exercise his Legantine Power in this

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Realm, had by vertue thereof summon'd a *National Synod* to meet in the King's Chappel at *Westminster*, not long after the Time that the *Parliament* was to Assemble. Whether the Bishops and Clergy who came up to *Parliament* and *Convocation*, desired the *Cardinal* for their greater Security to obtain an Express *Licence* from the *Queen* to meet in his *Synod*, or he was otherwise advised to it; but so it was, that the *Cardinal* did think fit to procure a particular Permission, both for himself to *Hold* the *Synod* which he had before *Summon'd*, or any other that he should afterwards think fit to call; and for the *Clergy* to assemble in Obedience to his *Summons*. The Words of the Patent, as *Dr. A.* himself has (or rather should have) Printed it, had he been pleased to attend to them, are these. "Know ye that for so much the said most Reverend Father earnestly desiring that his Labour and Travail may take Fruit to the Honour of God, and Wealth of our Subjects, hath Now called a *Synod of the Clergy of this our Realm*, to appear before him at our *Palace at Westminster*: We to avoid all Danger, Doubt, and Ambiguity which might arise in that Case, by Reason of any Laws, Statutes, Customs, or Prerogatives, of Us, or of this our Realm of *England*, and for the more Ample Declaration of our said Letters Patents, have Granted, Declared, and Signified, and by these Presents do Grant, Declare and Signify, that our Will, Pleasure, and Consent is, that as well the said most Reverend Father *Cardinal Poole*, Legat *de latere* of the Pope's Holyness, and the See Apostolick, may freely without Lett of Us, or Danger of any our said Laws, Statutes, Customs, or Prerogatives, Call and Celebrate the said *Synod*, or any Other *Synod* hereafter at his Will and Pleasure, and in the same Statute, Ordain and Decree any wholesome Canons for the Good Life and Order of the Clergy of this our Realm of *England*, or of any Other of our Realms and Dominions, and do any Other thing for the better executing of their Office and Duty; As also the said Clergy may appear and be Present at the said *Synod* or *Synods*, and Consent to fulfill, and obey all such Canons as shall be ordained in the same, or in Any of them, without Lett or Impediment of Us, and without incurring any Danger, or Penalty, or Forfeiture, of any of our Laws or Statutes; any Act, Ordinance, or other Matter contrary to the same, notwithstanding.

Append. ad
Ann. 1555.

It appears by this Patent that *Cardinal Poole* had Called his *Legantine Synod*, before the 2d of *November*; and that the Mandate therefore which he issued out the 8th of that Month, was not as *Dr. A.* Reports it, to Assemble his Council *December* the 2d, but to appoint a Time (left by Him to the Bishop of *London* to determine) within which all such of this Province as were not yet come to it should, under the Penalty therein express'd, appear at it. Accordingly the Mandate its self runs to the same Effect: That they should present themselves *infra competentem Terminum arbitrio tuo statuendum*, (in) *Præsentis Synodo quam cum Circumspectione Tua, & aliis tam Cantuar. quam Ebor. Provinciae Episcopis, & Reliquis Ecclesiasticis quæ jam hic adsunt Personis, inchoavimus*. In the Execution of this Mandate the Bishop Cites the absent Bishops and Clergy to appear, *Coram Legato prædicto Synodum prædictam prosequuturo*: And that (to observe this too by the Way) not on the 2d of *December*, but by that day at the farthest; *Si Citius saltem venire, non poteritis*, as his Words are.

Dr. A. therefore is every way mistaken, when he tells us, that the *Cardinal* having received the *Queen's Licence* to hold his *Synod Legantine*, *November* the 2d, did thereupon issue out his Mandate for its Meeting *December* the 2d. Whereas, in truth, he had Called it long before: He Assigned no such day for the Holding of it; but having obtain'd the *Licence* of which we were speaking, Order'd the Bishop of *London* to Summon those who were not yet come to it, to appear before him at a certain day; which Bishop *Bonner* determined should be either On, or Before, the 2d of *December*.

When this *Synod* first met, I will not positively affirm: This we may be sure of, from the *Archbishop's Mandate* before mentioned, that it was Assembled when that Pass'd; that is to say the 8th of *November*. But the Minutes of the *Convocation* of this Year will carry us yet farther, and enable us I believe to assign the very Day of its Meeting. For on *Wednesday October* the 30th, the President signified to the Bishops and Clergy there assembled, that They should Appear before the *Cardinal* in the King's Chappel at *Westminster* the Munday following, between Eight and Nine in the Morning, there to treat of certain serious Affairs.

Affairs. In the *Queen Patents* dated the *Saturday* after the *Session*, *November* the 2^d, this *Synod* is spoken of only as *Called*, but not *Assembled*; so that it seems at that time not to have yet met. I conceive therefore, that *Monday*, *November* the 4th, was the Day on which it was Opened; and that the *Clergy* did then, according to the *Monition* of their *President*, attend upon the *Cardinal* at it.

But *Dr. A.* proceeds: They met at the *King's Chappel*; from thence they *Ad-journ'd* back to *Pauls*, and afterwards to *Lambeth*; and continued sitting there till *February* the 11th. This I again take to be altogether *Fictitious*. On *Monday*, *November* the 4th, (if I mistake not) the *Cardinal* began his *Synod* in the *King's Chappel* at *Westminster*. On *Friday* the 15th of the same Month it met again in the same Place, and then (as I conjecture) went upon the *Business* of the *Subsidy*, which *Dr. A.* makes our *Clergy* to have presented to the *Queen* a *Fortnight* before. Where they met next, our *Minutes* tell us not. On *Tuesday*, *January* the 21st, the *Session* was at *Lambeth* in the *Afternoon*. It was there again, *February* the 11th, the last of their present Meeting.

How long the *Convocation* of our *Province* continued to sit, I cannot certainly tell: But by the *Minutes* (which seem all along to refer as well to the *Legantine Synod*, as to that, and to mention several Matters relating to Both) I do apprehend that it was sitting *February* the 10th, and that the *Clergy* were there admonish'd by their *Pro-locutor*, to attend the *Legate* at *Lambeth* the next Day.

Dr. A. himself refers the *Business* of *Schools*, which was treated on *January* the 8th to the *Provincial Convocation*: And of its *Session* yet later, *January* the 22^d, there is I think a clear and evident Account. As for the *Legantine Synod*, it was prorogued by the *Cardinal* first to *November*, (not as *Dr. A.* from his *Minutes* reports it, to *October*) the 10th, 1556; thence to the 10th of *May*, 1557: And lastly from the 10th of *May*, to the 10th of *November* following.

The Meeting of this *Legantine Council*, and its long Continuance, hindred the *Convocation* of *York* from Assembling so near the *Parliament*, as 'tis probable it would otherwise have done. 'It began not till the 4th of *March* 1555: that is to say, almost three Months after the *Parliament* had been *Dissolved*. This at least must be allow'd to be a plain Testimony of the Independance of the One of these Meetings upon the Other; and prove in Opposition to both *Dr. A.*'s Pretences, that the *Parliament* may Sit without any *Attending Convocation*; and the *Convocation* be *Assembled*, tho' there be at the same time no *Parliament* in being to be *Attended* by it.

The last *Parliament* of this Reign began at *Westminster*, on *Munday* *January* the 20th, 1557. The Church of *Lincoln* deputed their *Proctors* at once both to this *Great Council*, and to the *Convocation* which was to sit about the same time with it. It continued till the 7th of *March*; and was prorogued to the 5th of *November* following. On that day it Resum'd its *Session*, but was soon Ended by the *Queen's Death*, which happened within a few days after. The *Convocation* of the *Province* of *Canterbury* met by the *Royal Writ*, and *Archiepiscopal Mandate*, the next day, *January* the 21st: It continued till the day after the *Parliament*, *March* the 8th, and was then prorogued to the 11th of *November*, six days after the *Parliament* was to meet. Being then again *Assembled*, it was prorogued to the 17th of the Month: On which day the *Queen's Death* put an end to that, as well as to the *Parliament*.

Sect 75.
1557.

And here *Dr. A.* thinks he has another plain evidence of the necessary Conjunction of the *Parliament* and *Convocation*; and of the Dependance of the One upon the Other. He urges the Speech made by the *Cardinal Archbishop* at the Opening of it, and takes it to speak so formally in his Cause, as not to need either *Explanation* or *Comment*. Let us see therefore what it will amount to, upon a fair Examination of it. His words are to this effect: "That As of *Antient Custom* the King of England, for certain difficult Causes, commands the *Prelates* of this Realm to be present at his *Council* or *Parliament*, for the Security of the King, and the State of this Realm, and such other matters as Concerns the *Public Good*; So the *Archbishop* of *Canterbury* is wont to call his *Suffragan Bishops*, *Prelates*, &c. to a *Sacred Council*, to treat of the same Causes, and in like manner to give their

U u u z

" Aid.

So *Card. Poole* recites it, in his *Mandate* to the *Bishop* of *Dover* for *Collecting* it: *Subsidium* *Dominis Regi & Reginae* per *Praelatos & Clerum* *Cantuar. & Ebor. Provinciarum* in *Sacra Synodo* per *Nos* sub *Anno Dom* 1555, ultimo praeterit. *inchoata & Celebrata, concessum & elargitum*. To this agrees the Time, when it was presented to the *House of Lords* for *Confirmation*; viz. *Novemb* 30. And by the *Instrument* presented, it appears, that both *Provinces* granted together. *Rastall. Stat.* 2 & 3. *Ph. & M.* chap. xxii.

MARY the 1st. Aid. He spake most truly ; and has given us a right account of these *Convocations*. Our Kings are wont to Call their *Prelates* to *Parliament* to treat of the difficult Affairs which relate to the *Public Good*, and the Security of the *King* and *Kingdom*. The *Archbishops* of *Canterbury* have been wont to Summon their *Clergy* to *Convocation*, for the like (*Civil*) *Ends* ; to treat of the like *Affairs*, and to grant their *Subsidies* towards the Support of the *Public Needs*, there, as the Others did in *Parliament*. But do's the *Cardinal* say that *Of ancient Custom, Whenever the King Call'd a Parliament, the Archbishop was Obliged to Summon a Convocation at the same time, to Attend upon it ; which was to sit as long as the Parliament Sate, and never to sit but while the Parliament was sitting ?* He must have some better Skill at discovering such Secrets, than I dare pretend to, who can extort such a sence out of those Words. The only Pretence Dr. A. can have for this, must be drawn from the first Word *CUM*, which I render *AS* ; and when it is Oppos'd to *ITA* or *SO* ; I cannot tell how to make sence of it, by any other Translation. In the mean time that the *Cardinal* intended in that Passage to refer not to the *Seasons* of their *Meeting*, but to the *Business* which they were to do when met, is evident from hence ; first, That this was the *Introduction* to that *Speech* in which He declar'd to them the *Causes* of their *Meeting* ; *Causas hujus Synodi verbo tenus Exposuit*, say the *Acts* : And then follow the words before recited. And, secondly, that presently after them he passes on to the *Causes* for which he say'd the *Archbishop* was wont to Call them to such *Councils* ; the very first of which was the *Reduction* of *Calais* by force.

That *Cardinal Poole* could not be ignorant at what different *Times* the *Parliaments* and *Convocations*, not only of our former *Kings*, but of *King Henry* the viiith, in whose Court he was bred, were wont to be Call'd, must be allow'd ; or we must suppose him to have been a Person of much less Observation, than his Character and Learning bespeak him to have been. The *Convocation* of the *Other Province* still continued to Sit and Do *Business*, several Weeks after the *Parliaments* were *Prorogued*, or even *Dissolv'd*. So did that of our *Province* too, in the beginning of this very *Reign*. And that the *Cardinal* apprehended it might be requisite for this very *Convocation* which he here spake to, to Do likewise, appears by the Message which he sent to it, at the 10th Session, February the 16th ; in which he desir'd " the Synod might Assemble as often as it conveniently could during the Session of the Parliament ; and that after the Parliament should be ended, those who were desirous to return to their *Diocesses* should leave their *Proxies* with the Bishop of London, &c. who should tarry here, and go on with the Reformation of the Church. This I take to be a much clearer Evidence of the *Cardinals* Opinion, of the Independence (in point of Time and Session) of the *Convocation* upon the *Parliament*, than can ever be extracted out of his Words before recited for it : Which however express'd by the *Actuary* of that *Synod*, yet plainly mean no more than that the *Prelates* and *Clergy* were call'd to *Convocation*, there to treat, in an *Ecclesiastical* way, of the same Matters that the *Prelates* and *Lay* did in *Parliament*, in a *Civil* one.

At what time the *Convocation* of *York* sate, this Year, the Negligence of the Register to note the Day on which they agreed to the *Provision* for *Arms*, which had before passed our *Synod*, leaves it in doubt. That it was after our *Clergies* *Prorogation*, we have this Presumption, or rather Assurance ; that upon the last Day of their Meeting, the *Cardinal* desir'd the *Bishops* that before they went away to their *Diocesses*, they would assist at the drawing up the Order for the *Provision* of *Arms* against the *Scots*, according to the Articles agreed upon at the 13th Session before. This Decree was drawn up accordingly, and a Mandate issued out by the *Archbishop* for the Publishing of it. After which, a *Certificatory* was made of it for the *Archbishop* of *York* ; who, I suppose, transmitted it to the *Clergy* of his *Province*, that so they might come (as accordingly they did) to the same Agreement. If in this my Conjecture be right, as I believe it is ; then must their Session have been some time after both the *Parliament* and our *Convocation* were prorogued. This however is plain, and it effectually confutes Dr. A's Pretences, that they prorogued their *Convocation* but to the 21st of October ; whereas the *Parliament* was prorogued to the 5th, and our *Convocation* to the 11th of November after.

Hitherto I may therefore venture to say, there is no manner of Colour to justify any such strict, or necessary Dependence, by the Laws of our Constitution, in point

point of *Meeting*, between the *Parliament* and *Convocations*, as Dr. A. speaks of. Q. MARY
the 1st.
The latter of these were now indeed accustomed to be Assembled with every *Parliament*; that so they might be ready at hand to *deliberate* upon such Matters as the Prince should think fit to propose to them; but especially that their *Aids* which they should grant in *Convocation*, might (according to the *Method* now set on foot) be *Ratified* and *Confirm'd* by *Authority* of *Parliament*. But then this was All; for being thus call'd, they often did their Business many *Days*, or *Weeks*, after the *Parliament* was risen: They only *prorogued* their *Convocations*, when the Prince dissolv'd his *Parliament*; and by so doing plainly shew'd that they knew no such necessary *Connexion* between these two *Assemblies*, but that the One might be *Summon'd*, or *Sit*, and *Act*, when the Other did not; nay when there was no such thing as the *Other Council* at all in *Being*. Let Dr. A. consider this, and reconcile it to his New *Hypothesis* if he knows how.

Queen ELIZABETH.

Queen Mary being dead, November the 17th, Queen Elizabeth her Sister succeeded; and held her first *Parliament* at *Westminster* the 23d of January following. It sate from thence, after a short *Prorogation* of two Days, till the 8th of May, and then was *Dissolv'd*.¹ The *Convocation* of our Province kept an exact Conformity with it: It met the Day after it should have begun, and was *Dissolv'd* the next Day after it ended. But the² *Convocation* of York was altogether irregular: It began not till the 10th of February, (almost three Weeks after the *Parliament* first Assembled) and then, to use Dr. A's own Expression, it met only in order to be told when it should meet again. The *Queen's Writ* was read, and the *Names call'd over*, and the *Absent Members* pronounced *Contumacious*; but no Business was done, not so much as a *Prolocutor* chosen. From thence it was *Prorogued* a Month forward, to March the 16th: And then again nothing at all was done; only it was a second time *prorogued* to the last of the same Month, and then to the 15th of April, in the same manner. What became of it afterwards the *Convocation Book* tells us not: So little it seems there was done, that it was hardly thought worth the while to take notice of it. Thus much however we may learn from it to our present Purpose, that the Practice of *Calling Convocations* in Time of *Parliament*, and then *proroguing* them without suffering them to enter upon *Business*, or even to chuse a *Prolocutor*, is not of so late a Date as Dr. A. would make us believe; but has been a Matter of early (as it will hereafter appear to have been of frequent) Practice; since the time that our Princes have thought fit to *Assemble* these *Synods*, not *Occasionally*, when they had somewhat for them to do, but *Regularly*; and, as it is now phras'd, *Acourse*, with every *Parliament*; whether there was any Business for them to transact, or no.

The next⁴ *Parliament* of this Reign was summon'd to begin at *Westminster*, on Monday, January the 11th, 1562; and accordingly did sit the next Day, January the 12th. It continued till the 10th of April, 1563; and was then *prorogued* unto the 2d of October following. With this *Parliament* the⁵ *Convocation* of the Province of *Canterbury* was appointed to meet January the 12th; and begun the Day after it, January the 13th. It out-sate it four Days, till April the 14th, and was then continued till the 3d of October after. In this *Convocation* much Business was done, which we shall hereafter consider; so that here all went right according to Dr. A's Desire. But the *Convocation* of the other Province did but very little. It met according to its first *Summons*, January the 12th: The *Queen's Writ* was read, so was the *Archbishop's Commission* to certain Persons appointed to *preside* in his stead. The same was repeated the next Day, January the 13th: But that being done, the *Synod* was *prorogued* to the 5th of February, and no manner of Business enter'd upon. On the 5th of February they sate twice, and had some Debates concerning certain *Articles*, and about the *Proctors Wages*, concerning which they agreed to consult their *Archbishop*; which being done, the Assembly was continued to the 12th of March, above a Month after. On the 12th and 13th of March they met, and agreed to a *Subsidy* for the *Queen*, and settled the *Wages* of the *Proctors* for *Chester* and *Carlisle*; which having done, they were again *prorogued* to the last of March, above a Fortnight more.

Sect. 76.

1558.

D'Ews Journal, p. 1.

Synod. MS.

Colleg. Benedict. Cantab.

Vol. 1. p. 192.

Convoc.

Book.

Sect. 77.

1562.

D'Ews Journal, p. 78, 91.

Acta MSS.

hujus Convocat.

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BETH.

Sect. 78.

1566.
D'Ewes Jour-
nal, p. 93.

¹ 1 Convoc.
Book.

more. On the last of *March* they did nothing, but were continued farther till the 28th of *April*; when they met again, (almost three Weeks after the *Parliament* was risen) read the *Queen's Writ of Prorogation*, and were Continued to the 3^d of *October* following.

This is the Summ of what passed in that *Convocation*: They did but very little, and for that little they troubled not themselves with the *Choice* of a *Prolocutor*; but presently agreed to the *Subsidy* propos'd, which was the chief, and almost the only thing they had to agree to. From this time we meet with nothing but *Prorogations* both of *Parliament* and *Convocations* till the End of *September*, 1566; when the *Parliament* again Assembled at *Westminster*, on the last Day of that Month; and sate till the 2^d of *January* following, and then was dissolv'd.

What the *Convocation* of our Province did during this *Session*, more than grant a *Subsidy*, I am not able to say: Sure I am, this was all that the *Synod* of the *Other Province* at all attempted to do. And because we have the ² *Acts* of this *Convocation* very full and particular, I shall briefly represent the Procedure of it.

On *Tuesday* the 1st of *October* the *Convocation* met, under the *Presidency* of the *Archbishop's Commissioners*; and was only prorogued to the 30th of the same Month. On the 30th they met again, and were again continued to the 12th of *November*, without entring upon any *Debates*. The 12th of *November* they met a third time; but they met again only to be prorogued till the 27th of the same Month. On the 27th of *November* they resum'd their *Session*, and were further continued to the 11th of *December*. From the 11th of *December* they were again prorogued to the 20th of the same Month. When, having now met for almost three Months without doing any thing, (only to be told when they should meet again, as *Dr. A.* wittily descants upon this point;) they agreed to a *Subsidy* for the *Queen*; drew up their Consent, and subscrib'd it, all at One Meeting; without ever Dividing, or so much as Chusing a *Prolocutor* for the *Lower House*, and so were prorogued to the 8th of *January* following.

The *Parliament* was Dissolv'd *January* the 2^d, and the *Writ* for Dissolving our *Convocation*, pass'd the next day, *January* the 3^d; but without taking the least Notice of the *Parliament*, or its *Dissolution*; as in all reason it should have done, had the *Queen* been Obliged, by the *Laws* of our *Constitution*, to Conclude the One at the same time that She did the Other. But all this notwithstanding, the *Convocation* of *York* not only met again according to their *Prorogation*, *January* the 8th, but were again prorogued to the 15th of the same Month; tho' the *Parliament* had been Dissolv'd the Week before. On the 15th of *January* they met the last time: The *Presidents* pronounced the *Absent Members Contumacious*; (a strange Procedure upon *Dr. A's* Principles, that Men should be condemned as *Contumacious* for not meeting in *Convocation* a Fortnight after the *Parliament* was Dissolv'd, and the *Convocation* therefore ought legally to have been Dissolv'd with it!) and then by Authority of the *Queen's Writ*, this *Synod* was also Concluded.

And here now let *Dr. A.* say; Excepting only in the One Act of Granting a *Subsidy*, in which he not only allows the Case to be now altered, but is well content that it should have been so; What has our late *King*, or our *Archbishops* done, that was not done in this *Convocation*? Were the Clergy summon'd by the *Queen* with this *Parliament*? So they have been by his *Majesty*, with all Ours? Did they meet from time to time under the *Commissioners* appointed to preside over them? They have done the same, or I am sure ought to have done it, under the *Commissioners* of our *Archbishops*, or such Others as had Authority in this Case? But our *Synods* met only to be prorogued? So did this: The *Archbishop* had nothing to propose to them: They made no Request to him that they might enter upon any Business; and so (the *Queen's Subsidy* excepted) nothing at all was done by them.

Sect. 78.

1571.
D'Ewes Jour-
nal, p. 136.
² Convoc.
Book.

The next ¹ *Parliament* of this Reign was held at *Westminster*, *April* the 2^d, 1571; and continued to *Tuesday*, *May* the 29th, and so was Dissolved. With this *Parliament* our *Convocation* was Assembled, *April* the 3^d: It sate and did Business; and, I suppose, was Dissolv'd soon after the *Parliament* ended. ² The *Synod* of *York* began the same Day, but it did no Business before the 2^d of *May*; at which time a Schedule was offer'd to the *Presidents* by one of the Clerks of the *Convoca-*

tion for a Reformation to be made in the Churches of that Province; which being publicly read, they Resolved to Deliberate upon it till Wednesday the 9th of May. On Fryday the 11th, the Subsidy was Granted to the Queen, and an Order made for the Proctors Wages. But this was all that was done in that whole Meeting; For tho' the Schedule before mention'd, was once or twice taken Notice of; and at the last Meeting it was agreed that it should be debated upon the next Session; yet I conceive, nothing was then done, but the Convocation was Dissolv'd, as the Parliament had been before. This Session however was appointed to be upon June the 20th, and I find a Proxie that day Entred for that Convocation, tho' the Parliament had been Dissolv'd above three Weeks before: Which therefore may be a New Evidence to Assure us, that the late Notion of the Necessary Dependence of the One of these Assemblies upon the Other, was altogether unknown in those days.

On Thursday the 8th of May, the next Year, Another Parliament began; and sate till the last of June following; when it was Adjourn'd to the 1st of November. The Convocation of Canterbury was, by the Queen's Writ, Summon'd to meet the day after, May the 9th; and was Open'd by the Archbishop at that time according to the Summons: But whether it Met, or entred upon any Business, I cannot tell, having not seen any Acts, or Extracts, of it. This I am sure, that the Convocation of York was this Year absolutely such as our late Convocations, so much branded by Dr. A. with Innovation, and Oppression, have been. It met by the Queens Writ, May the 9th, and was continued by a few Prorogations till the 18th of July; almost three Weeks after the Parliament was Prorogued. In all this time no Business was moved, nor any Prolocutor chosen: A thing frequently Omitted, without any Complaint, in that Province; how much soever it has been thought a Grievance, and Innovation of the Rights and Powers of the Clergy, to neglect it, upon the like Principle of having nothing for him to do, in This.

After many Prorogations, this same Parliament began its 2^d Second Session on Wednesday the 8th of February 1575; and sate till the 15th of March ensuing. Our Convocation met with it, and entred upon some Business, of which I shall have Occasion hereafter to take Notice. But in that of York, nothing at all was done till March the 23d; eight days after the Parliament was Risen. Then a Subsidy was Agreed to for the Queen, but not finished. On Thursday the 5th of April they met again; and a third time on Thursday, April the 19th, five Weeks after the Session of Parliament was Ended. At this last Meeting they finished their Grant; and so were Prorogued to the 6th of November, as our Convocation before had been.

The last 3^d Session of this Parliament began not till the 16th of January 1580. It sate till the 18th of March; and was Prorogued, to the 24th of April after. From thenceforth several Prorogations were made of it; till at last it was Dissolv'd, April the 19th 1583. With this Parliament Our Convocation met: A Motion was made to draw up some Articles against the dangerous Opinions of the Family of Love, but nothing was done in it. In short, All that they did ended in a Subsidy to the Queen, as 4 Mr. Fuller, from our Records (now lost) informs us. 5 Dr. A. indeed has acquainted us with some Other of their Transactions. He mentions a Petition from the London-Ministers to the Bishops, and the rest of the Convocation, which is said to have been read and committed, February the 10th. Of this I can give no farther Account, and must therefore leave it as I find it. But for his other 6 Instance, and much more considerable, of the Convocations Petitioning the Queen on behalf of the Archbishop; Dr. Heylin affirms it to be a Great Mistake, and from him I have already corrected the Error of it.

But whatever the Convocation of Canterbury did, certain it is that the Convocation of the other Province did nothing but grant their Subsidy, and order the Salaries of the Proctors who appear'd for the Clergy at it. They were Prorogued from time to time till the 8th of March, without any other Business than that of being told when they should meet again. On that day they Agreed to their Subsidy, and so were again Prorogued, as before, till the 7th of April; about three Weeks after the Parliament was Risen. It is I think Remarkable, that tho' the Parliament had been Prorogued to the 24th of April (from whence it was afterwards continued by short Intervals, to the 29th of May; 12th and 28th of June; 6th of July: 1st of August; and

2 ELIZABETH.

Sect. 79.

1572.

1 D'Ewes

Journ. p. 101.

1575.

2 Ibid. p. 226.

Sect. 80.

1580.

3 D'Ewes

Journ. p. 266,

274, 275.

4 Fuller Ch.

Hist. p. 135.

ad Ann.

5 Rights, &c.

P. 110, 111.

6 Ibid. p. 109.

2 ELIZABETH

5th of October; yet the Presidents passing over all these, made but one large Prorogation of the Convocation, to October the 6th; which, had the Connexion been so Sacred between these Bodies, as Dr. A. would have us think it to be, they could in no wise have Justified the Doing of. But the truth is, the Proceedings of this Province are so utterly irreconcilable with Dr. A's Principles, that he must in his Next Edition and Corrections, either restrain the Title of his Book to the Convocation of the Province of Canterbury, and the Rights, Powers, and Privileges of That only; or He must resolve to give up his Plea; for 'tis certain the Province of York has all along acted in a direct Opposition to his Pretences.

Sect. 81.
1584.

The next Parliament of this Reign was Summon'd to begin at Westminster November the 23d, 1584; and sate till the 29th of March ensuing. With this Parliament Our Convocation Assembled, November the 24th, and sate on with it to March the 31st. In this Assembly a Subsidy was granted, the *Articuli pro Clero* were pass'd, and some Persons Conven'd before the Archbishop and Bishops. The Convocation of York began the same day with that of Canterbury; but it did nothing more than Grant its Subsidy on Thursday March the 4th. The rest of its Sessions were meer Prorogations, without any thing done but what Custom and Form required. Yet even thus it sate to the 7th of April; Nine days after the Parliament was Risen: And then it was Prorogued to the Tuesday before Whitsunday, May the 25th, five days beyond what that Great Council had been continued to.

1586.
D'Ewes Jour.
p. 375, &c.

This Parliament thus Prorogued in 1585, continued by several Prorogations till the 14th of September 1586 before it was Dissolv'd; but it met not any more for Publick Affairs. A New One was presently Call'd to begin at Westminster, the 15th of October the same Year; and after two short Prorogations, met there October the 29th: It sate till the 2d of December; when it was Adjourn'd by the Queen's Commissioners to the 15th of February: From thence it sate on to March the 23d, and so was Dissolv'd.

Ibid. p. 382.

The Convocation of the Province of Canterbury was Summon'd by Writ to meet at St. Paul's London, October the 16th; but being twice Prorogued, as the Parliament was, it sate not till the 2d of November, three days after the Parliament began. It Continued to the 2d of December, and was then Prorogued to the 17th of February following. From thenceforth it sate on, till the day after the Parliament, March the 24th; when it was, in like manner, Dissolv'd.

In this Convocation little was done besides what related to the Subsidies, and Benevolence therein Granted to the Queen. But in that of York there was yet less; for that was the only Business, besides Matters of Course, which they Enter'd upon. Their Synod Assembled, according to its first Summons, October the 16th, and was then Open'd in form, tho' the Parliament was Prorogued to the 27th of the same Month. From thenceforth we meet with nothing but meer Continuations, and those without any Regard to the Sessions of the Parliament, till the 9th of March; when the Business of the Subsidy and Benevolence came on. These were Confirm'd at their next Meeting, March the 23d; the last day of the Parliament. After which we meet with another Session March the 31st, and then another Continuation to April the 23d; notwithstanding the Parliament had so long before been Dissolv'd. But indeed it has been as much the Custom of this Province to sit some considerable time after the Parliament has been Risen, as for the other to break up within a few days of it: And Dr. A. therefore will please to consider, whether this being so, they have not a Good Right to hold their Convocation after the Parliament is Dissolv'd, in that Province, tho' we have not any such Right in This.

The Parliament was Adjourn'd December 2. The Convocation met Decem 15.

Sect. 82.
1588.
D'Ewes Jour.
p. 419.

The next Parliament should have sate at Westminster on Tuesday the 12th of November 1588: but was Prorogued till the 4th of February following. From thence it sate till Saturday, March the 29th, and so was Dissolv'd. By a Writ dated September the 20th, the Convocation of Canterbury was order'd to be held at St. Paul's London, November the 13th. But as the Parliament had been, so this Assembly was by another Writ, dated October the 19th, Prorogued to the 5th of February, before it sate. It continued from thenceforth, till the 2d of April; four Days after the Parliament had been Dissolv'd, and was then, in like manner, Dissolved. The Great Business of this Convocation was to Grant a double Subsidy to the Queen; should I add, it was All that the Convocation did, I do not see but that the Acts of it would Justify my Assertion. For tho' at the beginning the Lower

Lower Clergy were admonished to make any Complaints they had to Offer against such as broke the *Orders* and *Canons* before Made, and afterwards the *Archbishop* Communicated to both Houses certain *Articles* established by the *Queen's Authority* concerning *Residence*, and some Other Points; Yet excepting a *Petition* of the *Lower House*, to the *House of Lords*, to Exempt the *Clergy* from *Provision of Arms*, there was nothing properly done by them, besides the *Granting* of the *Subsidy*, I before mention'd, to the *Queen*.

But whatever was done in the Convocation of this Province, certain it is, that nothing at all else was either done, or mov'd, in the Other. The *Prelates* and *Clergy* met there, as they did with Us, *February* the 5th. From thence there were only *Prorogations*, till *Saturday March* the 8th. Then the *Subsidy* was agreed to, and the *Salaries* of the *Proctors* Order'd. After which, they were again continued by several *Prorogations* till the 18th of *April*, almost three Weeks after the *Parliament* Ended, and so were Dissolv'd.

On the 19th of *February* 1592, the next ¹ *Parliament* was Assembled. It sate there till the 10th of *April*; at which time it was Dissolv'd, as the Others had commonly been before. With this *Parliament* the *Convocation* of either Province met, *February* the 20th. If *Dr. A.* from his private *Extraets* can tell Us what *Business* they did besides That of *Granting* a *Subsidy*, He will do more than without the help of them, I am able to Do. But to say the truth, I believe little else was done: So that laying that aside, which *Convocations* are now no longer either Call'd for, or permitted to Do; this may pass for a Meeting of as little Consequence, as any that have almost been Assembled in our own Days. It continued till the 11th of *April*, and then as it met a day after the *Parliament* began, so was it Dissolv'd, in like manner, a day after the *Parliament* Ended.

But in the *Convocation* of the Other Province, there is no room for doubt in this Particular. The *Acts* of it are Express; and shew us what was, or rather, that nothing at all was done by it. From *February* the 20th, till *April* the 2^d, it was barely *Prorogued*, without any manner of *Business*, more than *Matters of Form*, entred upon. On that day (according to Custom) the *Subsidy* being to be demanded, the *Cause* of the *Convocation* was declar'd to them. What that was we may, therefore, easily Guess, tho' it be not particularly mention'd. The *Subsidy* was the same *Session* Concluded upon and finish'd. And that being done, the *Presidents* *Prorogued* the *Convocation* from time to time, till the 20th of *April*: On which Day they *Prorogued* it farther till that day Month; unless in the mean time the *Queens Writ* of *Dissolution* shou'd be sent to the *Archbishop*. This was done Ten Days after the *Parliament* had been Dissolv'd: So that at that time therefore this *Convocation* was not only still Sitting; but under an utter Uncertainty how long it might be before it should Rise.

It was not before *Monday, October* the 24th 1597, that the next ² *Parliament* of this Reign began. Having sate till the 20th of *December*, it was by the *Queen's Order* Adjourn'd till the 11th of *January* following. From thence it sate on till the 9th of *February*, when it was finally Dissolv'd. With this *Parliament* the *Convocations* were Summon'd, according to the Custom of these Latter Reigns. In the Province of *Canterbury*, the *Archbishop* not long after his *Mandate* was issued out for *Calling* of our *Synod*, Order'd the following *Direction* to be sent after it, for *Regulating* the Procedure of the *Clergy* in their Elections for it.

3 " His Grace did since the *Mandate* sent unto me, signify his Opinion, that He found some Inconveniences in former *Convocations*, that sometimes either the *Dean*, or some of the *Archdeacons*, in some *Diocesses*, are Chosen *Proctors* for the *Clergy* of their *Diocesses*; whereby the Appearance that is requir'd at that solemn Assembly is not so furnished as it ought to be. And therefore his Grace willed me to require your Lordship to premonish your *Clergy*, that no *Dean* or *Archdeacon* be chosen *Proctor* for the *Clergy* of your *Diocess*.

William Blackwell.

That this *Convocation* did some *Business*, the *Constitutions* therein passed will not suffer us to doubt. But for the Particulars of its Procedure, I can give no Account of them; nor how long it sate, or when it was Dissolv'd. It is most probable, that it continued till a day or two after the *Parliament*, and so Ended as the like Assemblies before had done.

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The

ELIZABETH.

Sect. 83.

1592.

D'Ewes Jour.

p. 456.

Sect. 84.

1597.

D'Ewes Jour.

p. 522.

Registrum

Roffens lib. v.

fol. 185.

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\* The Convocation sate December 23.

And again December 30.

Sect. 85.

1601.

\* D'Ewes Jour.

P. 597.

The Convocation of the Other Province met the same day with Ours, October the 25th. Being Continued by Prorogations from time to time, it Attempted no manner of Business till Fryday the 9th of December, when the Subsidy was Granted. After that it was again Prorogued as before (and that without any Regard to the Adjournment of the Parliament <sup>1</sup> December the 20th,) till February the 17th, before which day, I suppose, it was Dissolved by the Authority of the Queen's Writ.

We are now come to the last <sup>2</sup> Parliament of this Reign, which began upon Tuesday October the 27th, and sate till the 19th of December following. The Convocations were Assembled the next day after the Parliament, at London, and York, October the 28th. And here as far as my short Collections reach, I find nothing at all done, in the Convocation of our Province, besides matter of form. For as for the Exhortation which the Archbishop made to his Suffragan Bishops, at the Conclusion of this Assembly, to be diligent in their Charges, and carefully to observe the Canons made in the last Convocations; that was not properly a Synodical Affair, nor any thing more than what He might as well have done, had no Synod at all been held at that time. If the Writ for Dissolving this Convocation, were dated the same day that the Other was for that of York; viz. December the 21st, We may then conclude, that it Outlasted the Parliament but two days. But the Dissolution of the Other Convocation was not so soon made: For on the 23d of that Month, the Clergy not only met there, but were farther Prorogued to the 7th of January after: On which day being finally Assembled, they were also Dissolv'd; almost Three Weeks after the Parliament.

Were it not for the Subsidies which this Convocation, as well as Ours, Granted to the Queen, I should not need to take any farther notice of it. For tho' the Acts of these Assemblies in that Province are very Exact, and Particular; yet it does not appear that any Manner of Business besides, was either done or proposed in this Synod. But they were Prorogued by their Presidents from time to time: A Practice which how hard soever Dr. A. may think it, or how much soever he may descant, for his own Ends, upon it; Yet appears to have been of a very antient date in the (almost) Constant Practice of the Province of York; as well as Occasionally, in that of Canterbury.

### King JAMES the 1st.

Sect. 86.  
1603.

\* Journ. of the  
H. of Lords.

Queen Elizabeth dying about the later end of the Year 1601, King James the First Succeeded, and held his first Parliament on Monday March the 19th, 1603. What Business was transacted in this Assembly relating to our present Subject, will more properly fall under Consideration when I come to the next Chapter; in which the Proceedings of our Convocations must more particularly be taken notice of. I shall only Observe this one One thing here, from the Journals of the House of Lords; to Shew the Opinion which the Commons then had of the Difference between the Parliament and Convocation; that upon Wednesday, April the 18th, this Message was sent up to the Lords, by them: <sup>3</sup> "That whereas  
" they had received Information of his Majesty's Pleasure (deliver'd unto them  
" by their Speaker) for Conference by Them to be had with certain Lords the  
" Bishops, concerning the Reformation of certain Matters and Rites of the Church  
" (whereof some Complaints had been made) and for the better Correspondence  
" to be holden betwixt the Commonalty and Clergy; They were willing  
" to have such a Conference with some select Number of the Bishops, so as they  
" might Confer with them, As Lords of the Higher House of Parliament,  
" and not in such Condition and Quality, As They are of the Convocation  
" House. To this we find the Lords Agreed; for the next day they appointed  
a Committee of Thirty Lords, without determining what they were; so that possibly several of the Bishops might be Omitted, but sure we are, that several of the Lay-Nobility must have been joyn'd with them. The Occasion of this Conference proceeded from the Desire of the Convocation then sitting: And the Bishop of London, President of that Assembly, the same day told them, that the Speaker and Lower House had Refus'd the Consultation propos'd, and made their Complaint to the Lords.

\* Ibid.

The Parliament thus Assembled, continued till <sup>4</sup> Saturday, July the 7th; and was then Prorogued to the 7th of February following. On the 20th of March, the



the Convocation of the Province of Canterbury Assembled. Much Business was done by it, as the large *Book of Canons* there pass'd, not to mention any Other Instances, shews. On these Affairs it continued to Sit till July the 9th, and was then *Prorogued* till the 8th of February after.

With this Busy Parliament and Convocation, the Synod of the other Province met: But it met to no manner of Purpose, more than meer Meeting; nor was there any thing done by it, or propos'd in it. In short, this Assembly was an exact Pattern of those so much now complain'd of: It met, and was *Prorogued* from Session to Session; without chusing a *Prolocutor*, or entring upon any one *Synodical Act*, except in Matters of Form: And even those consisted chiefly in Calling over the Names of the Members, and pronouncing the Absent Persons, and Proctors, Contumacious.

After two other *Prorogations*, the same Parliament met again on the famous 5th of November 1605; and should have Sate, had not the Accident of the *Popish Conspiracy* interrupted it. On the 9th it Assembled, and then the King deliver'd his Speech to the Lords and Commons upon that Occasion: After which they were *Prorogued* to the 21st of January following. From thenceforth they sate till May the 27th, when they were again *Prorogued* to the 18th of November, A°. 1606.

Sect. 87.  
1605.

On the 6th of November the Convocation of our Province met again. Dr. *Ravis*, the *Prolocutor* of the Lower House being promoted to the See of Gloucester; the Archbishop recommended Dr. *Overall*, Dean of St. Pauls, to that Place; and then *Prorogued* them to November the 13th. The Parliament had before this been *Prorogued* to the 21st of January; However on the 13th of November the Convocation met, and was in like manner *Prorogued* to the 22d of the same January. They had sate but once, before the Archbishop brought in a *Book* ready drawn up, concerning the State of the Church, &c. and desir'd both Houses to take Copies of it, and to Consult about it. This was the Great, and almost only Business of this Convocation; which continued till the 28th of May, the day after the Parliament Rose; and was then *Prorogued* to the 19th of November next ensuing.

The Convocation of York met at its appointed time, November the 6th, and was *Prorogued* to the 3d of December, by the Archbishop's Commissioners: Who himself dying soon after, left that Assembly in Disorder, till the King, by a new *Writ*, dated January the 22d, directed to the Guardians of the Spiritualities, Commanded them to proceed again with it. This *Writ* was not presented to the Dean and Chapter of York, till Tuesday the 4th of February. They Resolv'd to proceed with the Convocation according to the King's Command: In order whereunto They Chose the Bishop of Bristol, their Dean, to Preside in it, and Address'd themselves to the King for his Confirmation of their Election; and for a Royal Commission to Treat, Conclude, and Do such Other things in the said Convocation, as should be for the general Good of that Province. Then they appointed the 10th of February for the Assembling of their Convocation; which by this Account met not till about three Weeks after the Parliament began.

The Reason of this Unusual Request from that Province was this: The Convocation of our Province had, at their last Meeting, agreed to a *Book of Canons*, by which they did in Good Measure settle the whole Government; and Discipline, of the Church. This *Book* thus made and agreed to by our Bishops and Clergy, the King had Confirmed by his Letters Patents; and Order'd to be observ'd, not only within the Province of Canterbury, (by whose Convocation it had been pass'd,) but in that of York too, who had not yet Synodically Agreed to it. This seem'd a little hard to them. Queen Elizabeth had indeed done the like before: But her Confirmations extended no farther than her own Life; and so were the less Considered by them. The Present Ratification was to continue to Posterity; and to have Submitted to it without doing any thing to secure their Provincial Rights, would have been indeed to Own a Subjection, somewhat like that which Dr. A. would impose upon them; of being Obliged to Approve of whatsoever our Province should think fit to determine. Here therefore they thought it needful to make a stand: And by passing these same *Canons* in form, by a Licence from the King under the Great Seal of England, to accommodate all; and at once both openly Vindicate their own Liberty, and yet Submit to the King's Command. For this End it was that they desir'd his Letters of Licence; How they proceeded to Act upon them is the next Thing to be consider'd.



K. JAMES  
the 1<sup>st</sup>.

Append. ad  
Ann. 1605.

From the 10<sup>th</sup> of February to the 5<sup>th</sup> of March, they only met, and were prorogued: Being then Assembled, they chose, and presented their Prolocutor; who was presently Confirm'd by the President. This being done, they deliberated about the Matters which were to be Treated upon in that Convocation by vertue of the King's Letters Patents: And finally having Read, and Approv'd, the several Canons made by the Convocation of the Province of Canterbury, Anno 1603, They did by their Unanimous Consent, and Assent, Ratifie the Ecclesiastical Constitutions aforesaid; and command Them to be firmly Observ'd in and through the whole Province of York, as by their Decree, or Certificatory, more fully appears, to which they subscribed their Names. On Wednesday the 9<sup>th</sup> of April they granted Four Subsidies to the King, and order'd the Proctors Wages: After which they were continued from time to time till the 3<sup>d</sup> of June, about a Week after the Parliament was risen; and then were prorogued to the 19<sup>th</sup> of November following.

Thus pass'd this Convocation; the only One in which we find any Business to have been done, besides that of granting Subsidies, for many Years together. I might make several other Observations upon the Proceedings of it, but I shall content my self with this One; that as in the preceding Acts we do not meet with any mention either of any Synodical Affairs that were transacted, or of any Prolocutor, Chosen, Presented, or Confirm'd, in some Reigns before; so the true Reason of it was, that they did little more than agree to the same Subsidies which had been granted by the Prelates and Clergy of our Province; who generally concerted those Matters with their Archbishop and Bishops: And as for that they needed not any long Debates, so neither did they Choose any Prolocutor to moderate in them; but after the old manner (much better observ'd and continued in that, than in our Province) Agreed together to what was propos'd by their Presidents to Them, and seldom ever divided, or so much as withdrew, to Deliberate about it.

sect. 68.

Rights, &c.  
p. 275, 276.

But I must not conclude this Year without taking notice of an Argument offer'd by Dr. A. to prove the Convocation Clergy to be Members of Parliament, so very extravagant, that were he not more than ordinarily fierce in his Allegation of it, I should have almost question'd whether he had designed in earnest to prove any thing by it. The Summ of it is this; "That in the Office set out for the 5<sup>th</sup> of November, at the Restauration of King Charles the 1<sup>st</sup>, mention is made of the Nobility, Clergy, and Commons, then Assembled in Parliament. For to say that by the Clergy of the Realm, my Lords the Bishops only are intended, were so absurd a Gloss, that even Dr. Wake's Pen would, I believe, be ashamed of it.

The Words to which Dr. A. refers are taken out of the first Collect for that Day; in which our Church thus expresses her Sense of the Deliverance which it pleased God to vouchsafe to us thereupon: "We yield Thee our unfeigned Thanks and Praise for the wonderful and mighty Deliverance of our late Gracious Sovereign King James, the Queen, the Prince, and all the Royal Branches, with the Nobility, Clergy, and Commons, then Assembled in Parliament, by Popish Treachery appointed as Sheep to the Slaughter. These are the Words of that Prayer: Will Dr. A. please to tell us, who were the Clergy then Assembled in Parliament? The Convocations were not to meet, till the next Day: The Convocation-Clergy therefore could not be the Clergy whom the Papists design'd to have blown up. And one part of them at least, those of York, would have been far enough off from the Danger, had they met the Day before.

But who then were the Clergy here spoken of? Let the Act of Parliament inform him. An Act upon the Expressions of which this Prayer was compos'd, and whose Sense therefore we may be sure it designed to deliver. He will there find the Clergy to have been the Lords Spiritual; who alone of all that State were wont to be Assembled in Parliament, and therefore could alone have been intended to have been destroy'd with it.

And now, let any indifferent Person consider how weak the Reasoning, how ridiculous the Insolence of this vain Writer upon this Occasion, must appear? If (says he) They, the Clergy, were then rightly said to be Assembled in Parliament, they may as rightly be said to be so Assembled still. And if Assembled in Parliament, why not a Member of Parliament? To those Intents and Purposes I mean for which They were assembled in it. Dr. W. will be pleased to answer this Question at his leisure.



sure. The Answer is not difficult: A very little Leisure will suffice to give it. K. JAMES  
the 1<sup>st</sup>.  
The Clergy spoken of in that Prayer, were not, as Dr. A. represents it, the Clergy of the Realm, but the State of the Clergy summon'd by the King's Writ to Parliament. Of these, the Bishops alone at that time (as for many Reigns before) came Actually to Parliament. Now that these are rightly said to be Assembled in Parliament, and to be a Member of Parliament, Dr. W. acknowledges: But that they are either summon'd to that Council by their Convocation-Mandates; or are in the same respect Members of the One, in which they are, and always have been, Members of the Other, He utterly denies; and desires Dr. A. at his leisure to prove it, if he knows how.

But Dr. A. proceeds; "Dr. W. will be pleased to Answer this Question at his leisure, and withal to inform us, whether among his late Meditations on that Day, this had not been a proper One. He would have had me, I suppose, have enlarged the Thanksgiving; and have shewn how the Prolocutor and Clergy which should have met at Pauls and York the 6th of November, were wonderfully preserved from being blown up at Westminster, with the Lords and Commons, on the 5th.

Let us hear how he concludes this Glorious Argument: "His Function may be some Excuse for his being a Stranger to the Language of the Statute-Book; but not to have so much Law as his Common-Prayer Book would have furnish'd him with, is, let me tell him, Inexcusable. Were it not too great a Presumption for me to pretend to TELL Dr. A. any thing, I would take the Liberty to TELL him in my turn, That had he been better acquainted with the Language of the Statute-Book, he would have forbore mentioning such impertinent Stuff as this out of his Common-Prayer-Book; and by so doing, have omitted a Reflection that I doubt, in the end, will be found to wound himself much more than it can do me.

Why Dr. A. refers these Words to that Office, as set out at the Restauration of King Charles the II<sup>d</sup>, I can no more divine, than why he quoted the second Collect, for a Passage which has stood almost these Hundred Years only in the first. The Passage to which he refers, was put into the first Form of Prayer for that Day, in the time of King James the First. It received no Alteration in either of the King Charles's Reigns. It continued the same under King James the Second: And notwithstanding all the Innovations under his late Majesty, remains just as it was to this very Day.

To return now to the Parliament which was appointed to meet by Prorogation, November the 18th, Anno 1606. It sate from thence to the 4th of July the next Year; and was then prorogued to the 16th of November after. With this Parliament the Convocation of our Province resum'd its Sessions, but did very little for the first half of their time. On February the 27th, the Archbishop brought in again the Book which he had deliver'd to be consider'd of the last Year: And it appears by the Subscription and Certificate of the Prolocutor, that it was twice read over, and approved of in the Lower House. Before the Convocation of the other Province could come together, there was an Archbishop made; and so a New Writ issued out to him for the holding of his Convocation, prorogued, as has been said, to the 19th of November before. In pursuance hereof that Synod was again resum'd, November the 29th, Eleven Days after the Parliament sate. From thenceforth, to the 10th of April, it was only prorogued without doing, or proposing any Synodical Business. On Friday the 10th of April, the King's Letters Patents were Open'd, and Read in Convocation; by which they were again empower'd to enter upon Business, as they had been in their last Assembly. What they did by Authority hereof, their Acts say not. If the Subscription in Dr. Overal's Convocation-Book, p. 92, may be depended upon, we must then conclude that it was read so far in this Convocation. But the Number appearing being exceeding small, (not above five or six) and only one part of the Book perused, I presume it was design'd to be again more fully and thoroughly Examined at some other Meeting; and so no Entry was made in the Acts of what that little Assembly had done in this Matter. By the King's Writ, dated July the 6th, two Days after the Rising of the Parliament, this Convocation should have been prorogued. But this Writ came not till late to York; for after this, they Assembled twice, on the 10th and 20th of that Month; and then were prorogued to the 17th of November, a Fortnight after the Parliament had been dismiss'd.

Sect 89.  
1606.



K. JAMES  
the 1<sup>st</sup>.  
1609.

It would be needless to pursue the several Continuations that were from thenceforth made of all these Great Assemblies. The fourth Session of this Parliament began, February the 9<sup>th</sup> 1609, and Continued till the 23<sup>d</sup> of July the next year. With this Session of Parliament the Meeting of Our Convocation was exactly Concurrent. I cannot say that nothing at all was done in it; because I find, in One Session, a Conference of the two Houses (occasioned by some Motions in the Lower House of Parliament) about Pluralities; and in another, Mr. Crashaw Convened before the Archbishop in the Upper House, for publishing an *Erroneous Book*. But these are All the Instances of any moment that my Enquiries furnish me withal. Dr. A. who has such exact *Extracts* of all these *Convocations* will be able better to account for the rest; if any thing that is material was done by them.

The Synod of the Other Province began the same day that our Convocation did. But it began to no other Purpose, but to be told when it should meet again. For excepting only the Business of the *Subsidy* (which we are not now to consider) this Assembly did not so much as propound any Business; or do any thing more than continue its Sessions from time to time, till the 3<sup>d</sup> of August, ten days after the Parliament was risen; when it was prorogued by the King's Writ to the 17<sup>th</sup> of October following.

1610.

On the 16<sup>th</sup> of October the last Session of this Parliament began; It continued till the of December; and was then Prorogued to the 9<sup>th</sup> of February, and so Dissolv'd. With this Session, our Convocation met again: If it did any Business 'tis more than I know; and I must leave it to Dr. A. to inform us what it was. All I can add is, that being prorogued with the Parliament to February the 11<sup>th</sup>, it was also Dissolv'd, two days after that Great Council. The Convocation of York, made large Sessions, and did no Business. From October the 17<sup>th</sup> it was prorogued to November the 9<sup>th</sup>, thence to December the first. From the 1<sup>st</sup> it was continued to the 20<sup>th</sup> of the same Month: Then to the 19<sup>th</sup> of February; and so was Dissolv'd, ten days after the Parliament had been concluded.

Sect. 90.  
1614.

The next Parliament of this Reign began upon the 5<sup>th</sup> of April, 1614. It sate till the 7<sup>th</sup> of June, and so was Dissolv'd. On the 6<sup>th</sup> of the same April our Convocation met. In the Upper House one Griffin was Arraign'd of horrid Blasphemies; Submitted, and Recanted. This is all that I know was done in that House: Of any thing at all done in the Lower, I have hitherto met with no Information. But yet less than this, I mean nothing at all, was done in the Other Convocation; which being met, April the 6<sup>th</sup>, was prorogued to the 11<sup>th</sup> of May, thence to the 8<sup>th</sup> of June; so to the 15<sup>th</sup> of the same Month: At which time, being eight days after the Dissolution of the Parliament, that Assembly was in the like manner Dissolv'd.

1620.

From henceforth we meet with no more Parliaments till the End of 1620; when another began, after two short Prorogations, January the 30<sup>th</sup>, and sate till the 14<sup>th</sup> of June, 1621. It was then Adjourn'd to November the 14<sup>th</sup>; and from thence to the 20<sup>th</sup> of the same Month. Then it sate again till the 19<sup>th</sup> of December; from whence being again Adjourn'd to February the 8<sup>th</sup>, it was Dissolv'd. With this Parliament, the Convocation of Canterbury met, January the 31<sup>st</sup>. In One of its Sessions the Lower House exhibited a Schedule to the Upper of the Neglecters of the Canons of 1604: Besides which I can find but little that was done in either. Dr. A. therefore, who is the best able, must from his *Extracts* supply this Defect; and shew what this Assembly did, if it did any thing, more than Meet, and be prorogued. In the Province of York, the Convocation met now, as in former Years it had been wont to do; I mean, only to be Prorogued; and, when the time came, to grant its *Subsidy*; and so be again prorogued on as before. It began the same Day with ours, January the 31<sup>st</sup>. From thence it was continued to February the 21<sup>st</sup>; then to March the 14<sup>th</sup>. In the next Session, March the 23<sup>d</sup>, the *Subsidy* was Agreed to: After which we have a few distant Prorogations, to March the 28<sup>th</sup>, April the 18<sup>th</sup>, May the 16<sup>th</sup>, June the 6<sup>th</sup>, and June the 11<sup>th</sup>; On which Day, being a Week after the Rising of the Parliament, it was prorogued to the 15<sup>th</sup> of November, 1621. On the 21<sup>st</sup> of that Month, it met again with the Parliament: But it met only to be Continued; as accordingly it was to the 12<sup>th</sup> first, then to the 20<sup>th</sup> of December: From thence to the 9<sup>th</sup>, and lastly, to the 27<sup>th</sup> of February; at which time, being almost three Weeks after the Dissolution of the Parliament, this Synod was



was also ended. In the former of these *Sessions*, the *Subsidy* was granted, and the *Proctor's Wages* order'd; but nothing else done: In the latter, nothing at all was either debated, or concluded upon.

The last *Parliament* of King James the 1<sup>st</sup> was order'd to be held at *Westminster*, *February* the 12<sup>th</sup>, 1623; but was Adjourn'd by Commission to the 16<sup>th</sup>, and then again prorogued to the 19<sup>th</sup> of the same Month. From thence it sate till *May* the 29<sup>th</sup>, 1624, and so was prorogued to the 2<sup>d</sup> of *November* following. This was the only *Session* of it, for in *November* it was again prorogued to *February* the 16<sup>th</sup>, and so to *April* the 20<sup>th</sup>; before which time the King dying, the *Parliament* was thereby dissolv'd.

With this *Parliament* the *Convocation*, of our Province sate *February* the 20<sup>th</sup>, 1623. Whether any *Convocational Act* (that of their *Subsidy* excepted) was done by the *Clergy* at this time I cannot tell; I can only say, that hitherto I have not met with any. In the 4<sup>th</sup> *Session*, *March* the 10<sup>th</sup>, a Complaint was made to the *Archbishop* by the *Colledge of Physicians*, against *Ministers Exercising Physick*, and a Declaration made by his Grace thereupon, that they should not do it, but only in their own *Parishes*, and that for *Charity*. And in another *Session*, a petitionary Letter was sent to the *Lord Keeper* to supersede a *Subpena* serv'd upon the *Archdeacon* of *Norfolk*, by reason of his *Privilege of Convocation*: But other *Business* besides this, I know not of any that was done by them.

The *Province* of *York*, which met at the same time, did yet less. For excepting two *Protections* granted to *Persons* belonging to their *Body*, and the *Subsidy*, with which we are not now concern'd; All the rest were only *Prorogations* from time to time; without any Attempt of, or Motion made to enter upon, *Business*. The *Parliament* was prorogued, as I have before observ'd, *May* the 29<sup>th</sup>: But this *Convocation* nevertheless sate on till *June* the 15<sup>th</sup>. And thought its self never the less a *Legal Assembly*, because the Other was risen.

I should here have clos'd up the History of this Reign; but that Dr. A. has advanced an Argument of a singular Nature from the *Warrant* for *Summoning* of this *Parliament*, and these *Convocations*, to shew, that *Custom* has made these Great *Assemblies* necessarily concurrent in point of Time with one another. His Words are these: "The very *Warrant* to the Keeper of the Great Seal Rights, &c. p. 68, 69. for issuing out *Writs* for a *Parliament*, is a standing Testimony against these "New Notions. It ran thus in King James the First's Time; and, I suppose, "runs so still.

## Dr. A's Copy.

Whereas we are resolved to have a *Parliament* at, &c. These are to Will and Require you forthwith upon Receipt hereof to issue forth our *Writs* of *Summons* to all the Peers of our Kingdom; and also all other *Usual Writs* for the electing of such *Knights, Citizens, and Burgeesses*, as are to serve therein; and withal to issue out all *Usual Writs* for the *Summoning* of the *Clergy* of Both *Provinces* in their Houses of *Convocation*. And this shall be your *Warrant* so to do.

## Bishop Hacket's Copy.

James Rex.

Trusty and well-beloved Councillor we greet you well. Whereas we are resolved to hold a *Parliament* at our Palace of *Westminster* the 12<sup>th</sup> Day of *Febr.* next ensuing. These are to Will and Require you forthwith, upon the Receipt hereof, to issue forth our *Writs* of *Summons*, to all the Peers of our Kingdom: And also all other *Usual Writs* for the Electing of such *Knights, Citizens, and Burgeesses*, as are to serve therein. And withal to issue out All *Usual Writs* for the *Summoning* of the *Clergy* of Both *Provinces* in their Houses of *Convocation*. And this shall be your *Warrant* so to Do. Dated at our Palace of *Whitehall* in *Westminster*, this 28 Decem. 1623.

"So that the *Writs* for the *Convocations* are, it seems, as *Usual* as those "for the *Commons*; and the One Assembly therefore is as *Customary* as the "Other.

This is Dr. A's Argument; and the Conclusion which one would think should naturally have follow'd from it, is this: In 1623, King James by the same *Warrant* order'd the *Lord Keeper* to issue out *Writs* for the *Parliament* and *Convocations* to meet about the same time; And therefore that *Parliament*, and those *Convocations*, were *Concurrent* in their *Sessions* one with another. But Dr. A. is here, as in most other Places, above the Common Laws of Argumentation. His *Conclusions* are *General*, tho' his *Premises* be not so much as *Particular*, but only *Singular*: And therefore 'tis enough for him that King James once order'd the



K. JAMES  
the 1st.

the *Parliament* and *Convocations* to be called at the same time, to warrant this Deduction; that therefore, it was the constant Custom for all other Kings, and for this Prince at all other Times, to do likewise.

But to examine this Argument a little more Carefully: "The very *Warrant* to the Keeper of the Great Seal for *Issuing out Writs* for a *Parliament*, is a standing Testimony against these New Notions. I allow it, supposing the Form of that *Warrant* were a standing Form, settled by *Common*, or *Statute Law*; and as constantly held to as the *Legal Writs* in the *Register*, and our *Courts of Judicature*, are. But in a *Warrant* out of the *Secretary's Office*, in a Matter that depends intirely upon the King's present *Will*, and *Direction*; and may be varied with every *Parliament*; the *Argument* will hold no farther, than to that one Instance from which it is fetch'd, and therefore ought not to be brought into any other Consequence. He proceeds;

"It ran thus in K. James's time, and I suppose runs so still. That it ran thus for that *Parliament*, I agree: The *Copy*, which I doubt not was taken from the *Original Warrant*, shews it. But this is no Proof that it ran in the like Form always. That the Case was otherwise in Queen Elizabeth's time, we have the Witness of an Honourable and Curious Enquirer into these Matters. He gives us the *Common Form* which was then used; and in that there is not one Word of the *Convocation*, or its *Assembling*. Let us take it in the Terms in which he has represented it to us.

D'Ewes Journ.  
p. 2.

"Elizabeth, by the Grace of God, Queen of *England, France, and Ireland*, Defender of the Faith, &c. To our Right Trusty and Right Well-beloved Nicholas Bacon Knight, Lord Keeper of our Great Seal of *England*, Greeting.

"Whereas We by our Council, for certain great and urgent Causes concerning Us, the Good Estate and Common-wealth of this our Realm; and of the Church of *England*, and for the good Order and Continuance of the same, have appointed and ordain'd a *Parliament* to be holden at our City of *Westminster*, the first Day of *April* next coming, in which Case divers and fundry *Writs* are to be directed forth under our Great Seal of *England*, as well for the *Prelates, Bishops, and Nobility* of this our Realm, as also for the Election of *Knights, Citizens, and Burgeses* of the several Counties, Cities, and Boroughs, Towns of the same, to be present at the said *Parliament* at the Day and Place aforesaid.

"Whereupon we Will and Command you forthwith, upon the Receipt hereof, and by *Warrant* of the same, to cause such and so many *Writs* to be made and sealed under our Great Seal for the accomplishing of the same, as in like Cases hath been heretofore used and accustomed. And this Bill signed with our Own Hand, shall be as well unto you, as to every such Clerk and Clerks as shall make and pass the same, a sufficient *Warrant* or *Discharge* in that Behalf given.

But Dr. A. proceeds; and because the King having first order'd *Writs* to be issued out for *Assembling* the *Parliament*, adds, (not only after a *FULL STOP*, but with an *Introduction* that manifestly severs the One from the Other)

"AND WITHAL TO ISSUE OUT all Usual *Writs* for the Summoning of the *Clergy* of Both Provinces in their Houses of *Convocation*, Concludes in this manner; So that the *Writs* for a *Convocation*, are it seems as Usual as those for the *Commons*. He is in the Right: The King's *Provincial Writs* to the *Archbishops* for Summoning their *Convocation*, are as stated, and settled, as those to the *Sheriffs* for summoning the *Commons*. But this is not his Meaning, nor will it answer his End: His Inference is of another kind, and has a farther Reach in it. "So that the *Writs* for a *Convocation* are it seems as Usual as those for the *Commons*, and the One *Assembly* therefore is as Customary as the Other. That is to say; Because King James here Ordered the Usual *Writs* for the *Convocations* to be issued out in the same *Warrant* in which he Ordered the Usual *Writs* to be issued out for summoning the *Knights, Citizens, and Burgeses* to *Parliament*; therefore whenever a *Parliament* is called, the *Convocation-Writs* have as Constantly and Customarily been issued out, as the *Writs* for Electing of *Knights, Citizens* and *Burgeses*.

Dr. A. must excuse me if I cannot comprehend the Consequence of this, tho' I am not so dull as not to see through the Artifice of it. In the *Original Warrant*,



*Warrant*, publish'd by Bishop *Hacket*, the King having declared his Resolution K. JAMES  
the 1st. to hold his *Parliament*, first Wills and Requires the Keeper of his Great Seal to issue out *Writs of Summons* to All the *Peers*: There is a half Stop. After which he proceeds to the Other *Writs* which are requisite to Compleat that Assembly; AND ALSO all other *Usual Writs*, for Electing of *such Knights, Citizens and Burgesses*, as are to serve THEREIN; Therein, that is, in the *Parliament*, before mentioned. Having thus provided for the Summoning of all the *Members of Parliament*; In the last place, after a Full Point, follows a farther Order for *Writs* to Call the two *Convocations* to sit about the same time with it. AND WITHAL TO ISSUE OUT (the Words are repeated, to shew that here a New Order began) And withal to issue out all *Usual Writs* for the Summoning of the *Clergy of Both Provinces in their Houses of Convocation*: That is to say, the two *Usual Provincial Writs* to the two *Archbishops* for that Purpose. Thus both the Words, and the Pointing of the *Warrant*, evidently bespeak the King's Meaning in it. To confound it therefore, as much as was possible, Dr. A. changes all the Stops of it. He puts the whole together within one Full Period, as if they were all alike relating to one and the same thing: And then Descanting upon, or rather Equivocating with, the word *Usual*, strains the Whole to this forced Construction; That the *Lord Keeper* should issue out *Writs*, as USUAL, for the *Convocations* to sit together with the *Parliament*; and so most logically infers from this single, and corrupted Instance, that it was the *Constant Usage* to Call the One, whenever the Other was Summon'd.

The Ingenuity of this kind of dealing with Public Instruments, I must leave to Others to judge of: It shall suffice me to add yet one later Instance more to shew the Weakness of it; and that even this form, as little as it makes for him, was yet by no means any Stated or Constant Form, of this *Warrant*, for the Calling of these Assemblies.

On the 24th of January, 1673, King Charles the II<sup>d</sup> in Council order'd a *Parliament* to be summon'd to sit at *Westminster* the 6th of March following. It was the 5th of February before any thing was resolved upon, with relation to the *Convocations*; the *Writs* for Summoning which were not agreed upon, till eleven or twelve Days after those for the *Parliament* had been actually sealed and sent abroad. The time was very short, and the *Archbishop of Canterbury* thought he could not receive his Writ, and issue out his *Mandate* thereupon to the *Bishop of London*, and have the other necessary *Mandates* dispatch'd into all the Parts of his Province, so soon as the King designed; and therefore he desired, that the Time for the *Convocations* Meeting might be enlarged. Accordingly at another Council held March the 3d, (but three Days before the *Parliament* met) an Order was made for the *Convocation* to meet upon the 3d of April following: And the *Archbishop's Mandate* for it bears date the 6th of March, the very Day that the *Parliament* sate.

As for the Other Province, the Writ for dissolving the preceding *Convocation* was not dated till the 12th of February, 19 Days after the *Writs* were Order'd for the *New Parliament*. Which being so, I shall leave it to Dr. A. to judge whether the *King's Warrant* to the *Lord Chancellor* for the Calling of that *Parliament*, could have any such Clause in it for the *Convocations*, as that upon which he here builds: Or by Consequence, whether this can be any such *standing Form* as he represents it to have been; which neither was wont to be made use of in the *Reign* before, and we are sure has fail'd, perhaps very often, in those which followed after.

### King CHARLES the First.

No sooner was King Charles the 1st come to the Crown, but he immediately Summon'd his *Parliament* to meet at *Westminster*, May the 17th. It sate not till the 18th of June following: Thence it continued till July the 11th; when it was Adjourn'd to Oxford, August the 1st; and there Dissolv'd, upon the 12th of the same Month.

St. 9:7  
1625.

With this *Parliament* the *Convocation* of our Province sate in both Places. At London, from June the 20th to July the 12th: At Oxford, from the 2d of August to the 13th; when it was also Dissolv'd. Yet in both these Sessions I cannot find that it did any thing more than give its *Subsidies*; for the rest, it was prorogued from time to time, till it was finally concluded.

Y y y

The



K CHARLES  
the 1st.

1626.  
Ad dit. p. 88,  
89.

Disc. of the  
State Eccle-  
siast. by C. D.

Secl. 93.  
1627.

The Convocation at York was Open'd in form, May the 18th, notwithstanding the Prorogation of the Parliament to the End of that Month. From thence we meet with a few distant Prorogations, but nothing done, till July the 21st. Then the Subsidies were granted, tho' the Parliament had been Adjourn'd on the 11th of that Month, to meet at Oxford, August the 1st. How long it sate after this I cannot tell: The Acts only mention another Prorogation to August the 4th; and so leave us without any farther Prosecution of this Assembly; which either met no more, or only in order to its being prorogued, or dissolv'd.

On Monday, February the 6th, this same Year, a second Parliament Assembled; and was Dissolv'd the 15th of June following. 'Dr. A. has observed how in the last Parliament of King James the 1st, the *Premunientes Clause* was executed by the Bishop of Litchfield. The same was now done by the Bishop of Norwich: And that we may the better know with what Design these Writs, about this time, were again begun to be put in execution, an Author, who pretends to have been well acquainted with this Affair, gives us this Account of it. There were some about the King who had Represented to him, that it would be for the Service of the Crown, as well as for the Honour and Interest of the Church, to support the *Parliamentary Rights* of the Clergy, and to bring them again into a Closer Union with the *Lay-Commons* in that Great Council. This Design thus set on foot, as I conceive, towards the latter end of the foregoing Reign, King Charles the 1st was Easily perswaded to countenance and further all he could in his. But the Difficulties which he met with put a Stop to his Designs; and the long Interruptions of Parliaments which follow'd after, and the troublesome State of Affairs when those of 1640 met, hindred him from doing any thing more in it.

This Parliament was summon'd to meet at Westminster, February the 6th: Our Convocation began at St. Pauls London, the next Day, February the 7th; and was Continued from time to time till June the 16th. I know not of any Business that it did in all this time, or that it met for any thing besides Matters of Form; not so much as a Subsidy being granted by it. In the Province of York a Question was mov'd, Whether any One would Constitute any Person his Proxy in the Convocation, who was not a Member of the Convocation; so that by vertue of such a Substitution, he should become a Member of it? And it was resolv'd in the Negative. But this one thing excepted, the Assembly was continued by distant Prorogations, from the 8th of February to the 28th of June, (almost a Fortnight after the Parliament had been Dissolv'd) without doing any Business; and then by vertue of the King's Writ, that also was ended.

The next Parliament of this Reign began March the 17th, 1627. It sate till the 26th of June, 1628; and was then prorogued to the 20th of October following. From the 20th of October it was farther Continued till the 20th of January next ensuing: Then it sate till February the 25th; from whence being Adjourn'd first to the 2d, and then to the 11th of March, it was Dissolv'd.

On the 18th of March, the Day after the Parliament, the Convocation of the Province of Canterbury Assembled. In the former of its Sessions, a Grant was made of Five Subsidies to the King; nothing else, that I know of, done. If any thing at all were done in the Latter, it is more than I have yet met with; and I have some Reason to think that nothing was done.

About the beginning of the Convocation of the Other Province the Archbishop died; yet the Guardians of the Spiritualities went on with it; and on May the 19th, being their second Session, they granted the like Subsidies that our Prelates and Clergy before had done. From thence they were prorogued to the 5th of June, and 11th of July. The Parliament had been prorogued almost a Fortnight before this last Session; yet they met, and were continued to the 20th of October following.

The Parliament began its Second Session, January the 20th: But the Convocation of this Province met not till the 10th of February, almost three Weeks after. Its first Prorogation was till the 26th of the same Month, the Day after the Parliament was Adjourn'd. Its next was to Wednesday, March the 18th, eight Days after the State Council was Dissolv'd: And it was yet later, viz. March the 22d, before this Convocation was ended; tho' the other had been concluded almost a Fortnight before. So that in short then, this Convocation met three Weeks after the Parliament began; Sate but once with it, and was not Dissolved till about a Fortnight after it.

Such



Such was the State of the Three first *Convocations* of this Reign : We must now make a large Step forward to the troublesome Assemblies of the Year 1640 : The first *Parliament* of which met *April* the 13<sup>th</sup>, and was dissolved the 5<sup>th</sup> of *May* after. The *Convocation* of the *Province* of *Canterbury* met by Authority of the *King's Writ* the next Day, *April* the 14<sup>th</sup>. On *Friday* the 17<sup>th</sup>, the *King's Letters Patents* were exhibited to it, by vertue whereof the *Bishops* and *Clergy* were impower'd to make *Canons* and *Constitutions* : But these being limited to the *Time* of the *Parliament*, and that Dissolved *May* the 5<sup>th</sup>, on the 13<sup>th</sup> of *May* a *New Commission* was granted ; by Authority whereof, they went on with the *Business* both of *Canons* and *Subsidies*, till the 29<sup>th</sup> of the same Month ; when the *Convocation* was by *Writ* Dissolv'd.

K. CHARLES  
the 1<sup>st</sup>.  
Sect. 94.  
1640.

The *Convocation* of the *Province* of *York*, began the same day that the Other of *Canterbury* was Open'd. On the 5<sup>th</sup> of *May* the *King's Letters Patents* of *Licence* for them to make *Canons*, during the Continuance of the *Parliament*, were exhibited to them. But the *Parliament* was Dissolv'd the same day, and so the *Letters*, in effect, Out-dated before they were read. To remedy this, Others, dated the 20<sup>th</sup> of the same Month, were sent to them ; by Vertue whereof, they proceeded in their *Business* till about the 26<sup>th</sup> of *June*, and so were Dissolv'd, a Month after the *Convocation* of the Other *Province* had been Ended.

How great a Contention the Proceedings of these *Convocations* raised in those days, the Histories of that unhappy time will not suffer Us to be Ignorant. Dr. A. whose Diligence has not been wanting to catch at every the least Shadow of an Argument that may but seem to favour his Cause, has made his Advantage of it. He tells us that the *Parliament* which met not long after, Voted these *Canons* Illegal, CHIEFLY on this Head, because they were made in an Assembly, which tho' it met by the *Parliament Writ*, yet sate and acted after the *Parliament* was determin'd. I will not now enquire of Dr. A. How the two *Convocations* call'd by the *Mandates* of their Respective *Archbishops*, by vertue of the *King's Provincial Writs*, directed to Them purposely for that End ; could possibly be understood, in Law, to have met by Vertue of the *Parliament Writ*, which is of another kind, and relates to another, and quite different Assembly. I have sufficiently shewn the falseness of that Principle already. The Point which I must now take the Liberty to differ from him in, is, the particular matter of Fact relating to their *Canons*. He affirms that the *Parliament* Voted them to be Illegal CHIEFLY upon this Head, because they were made in an Assembly, which tho' it met by the *Parliament Writ*, yet Sate and Acted after the *Parliament* was determin'd. On the contrary I assert, that this was only a popular Exception, made use of indeed by some of the Warmer Members in their *Invectives* against them ; but never taken notice of by the *House of Commons* as any Ground at all of their Exception, much less insisted upon as the CHIEF HEAD upon which they VOTED Them to be Illegal. Let us see which of us are in the Right in this particular.

Rights, &c.  
p. 67.

The first Resolutions which the *House* came to against these *Canons*, were on *Tuesday* *December* the 15<sup>th</sup> ; and those were to this effect.

Rushworth's  
Collections 2d  
Part p. 1365.  
And Nalson's  
Collect. Vol. 1.  
p. 678, 679.

Resolved upon the Question, Nullo Contradicente.

- " That the *Clergy* of *England* convented in Any *Convocation* or *Synod*, or
- " Otherwise, have no Power to make any *Constitutions*, *Canons*, or
- " Acts whatsoever, in matter of *Doctrine*, *Discipline*, or otherwise, to
- " bind the *Clergy* or *Laity* of the *Land*, without Common Consent of
- " *Parliament*.

Resolved upon the Question, Nullo Contradicente.

- " That the several *Constitutions* and *Canons* Ecclesiastical, treated upon by
- " the *Archbishops* of *Canterbury* and *York*, Presidents of the *Convocation*,
- " for the Respective *Provinces* of *Canterbury* and *York*, and the rest of the
- " *Bishops* and *Clergy* of those *Provinces*, and agreed upon with the *King's*
- " *Majesties* *Licence* in their several *Synods* begun at *London* and *York*
- " 1640, do not bind the *Clergy* or *Laity* of this *Land*, or Either of
- " them.

But their last and great Resolution, with which we are at present concern'd, was not till the day following.



K. CHARLES  
the 1<sup>st</sup>.

*Resolv'd upon the Question, Nullo Contradicente.*

" That these Canons and Constitutions Ecclesiastical, treated upon by the  
" Archbishops of *Canterbury* and *York*, Presidents of the *Convocations* for  
" the Respective Provinces of *Canterbury* and *York*; and agreed upon with  
" the King's Majesty's Licence in their several *Synods*, begun at *London*  
" and *York* in the Year 1640, do contain in them many Matters contrary  
" to the King's Prerogative; to the Fundamental Laws and Statutes of  
" the Realm; to the Right of Parliament; to the Property and Liberty  
" of the Subjects; and Matters tending to Sedition, and of dangerous Con-  
" sequence.

Such were the Resolutions of the House in this Case; and in them we see what the CHIEF HEADS were, upon which they Rejected those *Canons*. That they condemn'd them not because they were made by the *Convocation* after the Parliament was Dissolved; that was so far from being one of their CHIEF HEADS, that it is not mention'd as any Ground at all of what they did: No, but for much Greater and more solid Reasons, supposing they had been in the Right. 1<sup>st</sup>. Because the *Clergy* had no Power, in ANY *Convocation* or *Synod*, to make ANY *Canons*, &c. to bind either the *Clergy* or *Laity*, without the Consent of Parliament. And, 2<sup>dly</sup>. That the *Canons* which they had made, contained Matters in them contrary to the King's Prerogative, &c. and matters tending to Sedition, and of dangerous Consequence.

It was but three days before the Passing of these *Votes*, while this Matter was actually under debate, that the Lord Keeper *Finch* was Voted a Traytor by them, and impeach'd before the Lords as such. They charged Him \* with per-  
" swading the *Judges* to deliver their Opinions for the Levying of *Ship-mony*:  
" \* For Illegal Actions in *Forrest-Matters*: \* For Ill Offices done in making the  
" King to Dissolve the Last Parliament; ( that very Parliament with which the  
*Convocation* we are now speaking of Met, and if we will believe Dr. A. should have Ended; ) " and Causing his Declaration thereupon to be put forth. Had that House thought the Continuance of the *Convocation* after the Rising of the Parliament, to have been so contrary to the Fundamental Law and Rule of our Constitution, as this Author now pretends that it did; How came it to pass that they took no Notice of his Encouraging the King and *Clergy* in so Illegal an Action? He sealed the King's Licence; He subscribed his Opinion for their sitting on: ' It was upon his Authority especially, that they did Sit and Act; And yet in impeaching this very Man, the House took no manner of Notice of it, nor drew up any Article against him for what He did in it.

\* Wharton's  
Life of AB.  
Laud. p. 79,  
80.

When about two Months after, they impeach'd Archbishop *Laud* of High-Treason, and made these very *Canons* One of their Articles against Him; Did they Alledge their being pass'd after the Parliament was Dissolv'd? Was this the CHIEF HEAD of their Complaint against them? Or, indeed, was it at all mentioned as any Fault at all. Let the Words of their Impeachment, in this Particular, determine betwixt Us.

Ibid. p. 154.

" 5. He hath traiterously caused a Book of *Canons* to be Compos'd and Pub-  
" lished, and those *Canons* to be put in Execution, without any Lawful Warrant  
" and Authority in that behalf. Their Meaning is, that he ought not to have  
done it without the Consent of Parliament; as they had before declared in their first Question against them. " In which pretended *Canons* many Mat-  
" ters are contain'd contrary to the King's Prerogative, &c. Many of the which  
" *Canons* by the practice of the said Archbishop, were surreptitiously pass'd in the  
" last *Convocation*, without due Consideration and Debate: Others by Fear and  
" Compulsion were subscribed to by the Prelates and Clerks there Assembled,  
" which had never been Voted, and Pass'd in the *Convocation*, as they ought to  
" have been. And the said Archbishop hath Contrived and Endeavour'd,  
" to Assure and Confirm the Unlawful and Exorbitant Power which he hath  
" Usurped and Exercised over his Majesties Subjects, by a Wicked and Un-  
" godly Oath, in one of the said pretended *Canons*, &c.

Ibid.

In Answer to this Article, the Bishop asserted the Authority by which these *Canons* were published, and put in Execution. He vindicated the Matters contain'd in them: He justified the Freedom and Method of their passing. But for the Lawfulness of the *Convocations* sitting and acting after the Parliament was Dis-



*Dissolved*, He said not a Word. He was not impeach'd upon that HEAD, and K. CHARLES<sup>3</sup> therefore needed not to make any *Defence* in that particular.

When Mr. *Nicholas* came to prosecute his Impeachment upon this Article, <sup>the 1st.</sup> lb. p. 282. He made his Entry, indeed, upon it with this Pretence, that it was against Law for the Convocation to Sit, the Parliament being Dissolved. But so he did with several Others which yet were far from making any Part of his Real Crimes: As it is but too Usual in such kind of Causes, to Aggravate Matters against Those whom they Prosecute, by any Topics that may be likely to move their Judges to Condemn Them. But then, that this was All he intended by it, his Own Words shew; where leaving these Preliminaries, He tells the Lords, that "He would pass these things by, and charge nothing upon him but the Votes of Both Houses, that those Canons contain'd Matters contrary to the King's Prerogative, &c. A plain Proof that the Sitting of the Convocation after the Parliament was dissolv'd, was not only not the CHIEF HEAD on which the Parliament Voted them to be Illegal, but was indeed, none of their Reasons at all.

However, since Dr. A. has endeavour'd to insinuate as if the Judges themselves had in some Measure Prevaricated, and not given a Clear Opinion in this Case; let us hear how the Archbishop (who best knew their meaning) defended himself against this Insinuation, "That it was against Law for the Convocation to Sit, The Parliament being Dissolv'd. No my Lords, said he, nothing against Law that I know. For we were Call'd to Sit in Convocation by a Different Writ from That which Called us, as Bishops, to the Parliament. And we could not Rise till his Majesty sent Us another Writ to discharge us; and this is well known to the Judges, and the Other Lawyers here Present: So we continued Sitting tho' the Parliament Rose. Nor was this sitting continued by any Advice or Desire of Mine. For I humbly desired a Writ to Dissolve us. But the best Council then Present, both of Judges, and Other Lawyers, assured the King we might Legally Sit: And here is a Copy attested under their Hands.

But I insist too long upon this Instance, tho' the most Pertinent and Popular of any he has yet brought in Proof of his Assertion. The sum of all is this; Some of the Warmer Members in their Speeches did inveigh against the Canons for this Reason, among others, that they were made by the Convocation after the Parliament was Dissolv'd. But that it was ever agreed to as the Resolution of either House, much less that it was upon this HEAD CHIEFLY, that they Voted these Canons to be Illegal, I do absolutely deny: And must desire Dr. A. either to shew upon what Authority he Affirm'd this; Or to leave the World to Conclude, that he had none; but wrote it purely to serve a turn, and give some Colour to an Assertion as false in its self, as it is contrary at once, both to the Prerogative of the Crown, and to the Rights and Liberty of the Church.

To proceed now to the Remainder of this Reign: On the 3<sup>d</sup> of November, the same Year, another Parliament began, which is all I shall need to say of it. To look to its End would be both ungrateful in its self, and of little Use to our present Purpose. With this Parliament, the Convocation of the Province of Canterbury met, November the 4<sup>th</sup>. By the Acts which remain of both Houses, it appears, that they met from time to time, and determin'd some points of Form as to Elections, &c. but did nothing more. The times were now very difficult, and the Bishops and Clergy under great Dangers, and worser Apprehensions. In this state the Bishops seem to have Assembled till towards Christmas: But the Clergy who were not under the same Difficulties, met a Month after; till at last, about the beginning of February, They both brake off their Assembling.

The Convocation of York was Summon'd to begin the same day that the Other of Canterbury had been. But before that day came, the Archbishop died, and their Meeting thereby was prevented. To remedy this Defect, on the 11<sup>th</sup> of December another Writ was issued out to the Guardian of the Spiritualities, to Assemble the Convocation of that Province with all convenient Speed. Upon this second Writ, a new Day was prefixed for its Meeting, January the 4<sup>th</sup>: But before that day came, the Publick Disorders were such, and their Discouragements so great, that, I suppose they never met at all. This at least is certain, that no Notice is taken, in their Convocation Books, of any Assembly that follow'd upon it.



R. CHARLES  
the II<sup>d</sup>.

King CHARLES the II<sup>d</sup>.

Se<sup>t</sup>. 96.  
1660.

Here therefore we must close up the Unfortunate Reign of that Excellent Prince, King Charles the I<sup>st</sup>: On the 25<sup>th</sup> of April 1660, began that *Convention* which Restored his Son King Charles the II<sup>d</sup> to the Throne. It continued under that Prince (being by his *Assent*, and an *Act* made therewith, declar'd to be the *Lawful Parliament* of this *Realm*) till the 29<sup>th</sup> of December following. But the Disorders into which the *Church* had fallen during the Confusions of that fatal Civil War, were too great, to be presently remedied: Nor could things therefore be so ordered, as to have any *Convocation* fit with it.

1661.

On the 8<sup>th</sup> of May, the next Year, another *Parliament* Assembled, which by several *Prorogations*, continued till the 24<sup>th</sup> of January, 1678. Upon the very same day, the *Long Convocation* began, which sate with it, and was Dissolv'd about *Three Weeks* after it. During the two first *Sessions* of this *Convocation* there was much *Business* to be done; and the Bishops and Clergy were accordingly employ'd with Great Diligeuce about it. How they proceeded in it, as far as concerns the *Province* of *Canterbury*, the *Acts* of that *Convocation*, now Printed at large, may abundantly suffice to shew. As for the Part which the *Province* of *York* had in these Matters, it is but little understood; and for that Reason, as also because it is so considerable a Piece of Our *Church History*, I have put into the *Appendix* the whole Process of it. The latter of these two buisy *Sessions* Ended with the *Parliament*, July the 27<sup>th</sup>, 1663. From thence till the *Dissolution* of the *Parliament* there were about (xv) Other *Sessions*; and almost as many of the *Convocation*. But the *Clergy*, from thenceforth, *Met* only for *forms* sake; to be told (as Dr. A. has phras'd it) when they should *Meet* again: For after this I find no *Synodical Business* done; nor scarce the mention of any that was moved in either House. In short, except three things, of no great Moment; namely a Committee appointed to inspect a new *Grammar*, May the 4<sup>th</sup>, 1664; A like Order about a *Latin Prayer-Book*, May the 18<sup>th</sup>, and a *Petition* agreed to be made to the King for a *Patent* on behalf of Dr. Dupont, to have the sole Liberty of *Printing* his *Greek Translation* of the *Psalms* for seven Years, October the 11<sup>th</sup>, 1667; I do not know whether so much as a Motion was made of any Matter; Or the least thing done, but only to meet, and be prorogued; and Chuse another *Prolocutor*, when the old One *Died*, or was *Promoted*; the Grand Affairs of the Synod of this *Province* for above xv Years together. And yet even in this State it did not always attend upon the *Parliament* neither: For in 1665, That *Great Council* sate at *Oxford* from the 9<sup>th</sup> of October to the End of that Month: But the *Convocation* was prorogued from the 2<sup>d</sup> of August, to the 26<sup>th</sup> of January; and met not for above two Months before, nor almost Three Months after the end of that *Session* of *Parliament*. The same was, in effect, the Case of this *Convocation* about two Years after. The *Parliament* was by *Proclamation* order'd to meet July the 15<sup>th</sup>, 1667: It met, and was adjourn'd by the Kings command to the 29<sup>th</sup> of the same Month; when a Peace being concluded, it was *Prorogued* to the 10<sup>th</sup> of October, to which it had been prorogued at the End of the *Session* before. But the *Convocation* was not *Summon'd* at either of Those days; nor did it at all Assemble when the Other *Council* met. I might mention several other the like Disagreements in the *Sessions* of that *Parliament* and that *Convocation*: But I shall take notice of the chiefest of them in the *Table* which I shall subjoyn to the End of this *Chapter*; and not insist any longer upon them in this Place.

If the *Convocation* of *Canterbury* did so little, I shall not need to say that that of *York* did yet less; that is, did nothing at all. They met and were *Prorogued*; (a thing which Dr. A. makes such a grievous Complaint about, as if it had never been heard of till the last Reign) but that was all: No *Business* beyond Matters of necessary *form* being once Done, or so much as Attempted by them.

Se<sup>t</sup>. 97.  
1678.

The long *Parliament* of King Charles being Dissolv'd January the 24<sup>th</sup>, 1678, another was Call'd to Sit at *Westminster* upon the 6<sup>th</sup> of March following. With this *Parliament* the *Convocation* of the *Province* of *Canterbury* was *Summon'd*; but it was *Summon'd* but two days before that *State Council* was to



to meet: And the day appointed for its Assembling, was not till the 3<sup>d</sup> of April, a Month after the Parliament began. It was continued from time to time till the 15<sup>th</sup> of August, 1679: And was so far from doing any Business, that the formal Part of Chusing a Prolocutor, and Opening the Session, which had hitherto been constantly observed in this Province, was not Regarded.

K. CHARLES  
the 1<sup>st</sup>.

The Case was the same in the Other Province, only the Concurrence with the Parliament was still less. It sate not till the 3<sup>d</sup> of May 1679: After which it was Prorogued from time to time without doing any thing till Monday, August the 25<sup>th</sup>, and then was Dissolved.

On the 17<sup>th</sup> of October the the same Year, another Parliament was Summon'd to Meet at Westminster; but was by several Prorogations continued till the 21<sup>st</sup> of October, 1680. It then assembled and sate till the 10<sup>th</sup> of January next following, and then was prorogued to the 20<sup>th</sup> of the same Month; when it was Dissolved. The next Day after the Parliament, both the Convocations were Assembled. That of our Province was by several Prorogations Continued till the 21<sup>st</sup> of January, 1680; but did no manner of Business. That of the Other Province was in like manner Prorogued till the 2<sup>d</sup> of December, 1680; after which, we find no Entries at all in their Books, till the End of this, and of the next Reign. However, even that alone may suffice to Assure us of the little that was done; and that if they ever met at all, it was only for Forms sake, and to prorogue to another Meeting.

Sect. 98.  
1680.

There was yet one Parliament more Assembled in this Reign, at Oxford, March the 21<sup>st</sup>, 1680: It sate but One Week, being Dissolved the 28<sup>th</sup> of the same Month. The Convocation of our Province was order'd to meet, not at Oxford, but at St. Paul's, London, March the 22<sup>d</sup>. It was the same Day prorogued to the 6<sup>th</sup> of April, nine Days after the Dissolution of the Parliament; and then by a Writ of the same Date it was Dissolved.

1681.

### King JAMES the Second.

And now we have but One Parliament more to bring us to the End of this long and tedious Deduction: It is that of King James the 1<sup>st</sup>, which began May the 19<sup>th</sup>, 1685, and sate till the 2<sup>d</sup> of July following. It resumed its Session the 9<sup>th</sup> of November, and continued to the 20<sup>th</sup> of December: After which it was prorogued from one time to another till the of July, 1687, and so was Dissolved.

Sect. 99.  
1685.

With this Parliament the Convocation of our Province met, May the 20<sup>th</sup>: A Sermon was preached, and the Lower House ordered to choose a Prolocutor; and a Day prefix'd for the Presenting of him. Besides this, nothing at all was done, neither in that, nor the following Session of Parliament. But the Assembly was prorogued on till Tuesday, July the 13<sup>th</sup>, 1687, and then Dissolved.

### King WILLIAM and Queen MARY.

The next Convocation which met after this, was in the first of the late Reign: With the Convention Parliament which sate from February to August, none was held in either Province. It met with the Parliament which began by Prorogation October the 19<sup>th</sup> 1689; but sate not till the 6<sup>th</sup> of November, Seventeen Days after the Parliament. To this Convocation their Majesties sent a Royal Licence, and not only empower'd them to enter upon Business, but propos'd to them such Matters as they thought fit for them to deliberate upon. They continued to meet to these Ends till the 14<sup>th</sup> of December; after which there was nothing done by them.

Sect. 100.  
1689.

In the Province of York the Convocation began upon the 19<sup>th</sup> of October; but it was only Prorogued from Session to Session; and neither did, nor debated upon, any thing.

Having thus drawn down the Succession of our Parliaments and Convocations to the late Reign; it will now be time for me to stop, and consider what Innovation either those Princes, or our present Metropolitans have made; what they have done, I do not say which they had not a Legal Authority to do; but which other Princes, and Primates, had done before them.

Sect. 101.



Sect. 102.

As for the *King* our late Sovereign, whom the *Letter to A Convocation-man*, which first began this Dispute, seems to charge as the principal Obstrueter of our *Convocations*; I cannot see, if the Case be truly so as I have before Represented it, what could have been desired of him, that was not actually done by him. He *Assembled* the *Convocations* duly with every *Parliament*: He permitted them to *Continue* to meet, if they thought good, to the *End*, nay, and for the most, part long after the *End*, of every *Sessions*. And this without any One Instance, within all his Reign, to the contrary. For as for the Pretence of the *Convocation Writ*s being once dropp'd for the *Province of York*, I believe even Dr. *A.* himself is satisfied, that the *Writ* was both Ordered by the *King*, and Sealed by the *Chancellor*; However it came to stop at the *Crown Office*, and so not to be put in *Execution* within that *Province*. Whatever difference therefore there may be between Dr. *A.* and Me, in our *Notions* in this Case, 'tis certain there has been nothing innovated in matter of *Fact*. The *Writ*s for our *Convocations* have been Regularly issued out, with every *Parliament*; and if Dr. *A.* will permit me to add it, notwithstanding any thing I have before argued, it is both my *Desire* that they may, and my *Opinion* that they should always be so. And to prevent any Mistake either of my *Design*, or of my *Judgment* (if that be of any moment) in this particular, I will take the liberty here, once for all, freely to declare it.

It is, I think, as evident as 'tis possible for any *Historical Point* to be, that before the Time of King *Henry the viii<sup>th</sup>*, there was no manner of Dependence of the *Convocations* upon the *Parliament*. They were actually *Assembled* at several times; without any other Relation to one another, than what the Expectation of the like *Aids* from the *Clergy*, which were given Them by the *Laity*, justly raised in our *Princes*; and thereby Prompted them when they *Demanded*, or *Received*, any Supplies of the One, to *Assemble* the Other, either at, or near the same time; and to *Demand*, or *Receive*, a *Suitable Grant* from Them also.

I do therefore look upon it to be a Matter of the utmost Certainty, that tho' the *Convocations* of the *Clergy*, as they were first *Summon'd* by Order of the *King's Writ*s, were truly *State Assemblies*, yet they were not *Parliamentary Attendants*. On the Contrary; The *Clergy* have by *Other Writ*s been Called to *Parliament*, ever since any of these *Convocations* have been in use. For an Age or two they actually *Assembled* with it; and to this Day they are both Regularly *Summon'd* to it, and in the *Account* of our *Law*, as well by the *Rules* of our *Constitution*, do make One of the *Chiefest Estates* of it.

These *Convocations* our *Princes* were formerly wont to Require their *Archbishops* to Call at any Time, whenever they had Occasion for them: And they never did cause them to be *Assembled*, but only at such times as they had some particular Need of them. But since the 25<sup>th</sup> of King *Henry the viii<sup>th</sup>*, our *Princes* having taken up the Method of *Confirming* the *Grants* of their *Clergy* by *Authority* of *Parliament*; they have generally Order'd the One to be *Assembled* as often as the Other was held. By this means the *Clergy* have sometimes met together in *Convocation*, when the *King* has had no *Design*, or Occasion, to make use of them. In these Cases, if our *Metropolitans* have had any *Business* to propose to them, they have employ'd them in the *Doing* of that: Otherwise, they have Continued them by *Prorogations*, from time to time, till the *End* of the *Parliament*; about which time they have commonly been either *Prorogued*, or *Dissolved*, by *Authority* of the *King's Writ*.

Now this having been done purely by the *Pleasure* of our *Princes*, and in the free Exercise of their *Royal Authority*, without any *Law* of the *Realm*, or *Rule* of our *Constitution*, which Obliged them so to Do: I do humbly conceive, that the Bare Custom of doing this, has not *Abridged* their *Royal Prerogative*; nor induced any *Legal Obligation* upon Them to Continue to act so in this Particular, as their *Predecessors* have commonly done before them. I look upon them to proceed with the same Freedom in *Summoning* our *Convocations* now, that King *Henry the viii<sup>th</sup>* did, when he first began thus to *Summon* them heretofore.

This therefore, as I am perswaded it is the just Right of the Prince, so do I take it to be not only the Duty, but Interest of the Church, to support it. To Oblige the *Clergy*, necessarily to MEET with; and, as 'tis now phrased, to ATTEND  
UPON,



upon, every *Parliament*; and being thus Assembled, *Actually to Sit*, and either *Do*, or be *Ready* in a *Posture of Doing Business*, as long as every such *Parliament* lasts; is such a Burden; as I verily believe should it be strictly exacted of them, would be found of great Charge and Inconvenience, if not to Others, yet to the *Remoter Clergy*; and especially to such whose *Dignities* require their *Personal Presence* at these *Assemblies*, without affording them, many times, a *suitable Ability of Coming* to them, and *Attending* upon them. To confine the *Prerogative* of the *Prince*, and deny him the Authority of Causing these *Convocations* to be held at any other Seasons, but just when the *Parliament* is *Sitting*, may be no less a Detriment to the Affairs of it; should such Exigences arise, or such Circumstances happen, in which there may be need of the Public Consultation of its *Bishops and Clergy*; and the *Prince* be content to Assemble them, when it might not be so proper for him to Convene the Other. Whereas to allow the King his *Rightful Authority* in this Case, can admit but of One Exception, and that such as having never yet happen'd, we have the less Reason to fear it; namely, that some *Prince* may hereafter arise, who may *Refuse to Summon* the *Convocations* at all, if once it be allow'd that He has it in his Power to *Call* them, or *not*, at such Seasons. But then, this no *Prince* who has any *Regard to Religion*, or to the *Church*, will *Do*: And should we ever be so unfortunate as to have one that valued neither, and therefore should refuse to grant any *Writs* to the *Archbishops* for this Purpose, I do not see but that the Result would be much the same. He would Abuse his *Authority* indeed in not issuing out his *Writs* as he ought to do; and so he would do, if the *Church* had any need of such an *Assembly*, tho' he were not under any such *legal Obligation*: But still without his *Writs* the *Archbishops* cannot *Convene* their *Clergy*, nor the *Clergy* *Come together*, on pain of such *Punishment* as our Law directs in that Case.

As therefore I do look upon our *Princes* to *Act freely* in the *Calling* of our *Convocations*, and to be at liberty, by our Law, to *Assemble* them at any time that they shall think *Expedient* to do; so do I account it to be for the *Benefit* of the *Church*, to Acknowledge and Support the Freedom of their *Prerogative* in this Particular. But yet still, I do conceive, that without some very great Reason to the Contrary, this having been the *Custom* of our *Kings* for above 150 years past, it ought not lightly to be broken in upon: Nor would I, by any thing I have here either *Allow'd*, or *Proved*, on this Occasion, be understood to give the least Encouragement to the future laying aside of this Practice; tho' I do not think the *Prerogative* of the *Crown* to be strictly *Obliged*, or *Limited*, by it. If there be nothing for the *Clergy* to do; or if the Times be not proper, nor expedient for them to *Assemble*; as they are (in Dr A's Phrase) *summon'd a course*, so may they by their *President* be *prorogued a course*; and their *Session* reserved to some more favourable Seasons. If there be, they are then at hand to do it; and have the *High Court of Parliament* *Sitting*, either to *Confirm* their *Acts*, or to *Receive* their *Petitions*; or to do any Other *Business* in which they may be *Aiding* to the Good of the *Church*. In short, To *Summon* the *Convocations* in time of *Parliament*, may have many *Conveniences*: What Inconvenience there can be to any *Prince* in it, or what *Temptation*, almost, to prompt him to Omit it, I cannot foresee. Whilst the *Metropolitan* has the Power to *Ease* his *Clergy*, being *Summon'd*, and not to *Exact* their *Attendance*, but only when there is some *Business* of moment to be done by them; neither can the *Church* suffer by it: And therefore as it has been the Custom for our *Princes* to *Summon* them, at such times, for above 150 years past; so is it my hearty Wish, that they should continue still to be Assembled at those Seasons.

All that I desire is that both the *Prince*, and the *Metropolitan*, may have Each their *Legal Rights* preserved to them: The one to *Assemble* the *Convocation* at any time, whenever the *Needs* of the *Church* shall require it: The other to excuse their *Clergy*, from a tedious, and laborious, as well as expensive, *Attendance*, when there is nothing at all, or nothing of any consequence, to be done by them.

But of this let every one judge as he sees cause; It is enough for me that, in fact, our late Royal Sovereign has made no Change in this matter. The *Convocations* have been duly called with every *Parliament*; and being Called, have been freely left by him to *Assemble*, if they thought Good, to the End of every *Session*. The *Innovation* therefore, if there has been any made, must



wholly lie at the *Archbishop's* doors: Who have indeed, in both *Provinces*, prorogued their *Convocations* from time to time, without ever setting them upon any Business, or Requiring their Assembling in order thereunto. But so have their Predecessors done before them: And I appeal to the Account before given, whether in this I say any thing which the plain Evidence of *Fact* do's not bear me out in.

The first Convocation entred in the *Books* of *York*, began *November* the 24<sup>th</sup> 1545. It was on the same day Prorogued to *January* the 26<sup>th</sup>: But the Clergy of our *Province* having before that granted their Subsidy, those of that *Province* were Summon'd, before their time, to meet *December* the 14<sup>th</sup>. They Met, Chose a *Prolocutor*, Agreed to the *Subsidy*; and so were again Continued from time to time, without doing of any other Business, or being ever ask'd to do any.

In 1547, the Convocation met *November* the 5<sup>th</sup>, but was the same day prorogued to *November* the 23<sup>d</sup>; then to *January* 20<sup>th</sup>, almost a Month after the *Parliament* was Risen.

In 1552, the Convocation was Summon'd to Assemble *March* the 1<sup>st</sup>: The same day it was prorogued to *March* the 28<sup>th</sup>; then to *April* the 15<sup>th</sup>, that is, to a Fortnight after the Session of *Parliament* was over.

In 1558, The Convocation began the 10<sup>th</sup> of *February*: It was the same day prorogued to *March* the 16<sup>th</sup>, then to *March* the 31<sup>st</sup>; from thence to the 15<sup>th</sup> of *April*; but nothing done, or moved by it.

In 1566, The Convocation was held *October* the 1<sup>st</sup>; and prorogued to the 30<sup>th</sup> of the same Month. On the 30<sup>th</sup> it was again Prorogued to *November* the 12<sup>th</sup>, without doing of any thing: Thus was it continued to *December* the 20<sup>th</sup>, when it Agreed to a *Subsidy*; and so was once more put off without going upon any Business, till the 8<sup>th</sup> of *January*; before which the *Parliament* was dissolved.

I might, in the same manner, run over a large Catalogue of the *Convocations* of the Other *Province*; the Acts of which do alone remain entire to us. But I shall leave it to the Reader, to observe them as they lie in the foregoing Account; and take it for granted, that in the *Province* of *York*, the *Archbishop* has not only always enjoy'd the Right of Proroguing his Convocation according to his own Pleasure, without suffering it to enter on any Business besides that of *Subsidies*; but has frequently exercised that Right: And therefore that whatever Innovation may have been made on our side, yet to be sure there has been none at all, or none of any moment, on theirs.

It is true, the *Convocations* of the *Province* of *Canterbury*, have been wont to be more frequently employ'd, and to transact more Business, than those of *York*. But they have done it by the Direction, and Order of our *Metropolitans*; whom, I hope, Dr. A. will not deny both by the *Laws* of the *Realm*, and by the *Canons* of the *Church*, to enjoy as full and ample an Authority over their *Synods*, as the *Archbishops* of *York* can be presumed to have over their *Convocations*. Had we the Acts of all our several Assemblies of this kind entire, I make no doubt, but we should from them be furnish'd with abundant Proofs of this. However, what remains will afford us some, and those, sufficient Instances to shew, that our *Presidents* have exercised all that Power over former *Convocations*, that has been either Claim'd, or Exercised, by our later *Primates*.

Were the *Convocation-Books* of King *Edward* the sixth entire, we should, I believe, find very early Proofs in them of this Practice. The last of Queen *Mary* met by Prorogation, *November* the 11<sup>th</sup>, 1557. It was on the same Day Prorogued to *November* the 17<sup>th</sup>; on which Day the Queen dying, the *Parliament* was dissolved; and so the Convocation ended with it.

Of the *Convocations* under Queen *Elizabeth*, we have but an imperfect Account; yet in several of them, there seems to have been very little done. Such were those of 1566, 1572, 1588, 1592, 1601; of which, Dr. A. being the best qualified to give us the History, I must leave it to him to inform the World, whether they were not Prorogued, if not without doing any thing at all, yet without entring on any Business of moment: And whether those Prorogations were made at the Clergies Own Desire, or meerly by the *Archbishop's* Authority, let him also shew us.

Sect. 104.  
Authority,  
&c. p. 141.

But I must not pass over the following *Convocations* thus briefly. I had formerly affirm'd, what I see no Cause yet to retract; that our Clergy being wont in Convocation to Assess themselves, were commonly suffer'd to Meet and Sit so long



long as it was *Requisite* for them to do for that Purpose. But that this being, done they were for the most part *Adjourn'd*; and met no more till the King had some new Occasion for their Assistance. Had I then seen the *Convocation Books* of the Other Province, as I could not have desired any better Evidence of the Truth of my Assertion, so neither should I have appealed to any Other. In defect of that, I was forced to make use of such *Authorities* as lay before me; and what I then offer'd, I must beg leave once more to Repeat; if for nothing else yet, at least, to Consider what Reflections Dr. A. has thought fit to make upon it.

" The Convocation which met the first of King James the 1<sup>st</sup>; was by *Ibid. p. 142.*  
 " Prorogation, continued from time to time for seven Years together. Yet ex-  
 " cept it were in his first Year, we do not hear of any great Business that  
 " was done by them, more then that of *Granting Subsidies*. Against this Dr. A.  
 has several Exceptions, which I shall take as they lie in Order in his Book.

And, 1<sup>st</sup>. He affirms that I must speak this at all Adventures; because *Rights, &c.*  
 " Fuller seems to say, that the *Acts* of this Convocation were lost, even in his *p. (276.)*  
 " time. Dr. W. must therefore be a bold Adventurer to pretend to say what  
 " was, or was not, done in it. Yet as bold an Adventure as this was, Dr. A.  
 must allow that a Man may speak of *Convocations* whose *Acts* are lost; or he must have been as bold himself, in what he has said of those of King Henry the 8<sup>th</sup>, Queen Mary, and Queen Elizabeth; of few of which any *Acts* remain to us. He will tell us perhaps, that tho the *Acts* of these be lost, yet large *Extracts* of the *Acts* have been preserved. I need not Inform him, that so there have been of this very Convocation. He has the *Extracts* of it in his Own Possession: When I wrote they were in Other Hands; and from thence I had my Account of it.

He adds, 2<sup>dly</sup>, " That had I spoken out, and told the World plainly what  
 " that Business was which they did in their first Year, it would have given Us  
 " some account why they might Possibly have lain still a Good while after-  
 " wards. But that was not the Question: Whether the Convocation had Busi-  
 ness, or no Business to do, I was not to dispute. The Point which I had to Con-  
 sider, was, whether the Convocation may not be *Prorogued*, during the Session of  
*Parliament*, without being allow'd to Enter upon any Business; And whether,  
 in fact, they had not been thus prorogued, long before the present times? If  
 this had been done heretofore, there could then be no *Innovation* in doing of  
 the very same thing now. That was all I was concern'd to shew: As for what  
 he intimates, it might indeed have been of Use to Justify the Metropolitan in  
 the Exercise of his Power, to shew that the Convocation had nothing to do;  
 but my Business was only to prove, that he had a Rightful Power, in Subordinati-  
 on to the King's Authority, to Prorogue it as he thought fit: Whether at this or  
 that time he ought, or ought not, to Exercise that Power, is another Question;  
 and was reserved to another place to determine.

But 3<sup>d</sup> Dr. A's next Attaque is more pertinent: For he affirms, that that *Ibid. p. (277.)*  
 " Convocation, after all, did Sit, and Do Business; and that of a very important  
 " Nature: For in 1606, it pass'd Bishop Overalls Convocation Book. It is true,  
 the Archbishop, in the fourth Session of that Convocation, did bring in a Book;  
 which was afterwards both Read, and Agreed to by it. And some other Mat-  
 ters were done, part of which Dr. A. takes notice of, and more he will here-  
 after be able to afford Us. Nor did I produce the Instance of this Convocation  
 to prove, that nothing at all was done by the Clergy in it; but that no Great  
 Matter was done by it. It cannot be expected, that from the short Minutes I  
 have of this Assembly, I should be able to give any Good Account of the Pro-  
 ceedings of it. But I believe, were the Computation to be made, it would ap-  
 pear, that the Meetings in which they Assembled only to be *Prorogued*, were  
 much more numerous, than those in which they did any Business: And then let  
 Dr. A. give us a Good Reason, if he can, why the Archbishop who Continued  
 so many of its Sessions without suffering the Clergy to enter upon any Business at  
 all, might not if he had pleased, by the same Authority, have *Prorogued* them  
 at any other times; and not have suffer'd them to do even that little Business,  
 that was, (comparatively,) done by them.

What 4<sup>th</sup> Dr. A. means by his Instance of the Bishop of St. Davids Speech in *Ibid. p. (277.)*  
 1604, about the Use of the Cross, which he brings to prove, that the Canons were  
 then Re-debated and his long note thereupon, I cannot imagine. The Convoca-  
 tion began March the 20<sup>th</sup> 1603. It pass'd the Canons, 1604: And at the Pass-



ing of them, that *Speech* was made; not upon his imaginary *Revision* of them, for which there is not the least Ground.

Sect. 105.  
Ibid. p. (172)

But <sup>1</sup> Dr. A. Proceeds; and to what I had said, that in King *Charles* the 1<sup>st</sup>'s time, there were but *few Parliaments*, and therefore we ought not to look for many *Convocations*; Replies, that "In the first *Sixteen Years* of King *Charles* the first, there were five *New Parliaments* Chosen, and as many *Convocations*; and every one of those *Convocations* met, and sat; and we know who were the *Prolocutors* in each of them. I agree with Dr. A: There were so many *Convocations* called in that *Princes* time; *Prolocutors* were chosen; in Each of them; and the *Clergy* put in a *Posture* (as he calls it) of *doing Business*: And I have before told him for what Reason they were so. The *Archbishop* did it in obedience to the King's *Commands*; that so they might be ready to *Grant* their *Aids*, whenever they should be *Demanded* of them. But did the *Three* first of these *Convocations* do any other *Business*? Or were they continued by the *Archbishop* from time to time without *Entring* upon any? The first of them he says was "hindred from doing much *Business* by the *Plague*, which then "Reign'd. And yet notwithstanding the *Plague*, they met six times, between *May* and *July*, in *London*. Then they were prorogued to *Oxford*, where they met again in *Christ Church*, *August* the 2<sup>d</sup>; in *Merton Colledge Chappel*, *August* the 5<sup>th</sup>; in the same place *August* the 12<sup>th</sup>: But they did only meet, they did nothing; till at last they were dissolved by the King's *Writ*.

However, to allow of this Excuse, for that Meeting: What hinder'd the next *Convocation* from doing *Business*, which began the 7<sup>th</sup> of *February* following, and Continued till the middle of *June* the next Year? My Notes of this are but very short, and may easily mislead me: Yet I believe Dr. A. will be puzzled from his larger Extracts, to tell us of any matter of Moment that was done by it. The same was the Case of the Third which met in *March*, 1627: In which, if my brief Minutes deceive me not, little more than the *Subsidy* was debated on; with which we are not at present concerned. In the 4<sup>th</sup> *Convocation*, the *Canons* of 1640 were pass'd; so that there can be no dispute, but that then the *Synod* did sit, and do the *Business* that was proper for it: But the last, which met the same year, was again but little employ'd. The two first *Sessions* were taken up in matters of *Form*. At the Third, some of the *Body* were appointed to *Officiate* on the *fast day*, which was order'd to be *Observed*; and the *Lower House* directed by the *President*, to determine the *Controversies* about *Elections*, which should come to be disputed. From this time, we find the *Convocation* Prorogued by the *Archbishop*, or his *Commissioner*, nine several times; but no *Business* done, nor any thing Attempted, but what related to *Elections*, or to the *Forms* of *Proceeding*; with which the *Clergy* usually fill'd up the time, till the *Archbishops* *Prorogation* was intimated to them.

This was the Case of four of the five *Convocations* of King *Charles* the 1<sup>st</sup>; of which Dr. A. Speaks. They Met, and were prorogued; but they did Nothing: At least by the short remains which I have seen of the three first, and the *Acts* of the last, it does not appear that any thing of Moment was done, or enterprized by them.

Sect. 106.  
Ibid. p. (278)

But against this, Dr. A. excepts: "For even in these *Convocations*, some *Motions* (he says) were made, and *Debates* held, tho' no *Synodical Conclusions* were form'd. I do allow, that in the *Diary* of *Archbishop Laud*, we are told, that on *March* the 29<sup>th</sup>, 1626, there was a *Debate* about the *Sermon* which *Bishop Goodman* had preached at Court the *Sunday* before: And 'tis very natural to think, that Offence being taken at several *Passages* of it, the *Bishops* who met together, that day, should consider what was fit to be done by them thereupon. But the matter went no farther than *Debate*; for by the same *Diary* it appears, that tho' the *Convocation* was then sitting, yet that *Affair* was Committed by the King to a *Select Committee* of *Bishops*; who gave him their *Resolution* upon it, the 12<sup>th</sup> of *April* following.

Whether Mr. *Fuller*'s Instances be more considerable, will best appear from the Words of that *Author* concerning the first, and last of these *Convocations*: Of that of 1625, he thus speaks: "The *Convocation* kept here, is scarce worth the mentioning; seeing little the *Appearance* thereat, NOTHING the PERFORMANCE therein. Dr. *James* made a motion, that the *MSS Fathers* in the Li-  
braries



“ braries of the *Universities*, or elsewhere in *England*, might be perused. But  
 “ alas! This Motion was Ended when it was Ended; Expiring in the Place  
 “ with the words of the Mover thereof. Of the last of 1640, He says lit- Ibid p. 172.  
 “ tle more, “ Abreast with the *Parliament* began a *Convocation*, tho’ unable long  
 “ to keep pace together; the latter soon tiring, as never inspired by *Commis-*  
 “ *sion* from the *King* to meddle with any Matters of *Religion*. Mr. *Warrmistre*  
 “ made a Motion, to Condemn such Offensive *Canons* as were made in the last *Con-*  
 “ *vocation*: But that too went no farther than a *Motion*; nor do the *Acts* take  
 any Notice any such *Motion* was made at All.

But still, “ so much Business at least was done, in all these *Convocations*, as  
 “ made their *TITLE* Good to Do more, if they thought fit. What Dr. *A.*  
 means by this, I cannot tell; Sure I am, that all these *Convocations* are an evi-  
 dent Proof of the *Archbishop’s* Authority to *Prorogue* them, whenever He thinks  
 fit; without asking any leave of the *Clergy*, or enquiring whether they have  
 any *Business* to Do, or No. Let Dr. *A.* produce but any One Instance to the Con-  
 trary of this: Let him shew where the *Archbishop* ever ask’d leave of the *Cler-*  
*gy* to *prorogue* His *Convocation*; Or when they *Refused* to be *Prorogued* for this  
 Reason, that they had *Business* to do, and insisted upon their *Right*, and *Title*,  
 to Do it, in despite of his *Authority*; and then I will allow him to Conclude,  
 that they did somewhat that might suffice to make their *TITLE* Good to Do more.  
 But if this he cannot Do, (as I am pretty sure he cannot) He must then give  
 me leave from the Variety before alledged, to conclude; that by *Custom*, as  
 well as by an *Original Power*, the *Metropolitan* has a *Right* to *Prorogue* his *Synod*  
 WHEN, and AS OFTEN as he pleases; and is accountable to none besides the  
*King*, in the doing of it. If indeed he exercises this *Authority* to the *Prejudice*  
 of the *Church*; If he thereby hinders the *Convocation* from doing *Business*, when  
 it would be for the Advantage of our Religion that they should do it; he may  
 be justly charged with *Abusing* that *Power*, which both the *Canons* of the *Church*,  
 and the *Laws* and *Customs* of the *Realm*, have intrusted him withal. But still the  
*Power* its self is his *Just Right*; and in *Exercising* of it, He does no more, than  
 what He may lawfully Do; and what Our *Archbishops* have always Done, without  
 the leave of any, but the *King* only.

In the Reign of King CHARLES the II<sup>d</sup>; I took notice of the Business done by Sec. 107.  
 the *Convocation* of 1661, in Settling our *Church*, and the *Liturgy* of it, after the  
 long Disorders of Our unfortunate *Civil War*: Which being done, I added,  
 that tho’ that *Convocation* met with many *Sessions* of *Parliament*, for several Years  
 together, yet nothing else was done by them; as appear’d by the *Journal*  
 which I had seen of it. Well; and what says Dr. *A.* to this Instance? “ He Rights, &c.  
 “ had a *Journal* (says he) where there are no Memorandums of any thing p. (279.)  
 “ Done; and from that Empty *Journal*, one would think that he had learnt all  
 “ his Skill in the Business of *Convocations*. Whatever Dr. *A.* thinks of Dr. *W.*  
 or his Skill, yet for some of his Friends sake, I would not have him speak too  
 contemptibly of that EMPTY JOURNAL. It was Mr. *Munday’s* *Journal* of the *Pro-*  
*ceedings* of the *Lower House*, which I referr’d to; a Copy of which I had then  
 by me: And I am sure Dr. *A.* knows too well, how much Use has been made of  
 those Precious *Minutes* since, to think it prudent to undervalue them, tho’ Dr.  
*W.* has appealed in this Case to them.

“ But had not something else (He means Dr. *Wake’s* HEAD) been as EMPTY as  
 “ that *Journal*, he would have forborn giving that as an instance how *Convoca-*  
 “ *ons* have been employ’d whilst they were Used to Assess themselves, when all  
 “ the *Prorogations* of which he speaks were after they began to be Tax’d by *Parli-*  
 “ *ament*; and ALL of them were, with the Good Will and Consent of the *Clergy*.  
 I accept his Complement; and only beg leave to inform him, that in Quoting  
 of this *Convocation* in the last place, I quoted the last *Convocation* that ever Grant-  
 ed any *Subsidy* to the *King*: And I quoted it to shew, that the *Subsidy* being gi-  
 ven, they from thenceforth did no Other Business; but were prorogued ma-  
 ny times, for several Years together, without doing any thing that was ma-  
 terial afterwards. But is Dr. *A.* in good earnest in what follows? Do’s he  
 think, that the *King* too was Licenced by the *Clergy* to *Prorogue* them? That  
 he says, it was done with the Good Will and Consent of the *Clergy*. I find then the  
*Convocation* has more Power than I imagined: A Power not only over the *Archbishop*,  
 but the *King* too; so that even he must have their Consent, to Continue them;  
 Or



or he cannot justify his doing of it. But Dr. A. cares not what he asserts, so it will, but Exalt the Authority of the *Clergy*, and Oppress an *Adversary*. In the mean time I desire him once more, before he sets up their *Authority* above the *King's Prerogative*, to prove, if he knows how, that the *Archbishop* needs either their *Good Will*, or *Consent*, to *Prorogue* them, as often as he pleases: Or that in doing of it, he do's any thing more than what *All our Archbishops* have *Customarily*, and *Constantly* done; without ever being *Question'd* for it by their *Clergy*, or (till these *Reforming Days* of ours) *Opposed* in it.

To conclude therefore this whole matter: From what has been said it appears,\* That our *Metropolitans* have from time to time, *prorogued* their *Convocations*, as they have judged most *Expedient* for the *Benefit* of the *Church*, and for the *Ease* of their *Clergy*. \* That in doing of this, they had no *Check* upon them from any but the *King* only; by whose *Authority*, as they have called their *Convocations*, so have they been *Obliged* to *Continue* their *Sessions* in such a manner, as not to *Defeat* his *Ends* in *summoning* of them. \* That, in *fact*, these *Assemblies* have before now been *Prorogued*, from the first day of their *Meeting*, to the last; without ever *entring* upon any *Business*, or being *allow'd* to do any. \* That for the doing of this, our *Archbishops* have often *Granted Commissioners* to such of the *Prelates*, or *Clergy*, as they have thought fit: And those *Commissions* have not only done this by *vertue* of that *Delegation*, but have been so limited in their *Powers*, as not to have been at *Liberty* to do any thing besides. \* When the *Convocations* have *met*, yet it has often been only for *Form* sake; and that rather to *satisfie* their *Obligation* to the *King's Writ*, than out of any *Compliance* with any *Duty* that they owed to the *Clergy*; who even in such their *Assembling*, have *Acted* in *Obedience* to their *Archbishops Authority*: And they have *Ordered* them to *Assemble* once or twice, to shew that they were ready to do what the *King* *Required*; and so have *prorogued* them, without going upon any *Work*. All which being so, I must beg leave to conclude, till I shall be better *inform'd*; that in *proroguing* our late *Convocations* as they have done, our *Archbishops* have *Usurped* no *Authority* which did not of *Right* belong to them; nor have done any thing more, than what our former *Archbishops* had, if not exactly in every *Circumstance*, yet in all that was of any moment, done before them.

As for what Dr. A. so much urges, of their being *Assembled in form*, and *Chusing a Prolocutor*, and *separating* into two *Houses*, and *putting themselves* into a *Posture* of *doing Business*; I must be excused, if I cannot see any such need of it, where it is before-hand *Resolved*, that no *Business* should be done. And for the *Archbishop's Authority* in that Case, he knows very well, that in the *Province of York*, many whole *Convocations* have pass'd, and much *Business* been done, without their ever *Dividing* into two *Houses*, or *Chusing* of any *Prolocutor* at all. And so they did heretofore in the *Other Province* too; however the *Largeness* of the *Bodies*, which make up our two *Houses*, did at last force them to separate, for the better managing of their *Debates*. These *Preliminaries* therefore, are not *necessary* to the *Acting* of a *Convocation*; much less, to the *Nature* and *Being* of such an *Assembly*. Nor can any *Reason* be given why the *Archbishop*, who plainly has a *Power* of *Proroguing* the *Convocation* after these *Forms* are over, should not equally have the *Authority*, if he thinks fit, to *Do* it before. For either this, after all, the *Archbishop* of this *Province* must be *allow'd* a *Power* to *Do*; or it must be said, that his *Authority* over our *Convocation*, is not so great as the *Archbishop* of *York's* over the *Synod* of that *Province*; but that the *Provincial Clergy* have *Claims* on our side, which they have not on theirs; neither of which can, I conceive, be *Asserted* without some *Violence* to our *National Constitution*: It being certain, that the *President* of the *Other Province* has often *prorogued* his *Convocation*, without ever *directing*, or *allowing* them to *chuse* a *Prolocutor*; or to *depart* out of the *Place* to which they were *summon'd* before him.

However, to shew how much I desire to comply with Dr. A. even here too; (tho' I dare not pretend to *Advise*, much less, with him, to *Direct*, and *Require* my *Superiors*) yet would this *satisfie*, I would willingly become an humble *Petitioner* to them, that these *Sacred Meetings* (which I heartily wish may be, and do justly hope shall be, constantly *Assembled* with our *Parliaments*, as well as at all *Other times*, whenever the *Church* may have any need of them) should be from henceforth *Open'd* with the same *Solemnity* that they have heretofore been wont



wont to be. That if in order hereunto, it would not be too great a Burden to the distant *Clergy* to be brought together for so small a Purpose, they might at the Beginning of every such *Synod*, be Required to Assist at the Solemnity, and Chuse their *Prolocutor*, as Dr. A. desires they should; and be directed by the *Archbishop*, if they had any *Motions* to make, or any *Petitions* to Offer, freely to make and present them. Would this contribute to the Ends of Peace and Union, as I do most sincerely desire the One, so would I heartily join in my Request, to our most Reverend *Metropolitan*, for the Other. But then in Order hereunto, I conceive, the Claim of *Right* in this Case must, in the first place, be dismiss'd; that so it may appear to be a *Concession* of Grace, not of *Justice*; and be Received as a *Condescension* to the Humble Requests of the *Clergy*, not as a Victory gain'd by Clamour and Importunity, over the just *Authority* of our President.

As for the other Notion advanced by Dr. A. That our *Convocations* have so necessary a Relation to the *Parliament*, that they cannot lawfully be separated; but the One must End, whenever the Other Rises; that is a Point, which how necessary soever it may be to his *Hypothesis*, yet I cannot by any means agree with him in. The History even of our later *Convocations*, manifestly overthrows it; and that there is not so much as a Colour for it in all our more antient Assemblies of this kind, the Account I have before given of them, abundantly shews. And because this is a Matter wherein I conceive the *Liberty* of the *Church*, as well as the *Prerogative* of the *Crown*, to be very nearly concern'd; I shall the more easily be excused, if I insist a little more particularly upon it.

Sect. 109.

What Dr. A's Sense is, as to this Point, we cannot better learn than from his Own Words; and that both as to Matter of *Fact*, and Matter of *Right*, in this Particular. The Matter of *Fact* he thus Delivers, p. 48. "About the Entrance of the last Age, when the *Prerogative* began to Recover the Ground it had lost to the *Church*, we find those Meetings of the *Clergy* and *Laity*, more closely United; the Dates of Henry the viii<sup>th</sup>'s CONVOCATIONS being all ONE, or a FEW DAYS BEFORE OR AFTER (if not ALTOGETHER the SAME with) those of his PARLIAMENTS. This is a little mystical, and shews Dr. A. not to have well known what the Case of King Henry the viii<sup>th</sup>'s *Convocations* was. First, he tells us the Dates of them were ALL ONE with those of his *Parliaments*: And then presently, as if he doubted that might not be true, He adds a Cautious, OR, quite contrary to what he had before affirm'd; ALL ONE; OR A FEW DAYS BEFORE OR AFTER; that is, OR NOT ALL ONE, but different. But neither did that please him; and therefore a third Essay was to be made in another form of Speech; and that too enclosed in Parenthesis, to make it still more Equivocal; (if NOT ALTOGETHER THE SAME WITH) So that, in short, the Dates of King Henry the viii<sup>th</sup>'s *Convocations* were quite ALL ONE; or very near ALL ONE; if not ALTOGETHER ALL ONE, with those of his *Parliaments*. "And from EDWARD the vi<sup>th</sup> to this *Reign*, the *Clergy* have, I think, met ALWAYS, and parted within a Day of the *Parliament*. There have been NO DEVIATIONS from this Rule that I know of, except in a *Legantine Synod* or two (which are no *Presidents*) and ONCE in the CONVOCATION of 1640; but that Experiment succeeded too ill, to be ever try'd a second time.

Rights, &c.  
p. 48.

Dr. A. is here again a little Modest and Reserved; "The *Clergy* (says he) I THINK met always, and parted within a day of the *Parliament*. And again, there have been no Deviations from this Rule that I KNOW of: Words of Art and Caution, and such as this Author do's not commonly trouble his Reader withal. But he soon grew more positive: "For in p. 68, He became SURE of what before he durst not absolutely affirm. "SURE WE ARE, that the *Convocations* of the *Clergy* have (as has been said already) for above 150 Years, in EVERY INSTANCE (except that of *Forty*, and the *Synods Legantine*) met and rose within a day of the *Parliament*. Will Dr. A. stand to his Assertion as he has now roundly deliver'd it? No, he must qualify it once more; and therefore in his *New Corrections*, we are bid to alter it thus: SURE WE ARE that the *Convocations* of the *Clergy* Have been Used, to meet and rise within a day of the *Parliament*. Which being put in opposition to their having done it in EVERY INSTANCE, must imply, that this Custom was not Constant: That there had been Several Instances to the Contrary; only this had been the more COMMON USAGE; which is all that this Author seems by his last Thoughts to be willing to be held to.

Ibid. p. 68.

But



But how then will such an *Usage* infer, what he presently after delivers us, as *Parliamentary*, or *Convocation-Law*; "That the *Convocation* should meet ONLY and ALWAYS in time of Parliament? And, which is yet more wonderful, founds it upon the *Authority of Custom*; which if it has not been Constant and Uniform, (as by his new Correction he himself implies that it has not) can be no *Custom*; but will rather shew, that the *Convocation* may still meet, as it has sometimes done, tho' the *Parliament* be not *Sitting*, or *Continue* after it is *Risen*.

Sect. 110.

In Opposition to the Pretences of this Gentleman, I shall need only to shew, that he is intirely mistaken in his Matter of *Fact* upon which he founds his *Custom*; and that will prove, that he must be deceived in the *Position*, which he builds upon it. For however it be true, that since the Time of which he speaks, our *Princes*, for the Reason often before alledged, have generally Assembled our *Convocations* about the same time with their *Parliaments*; yet has it so fallen out, that there has been such a Distance, very often, between the Beginning and Ending of these Assemblies, that the One has often sate several Days, or Weeks, without the Other. Sometimes the King has not issued his *Writs to Call*, for *Prorogue* them, so nearly as is pretended; and thereby has sufficiently Vindicated his Right of doing both at his Pleasure. Sometimes *Accidents* have fallen out to hinder the *Execution* of his *Writs*; and by those a greater Distance has been made between them. And sometimes, tho' the King has issued out his *Writs*, and there has nothing extraordinary happen'd to hinder the *Execution* of them, yet our *Archbishops*, in fact, have not presently done it; as they must, and certainly would have done, had they known or believed any thing of what is now pretended, that their *Convocations* of Right cannot sit but ONLY in TIME of *Parliament*. And for this, as the shortest Method, as well as the clearest, in this Case, I shall referr the Reader to the following Table; in which he will find the Distance of our later *Convocations*, and *Parliaments*, plainly represented to him; and in that, Dr. A's Assertions evidently confuted.

A. D.



| A. D.                 | Parliaments.                                             | Convocations.                                                                                                                                          | Difference.                                                                                                  |
|-----------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1509.<br>K. Hen VIII. | Parliament sate Januar. 21.                              | Convoc. Cant. Jan. 26.<br>No Convoc. of York.                                                                                                          | Five Days after the Parliament.                                                                              |
| 1511.                 | Parl. met Febr. 4.<br>Continued to April 1.              | Convoc. of York met not till April 26.                                                                                                                 | Eleven Weeks after the Parl. met.<br>Three Weeks after it was Risen.                                         |
| 1512.                 | 2d. Sess. Novemb. 4.<br>Continued to Decemb.             | Convoc. of York, January 17.<br>Contin. to Febr. 4.                                                                                                    | Ten Weeks after the Parl. began.<br>Six Weeks after it was ended.                                            |
| 1513.                 | 3d. Sess. Januar. 23.                                    | No Convocation.                                                                                                                                        |                                                                                                              |
| 1514.                 | Parl. met Febr. 5.                                       | Convoc. Cant. June 22.<br>Council. York, Jan. 22.                                                                                                      | Seven Months before the Parl. met.<br>A fortnight before it met.                                             |
| 1515.                 | Parl. met Novemb. 12.<br>Dissolved Decemb. 22.           | No Convocation of York.                                                                                                                                |                                                                                                              |
| 1516.                 |                                                          | Convoc. York, April 9.                                                                                                                                 | About 5 Months after the Parl. met.<br>Above 3 Months after it was dissolved                                 |
| 1523.                 | Parl. met Apr. 15.                                       | Convoc. Cant. Apr. 20.<br>Conv. York, March 22. 1522.                                                                                                  | Five Days after the Parl. began.<br>Three Weeks before it met.                                               |
| 1529.                 | Parl. Ended Decemb. 17.                                  | Convoc. Cant. Decemb. 24.<br>No Convoc. of York.                                                                                                       | A Week after the Parliament.                                                                                 |
| 1530.                 | Parl. met Januar. 16.<br>Continued to March 31.          | Convoc. of York, Jan. 12.<br>Sate May the 4th.                                                                                                         | Four Days before the Parl. met.<br>Five Weeks after it was ended.                                            |
| 1531.                 | Parliament met January 15.                               | Convoc. of York, Febr. 7.                                                                                                                              | Above three Weeks after the Parliam.                                                                         |
| 1533.                 | Parliament ended March 30.                               | Conv. of York sate May 5. 1534.                                                                                                                        | Five Weeks after the Parl. was Risen.                                                                        |
| 1534.                 | Parl. ended Decemb. 18.                                  | Convoc. of York sate till (at least) Febr. 3.                                                                                                          | Seven Weeks after the Parl. was Risen                                                                        |
| 1539.                 | Parl. met Apr. 28.                                       | The Convocations May 2.                                                                                                                                | Four Days after the Parliament.                                                                              |
| 1540.                 | Parl. dissolved Jul. 24.                                 | Convoc. Cant. July 28.                                                                                                                                 | Four Days after the Parliament.                                                                              |
| 1541.                 | Parl. met Januar. 16.                                    | The Convocations Jan. 20.                                                                                                                              | Four Days after the Parliament.                                                                              |
| 1545.                 | Parl. sate to Decemb. 24. Was Prorogued to Nov. 4. 1546. | Conv. York sate to Feb. 25. Was Prorogued to Nov. 24. 1546.                                                                                            | Eight Weeks after the Parl. was ended<br>Three weeks after the Parl. was to meet                             |
| 1547.<br>K. Edw. VI.  | Parl. Rose Decemb. 24.                                   | Covoc. of York, Januar. 20.                                                                                                                            | Almost a Month after the Parliament                                                                          |
| 1552.                 | Parl. Dissolved Apr. 15.                                 | Convoc. of York, May 4.                                                                                                                                | Eighteen Days after the Parliament.                                                                          |
| 1553.                 | Parl. Dissolved March 31.                                | Convoc. of York granted its Subsidy, April 15.                                                                                                         | A fortnight after the Parl. had been dissolved.                                                              |
| 1553.<br>Q. Mary.     | Parl Dissolved Decemb. 6.                                | Convoc. Cant. Decemb. 13.                                                                                                                              | A Week after the Parliament.                                                                                 |
| 1554.                 | Parl. Dissolved May 5.                                   | Convoc. Cant. sate till May 11. was then Prorogued to Octob. 5. sate again May 18. 21, 25. And was Prorogued as before, by its President, to Octob. 5. | Sate almost three Weeks after the Parl. had been Dissolved : And was then Prorogued on for four Months more. |
| 1554.                 | Another Parliament Dissolved Jan. 16.                    | The Conv. Cant. continued till Jan. 26.                                                                                                                | Ten Days after the Parl. had been dissolved.                                                                 |
| 1555.                 | Parl. met Octob. 21.<br>Was Dissolved Decemb. 9.         | Convoc. York met March 4.                                                                                                                              | Above 4 Months after the Parl. began.<br>Near 3 after it was Dissolved.                                      |



| A. D.                | Parliaments                                                  | Convocations.                                                                                                                              | Difference.                                                                                                            |
|----------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1557.                | Parl. Prorogued to Nov. 5.                                   | Conv. York, to Octob. 21.<br>Conv. Cant. to Nov. 11.                                                                                       | A fortnight before the Parliament.<br>Six Days after the Parliament.                                                   |
| 1558.<br>Q. Eliz.    | Parl. met Jan. 23.                                           | Convoc. York Febr. 10.                                                                                                                     | Eighteen Days after the Parliament began.                                                                              |
| 1563.                | Parl. rose April 10.                                         | Convoc. Cant. April 14.<br>Convoc. York, April 28.                                                                                         | Four Days after the Parliament.<br>Eighteen Days after the Parliament.                                                 |
| 1566.                | Parl. dissolved, January 2.                                  | Convoc. York, Jan. 15.                                                                                                                     | Thirteen Days after the Parliament.                                                                                    |
| 1571.                | Parl. dissolved, May 29.                                     | Convoc. York met Jun. 20.                                                                                                                  | Three Weeks after the Parl. had been dissolved.                                                                        |
| 1572.                | Parl. rose June 30.                                          | Convoc. York, July 18.                                                                                                                     | Eighteen Days after the Parliament.                                                                                    |
| 1575.                | Parl. rose March 15.                                         | Convoc. York debated of their Subsidy March 23. finished it April 19.                                                                      | Five Weeks after the Parl. was risen.                                                                                  |
| 1580.                | Parl. rose March 18.                                         | Convoc. York April 7.                                                                                                                      | Almost 3 Weeks after the Parliament.                                                                                   |
| 1584.                | Parl. rose March 29.                                         | Convoc. York, April 7.                                                                                                                     | Nine Days after the Parliament.                                                                                        |
| 1586.                | Parl. dissolved March 23.                                    | Convoc. York sate, March 31. Was then prorogued to April 23.                                                                               | Eight Days after the Parl. was dissolved. Prorogued three Weeks longer.                                                |
| 1589.                | Parl. dissolved March 29.                                    | Conv. Cant. Apr. 2.<br>Conv. York, Apr. 18.                                                                                                | Four Days after the Parliament.<br>Almost three Weeks.                                                                 |
| 1593.                | Parl. dissolved April 10.                                    | Conv. York sate Apr. 20. Prorogued to May 20.                                                                                              | Ten Days after the Parl. was dissolved. Almost Six Weeks after the Parl. was dissolved.                                |
| 1601.                | Parl. dissolved Decemb. 19.                                  | Convoc. York Jan. 7.                                                                                                                       | Nineteen Days after the Parliament.                                                                                    |
| 1605.<br>K. James I. | Parl. sate Novemb. 9 and was prorogued to Jan. 21.           | Conv. Cant. sate Nov. 13. Conv York prorog. to Dec. 3. Then by vertue of a Royal Writ to the Guardians of the Spiritualties, met Febr. 10. | Four Days after the Parliament.<br>Seven weeks before the Parl. was to met.<br>Twenty Days after it met.               |
| 1606.                | Parl. began Novemb. 18. Ended July 4. 1607.                  | Conv. York began Nov. 29. Ended July 20. 1607.                                                                                             | Eleven Days after the Parl. met.<br>Sixteen Days after the Parl. ended.                                                |
| 1609.                | Parl. rose July 23.                                          | Convoc. York August 3.                                                                                                                     | Eleven Days after the Parliament.                                                                                      |
| 1610.                | Parl. dissolved Febr. 9.                                     | Convoc. York Febr. 19.                                                                                                                     | Ten Days after the Parliament.                                                                                         |
| 1614.                | Parl. dissolved June 7.                                      | Convoc. York June 15.                                                                                                                      | Eight Days after the Parliament.                                                                                       |
| 1621.                | Parl. dissolved Febr. 8.                                     | Convoc. York Febr. 27.                                                                                                                     | Nineteen Days after the Parliament.                                                                                    |
| 1624.                | Parl. rose May 29.                                           | Convoc. York June 15.                                                                                                                      | Seventeen Days after the Parliament.                                                                                   |
| 1625.<br>K. Ch. I.   | Parl. Adjourn'd July 11. to Aug. 1.                          | Convoc. York granted a Subsidy, July 21.                                                                                                   | Ten days after the Parl. was Adjourn'd: And as many before it met again.                                               |
| 1626.                | Parl. dissolved June 15.                                     | Convoc. York June 28.                                                                                                                      | Thirteen Days after the Parliament.                                                                                    |
| 1627.                | Parl. rose June 26. Parl. began Jan. 20. Dissolved March 10. | Convoc. York, July 11. Conv. York began Febr. 10. Was dissolved March 22.                                                                  | A fortnight after the Parliament.<br>Three weeks after the Parl. began.<br>Twelve days after it was dissolved.         |
| 1640.                | Parl. dissolved May 5.<br>Parl. began Novemb. 3.             | Conv. Cant. May 29. Conv. York, June 26. Conv. York by Writ to the Guard Spirit. To have met Jan. 4.                                       | Above three weeks after the Parliament.<br>Above seven weeks after the Parliament.<br>Two Months after the Parl. sate. |



| A. D.               | Parliaments.                                                                                                                                                         | Convocations.                                                                                                                                                            | Difference.                                                                                                                          |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 1660.<br>K. Ch. II. | The Convention (made a Parl.) sate from Apr. to December.                                                                                                            | No Convocation.                                                                                                                                                          |                                                                                                                                      |
| 1661.               | Parl. began May 8.<br>Parl. adjourn'd July 30.                                                                                                                       | Conv. the same Day.<br>Conv. of York sate Aug. 8.                                                                                                                        | Nine days after the Parl. rose.                                                                                                      |
| 1662.               | Parl. prorogued May 19.                                                                                                                                              | Convoc. York, June 5.                                                                                                                                                    | Seventen days after the Parliament.                                                                                                  |
| 1663.               | Parl. rose July 27.                                                                                                                                                  | Convoc. York, Aug. 7.                                                                                                                                                    | Eleven days after the Parliament.                                                                                                    |
| 1665.               | Parl. prorogued Aug. 1. to Octob. 3. Lond. Octob. 9. Oxford.<br>Sate from Octob. 9. to Oct. 30. Then prorog. to Feb. 20.<br>To April 23. 1666.<br>To Sept. 18. 1666. | Convoc. Cant. prorog Aug. 2. to Januar. 26. --- To April 24.<br>Convoc. York prorog. Aug. 2. to Aug. 18. Oct. 4. Oct. 17. Oct. 31. Nov. 15. Feb. 27. March 24. Sept. 24. | Prorogued above three Months beyond the Parliament,<br>No Conv. with the Parl. at Oxford.<br>The Conv. of York altogether Irregular. |
| 1666.               | Parl. prorogued Febr. 8. to Oct. 10. 1667.                                                                                                                           | Conv. Cant. Febr. 12.<br>Conv. York, Febr. 22.                                                                                                                           | Four days after the Parliament rose.<br>Fourteen days after the Parliament.                                                          |
| 1667.               | The Parl. met by Proclamation, July 25. and by the King's Command adjourn'd to July 29.                                                                              | The Convocat. was not Summon'd, nor did meet till Oct. 11.                                                                                                               | No Convocation called with the Parl. in July.                                                                                        |
| 1667.               | Parl. adjourn'd to Febr. 6.                                                                                                                                          | Conv. Cant. to Febr. 10.<br>Conv. York to Febr. 13.                                                                                                                      | Four days after the Parliament.<br>A Week after the Parliament.                                                                      |
| 1668.               | Parl. adjourn'd Aug. 11. to March 1.                                                                                                                                 | Conv. Cant. to Nov. 11.<br>Conv. York to Aug. 20.<br>Nov. 10. March 12.                                                                                                  | Almost four Months before the Parliament was to meet.<br>Altogether irregular.                                                       |
| 1669.               | Parl. prorog. Decemb. 11.                                                                                                                                            | Conv. Cant. Decemb. 17.<br>Conv. York Decemb. 21.                                                                                                                        | Six days after the Parliament.<br>Ten days after the Parliament.                                                                     |
| 1670.               | Parl. rose April 11.                                                                                                                                                 | Conv. Cant. April 15.<br>Conv. York May 10.                                                                                                                              | Four days after the Parliament.<br>A Month after the Parliament.                                                                     |
| 1671.               | Parl. prorog. April 22.                                                                                                                                              | Conv. Cant. April 28.                                                                                                                                                    | Six days after the Parliament.                                                                                                       |
| 1672.               | Parl. prorog. Octob. 30.                                                                                                                                             | Conv. York, Decemb. 11.                                                                                                                                                  | Almost Six Weeks after the Parliament.                                                                                               |
| 1673.               | Parl. rose March 29.                                                                                                                                                 | Conv. York, April 2.<br>Conv. Cant. April 7.                                                                                                                             | Four days after the Parliament.<br>Nine days after the Parliament.                                                                   |
| 1673.               | Parl. prorog. Novemb. 4.                                                                                                                                             | Conv. Cant. Novemb. 11.<br>Conv. York, Decemb. 3.                                                                                                                        | A Week after the Parliament.<br>A Month after the Parliament.                                                                        |
| 1673                | Parl. sate from January 7. to February 24.<br>Was prorogued to Nov. 10.                                                                                              | Conv. Cant. rose Febr. 27.<br>Conv. York on Jan. 8. was prorog. to the same day twelvemonth. 1674.                                                                       | Three days after the Parliament.<br>No Session; but all Irregular.                                                                   |
| 1675.               | Parl. rose June 9.                                                                                                                                                   | Conv. Cant. June 12.<br>Conv. York, July 22.                                                                                                                             | Three days after the Parliament.<br>Six Weeks after the Parliament.                                                                  |
| 1675                | Parl prorog. Novemb. 22.                                                                                                                                             | Conv. Cant. Decemb. 4.                                                                                                                                                   | Twelve days after the Parliament.                                                                                                    |
| 1676.<br>1677.      | Parl. sate Febr. 15.<br>Contin. to Apr. 16. 1677.<br>Was adjourn'd to May 21. and sate till the 28.<br>Then was continued to July 16. Decemb. 3. Jan. 15. Jan. 28.   | Conv. Cant. prorog. Apr. 19.<br>Was prorog. June 6.<br>Conv. of York, met Feb. 16. and was at once prorog. to Febr. 16. the next Year.                                   | Three days after the Parliament.<br>Nine days after the Parliament.<br>Passed over two whole Sessions of Parliament.                 |



| A. D. | Parliaments.                                                                                                                                                                                                          | Convocations.                                                                                                                                                                                                | Difference.                                                                                                                                                                                                                                  |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1678. | Parl. sate Jan. 28. 1677. to May 13.<br>Was prorogued to May 23. and then sate to July 15.<br>Was prorogued to Aug. 1. Aug. 29. Octob. 1.<br><br>Prorogued Decemb. 30.<br><br>Jan. 24. was dissolved by Proclamation. | Conv. Cant. sate till July 18.<br>Conv. York met by Anticipation, July 29.<br><br>Conv. Cant. prorogued to Octob. 4.<br><br>Conv. Cant. Continued till Febr. 12. And, Was then dissolved by the King's Writ. | Three days after the Parliament.<br>A fortnight after the Parl. was risen.<br><br>Three days after the Parliament.<br><br>Sate fourty days after the Parl. was prorogued.<br>Was dissolved nineteen days after the Parl. had been dissolved. |
| 1678. | Parl. met March. 6.                                                                                                                                                                                                   | Conv. Cant. Apr. 3.<br>Conv. York, May 3.                                                                                                                                                                    | A Month after the Parl. began.<br>Two Months after the Parl. began.                                                                                                                                                                          |

Sect. 111.

And thus have I done with Dr. A's last Argument drawn from *Custom*; and shewn it to be neither sufficient to destroy the *King's Prerogative*, supposing it to have stood so as he pretends it has; and to have such manifest *Defects in Point of Fact*, as utterly take off all the force of it.

Dr. A. affirms, that the two *Convocations* have a *Right to Meet, Sit, and Act*, with every *Parliament*: That this they have constantly done ever since the Time of King *Henry the viii<sup>th</sup>*; and thereby have acquired the *Authority of Custom*, as well as they have always had the *Law of our Constitution*, to entitle them thereunto. But in *Fact* it appears, that since the Time of King *Henry the viii<sup>th</sup>*, several *Parliaments* have been assembled, and no *Convocation* at all has sate with them: With Others, One of the *Convocations* only has been held; and very often, when Both have been summon'd, yet (the Case of Subsidies excepted, which now is out of doors) little or no Business has been done, or so much as attempted to be done, by either of them.

<sup>1</sup> Rights, &c.  
pag. 48.

Dr. A. asserts, 'That the *Dates* of King *Henry the viii<sup>th</sup>'s Convocations* have been all One, or a few Days before or after, if not altogether the same with, Those of his *Parliaments*. To pass by the odd Contradictory Terms of this Proposition, 'tis in Matter of *Fact* intirely false; and from the foregoing History appears plainly so to be. In 1511 the *Parliament* met, February the 4<sup>th</sup>: The *Convocation* of York sate not till April the 26<sup>th</sup>. In 1512, the *Parliament* Assembled November the 4<sup>th</sup>: The *Convocation* of York, January the 17<sup>th</sup>. In 1514, the *Convocation* of Canterbury met June the 22<sup>d</sup>: That of York, January the 22<sup>d</sup>; the One Seven Months, the Other a Fortnight before the *Parliament* was held. In 1515, the *Parliament* sate November the 12<sup>th</sup>: The *Convocation* of York, April the 9<sup>th</sup>. In 1523, the *Convocation* of York met March the 22<sup>d</sup>: The *Parliament*, April the 20<sup>th</sup>. In 1531, the *Parliament* came together, January the 15<sup>th</sup>; the *Convocation* of York the 7<sup>th</sup> of February following.

<sup>1</sup> Rights, &c.  
p. 48, 49.  
Comp. p 68,  
&c.

Dr. A. says, 'That from the 1<sup>st</sup> of Edward the vi<sup>th</sup>, the *Convocations* have met always, and parted, within a Day of the *Parliament*: That there have been no Deviations from this Rule, except in a Legantine Synod or two, (which are no *Presidents*) and Once in the *Convocation* of 1640: But that Experiment succeeded too ill to be ever try'd a second time. But the foregoing History sufficiently shews the Rashness of this Assertion. In 1555, the *Convocation* of York met four Months after the *Parliament* began; and almost three after it was Dissolved. In 1558, the same *Convocation* assembled Eighteen Days after the *Parliament*. In 1605, it met twenty Days; in 1606, eleven; in 1627, three Weeks after it. In 1678, the *Convocation* of Canterbury began a Month after the *Parliament*; that of York a Month later still.

The Case is the same as to their *Rising*, that it was for their *Sitting*. In 1547, the *Parliament* rose December the 24<sup>th</sup>: The *Convocation* of York near a Month after it. In 1552, the *Parliament* was dissolved April the 15<sup>th</sup>: The *Convocation* of York continued till May the 4<sup>th</sup>. In 1553, the *Parliament* was dissolved March the 31<sup>st</sup>: The *Convocation* of York granted not its Subsidy till the 15<sup>th</sup> of April following. The same Year a second *Parliament* met, and was dissolved December the 6<sup>th</sup>: But the *Convocation* of York went on till the 13<sup>th</sup>. In 1554, the



the *Parliament* was dissolved *May* the 5<sup>th</sup>: The *Convocation* of *Canterbury* fate till *May* the 25<sup>th</sup>, and was then only prorogued till the *October* following. The same Year another *Parliament* was dissolved, *January* the 16<sup>th</sup>: The *Convocation* of *Canterbury* fate till the 26<sup>th</sup> of the same Month. In 1555, the *Parliament* was dissolved *December* the 9<sup>th</sup>: But the *Convocation* of *York* met not till the 4<sup>th</sup> of *March* after. In 1563, the *Parliament* rose *April* the 10<sup>th</sup>: The *Convocation* of *York*, *April* the 28<sup>th</sup>. In 1566, the *Parliament* was dissolved *January* the 2<sup>d</sup>; the same *Convocation*, *January* the 15<sup>th</sup>. In 1571, the *Parliament* was dissolved *May* the 29<sup>th</sup>: The *Convocation* of *York* fate *June* the 20<sup>th</sup>. In 1572, the *Parliament* rose *June* the 30<sup>th</sup>: The *Convocation* of *York*, *July* the 18<sup>th</sup>. In 1575 the *Parliament* ended, *March* the 15<sup>th</sup>: The *Convocation* of *York* granted its Subsidy *April* the 19<sup>th</sup>. To pass by the *Parliaments* of *King James* and *King Charles* the 1<sup>st</sup>: The long *Parliament* of *King Charles* the 1<sup>st</sup> was within our Memories, dissolved *January* the 24<sup>th</sup>, 1678: Yet the *Convocation* of *Canterbury* went on till *February* the 12<sup>th</sup>, nineteen Days after the Other was concluded.

As for the Case of the *Convocations* of 1640, I have before shewn that the *House of Commons*, violent as it was against them for what they did, yet pass'd no Censure upon them for the Time at which they did it. By Dr. A's Rights, &c. Leave, their Sitting after the *Parliament* was Dissolved produced not One Vote; p. 216. tho' some of the warmer Members were not wanting in their Reflections upon them, in this respect, as well as in Others. And I am so far from passing over this Instance, as any way contrary to my Assertion, that I insist upon it, as an evident Testimony of the Sense even of that *Parliament* against Dr. A. in this Particular. For had they thought their Continuance so great a Violation of the Rules of our Government, and Constitution, as he pretends, we may be sure we should have heard sufficiently of it: And I will venture to conclude, that they therefore only pass'd by this Circumstance, and condemn'd neither Them, nor their Canons, upon this Account; because they saw there was no sufficient Ground in it, on which to build any legal Charge against either.

Whereas therefore Dr. A. (to proceed this one Step farther in the Recapitulation of his Paradoxes) affirms, that the *Convocations* are so tied up to the Time of the *Parliament's* Sitting, that they cannot legally meet but when that Great Council is Assembled; I affirm this to be Erroneous, both in Law and Fact: Our *Convocations* have always been wont to sit at any time that the King has pleased to appoint for Them; and that tho' the *Parliament* has been Prorogued or Dissolved; as by a multitude of Instances, even within this last Period, I have now shewn.

The only thing that may seem to admit of a Doubt, is their Right to Act in their State-Capacity, after the State-Council is risen. And even that too do's not want sufficient Presidents to justify it. In 1553, the *Parliament* was dissolved *March* the 31<sup>st</sup>: Yet the Clergy granted their Subsidy, *April* the 15<sup>th</sup>. So they did again in 1575. The *Parliament* rose *March* the 15<sup>th</sup>: The Clergy began to debate of their Subsidy, *March* the 23<sup>d</sup>; and concluded it not till the 19<sup>th</sup> of *April* following. Nay, in the Reign of *King Charles* the 1<sup>st</sup>, the *Parliament* of 1625, was adjourn'd by the King from *London*, *July* the 11<sup>th</sup>, to meet at *Oxford*, *August* the 1<sup>st</sup>. Yet in the very middle of this Interval the *York Clergy* granted their Subsidy, *July* the 21<sup>st</sup>, ten Days after the *Parliament* had been Adjourn'd; and as many before it was to meet again.

But I insist too long upon these Remarks: I shall close up all with a brief Consideration of the present *Parliament*, which, were Men willing to be convinced, might alone suffice, to shew the Falseness of Dr. A's Principles in this Particular.

Among the other Provisions which were made by his late Majesty for the Peace and Safety of the Realm, that Statute was not the least by which it was ordered, that the *Parliament* should continue to sit for six Months after his Demise, and not be Dissolved, as otherwise it would have been, by his Death. By Vertue of this Act the present *Parliament* has continued in the State in which it before was, for these two Months last past; and is by no One doubted, to be the Complete, Legal *Parliament*, of this Kingdom.

But in that Statute by which the *Parliament* was thus continued, no Provision was made for the *Convocations* to sit on with it. They were left to fall with the Prince, by whose Authority the Archbishops had called them: And accordingly, they have in Fact been Dissolved all this while, tho' the *Parliament* has gone on to Sit and Act as before.



If by the *Law* of our *Constitution*, the *Convocations* be an *Essential* part of the *Parliament*; and as such ought *always*, by the same *Law*, to sit together with it, as *Dr. A.* pretends; then we must conclude, that this *Parliament* has sate all this while in an *imperfect State*; and by thus *sitting* and *acting* alone, by its self, has broken the *Legal Constitution* of our *Government*. An Assertion, I think, of a very bold and criminal nature; and such as no One who understands himself, and has that due Regard he ought to have for the Wisdom and Justice of her *Majesty*, her *Council*, and that *Great* and *Honourable Body*, will presume to own.

But if without any Injury to the *Rights* of the *Church*, or to the *Laws* of our *Constitution*, this *Parliament* has continued, and do's still continue, to sit, and do its proper Business, under her *Sacred Majesty's Authority*, tho' the *Convocations* are both *Dissolved*; Then must I be Allow'd to affirm no more, than what the whole *Representative Body* of the *Realm* in this *Parliament* Assembled, do in their *Actions* plainly speak to us; that the *Provincial Convocations* of *Canterbury* and *York*, Called by Authority of the *Provincial Writs*, directed to their *Respective Archbishops* and *Presidents*, are no *Essential Members* of the *Parliament* of *England*; nor have any Right, by the *Rules* of our *Constitution*, to *Sit Always* in time of *Parliament*; but may, upon good and just Grounds, be either not *Summon'd*, or be *Prorogued* from time to time, without entring on any *Business*; nay, or even be *Dissolved* (as now they are) and the *Parliament* nevertheless lawfully continue to *Meet*, and *Act*, without them.

## C H A P. X.

*The Other General Question, concerning the Right of the Convocation to TREAT of Canons and Constitutions, without the Assent or License of the Prince, Proposed, and Stated. My Opinion Confirmed: Dr. A's Exceptions against it Examined and Answered.*

Sect. 1.

FROM the *First General Question* proposed to be discussed between *Dr. A.* and my self, concerning the *Right* of the *Convocations* to be *Summon'd* and *Sit* with every *Parliament*; I proceed to the *Second*, which relates to their *Power* of *Acting*, without any *License* from the *Prince* so to do. Now this being a Case which depends upon the *Authority* of an *Act* of *Parliament*, and the *Practice* of our *Princes* and *Convocations* thereupon, will admit of a much shorter, if not of a clearer Issue, than the foregoing. And that I may pursue it with all the Plainness I can, I will take this Method in the handling of it; First, I will state my Own, and *Dr. A's Opinion*, of this Matter: And having done this, I will, in the next place, proceed to offer such Reasons as still move me to adhere to my former *Resolution* of this Point; and to vindicate them from those *Exceptions* which *Dr. A.* has thought fit to bring against them.

I.

Sect. 2.  
<sup>1</sup> Authority,  
 &c. p. 108.  
<sup>2</sup> Coke xii Re-  
 port, pag. 72.

<sup>3</sup> Authority,  
 &c. p. 109.

\* Ibid. &  
 p. 110.

As for my Own Opinion in this Case, (if yet I may presume to call it my Own) 'I deliver'd it in the Words of the two Chief Justices, and other Justices, at a Committee before the Lords, 8 Jacob. I. Where having first resolv'd, " <sup>2</sup> That a Convocation cannot Assemble at their Convocation without the Assent of the King: They, in the next place, declar'd, to the Intent of the Matter now in debate, " That after their Assembly, they cannot CONFER to CONSTITUTE any CANONS without License de l' Roy. This those Learned Men founded upon the 25 H. 8. c. 19. " <sup>3</sup> The Design of which being to restrain the Clergy from doing somewhat which they had been wont to do in their Convocation, must take in as well their Making as their Promulging and Executing any Provincial Canons, or Constitutions; and restrain them from the One as well as from the Other.

To state this Matter more particularly; Having thus, in the General, shewn what the Design of that Act was, <sup>4</sup> I proceeded, in the next Section, to distinguish between *Debating*, or *Consulting*, of Other Matters, and in order to Other Ends; and *Conferring* to make *Provincial Canons*, or *Constitutions*: And declared my Opinion in behalf of the *Convocation*, that notwithstanding this Statute, the Clergy



Clergy may still *Do* the *One*, tho' they are forbidden to *Attempt* the *Other*. "Whether the *Convocation* may not, without the King's License, deliberate of such things as may be fit to be done by them for the Service of the Church, I shall not undertake to say. Certain it is, that they may not *so Deliberate as to come to any Authoritative Resolutions*, or to *FRAME* any *ORDER* or *CONSTITUTION*, of what kind soever it be, *without the King's Leave*.— To deliberate of what might usefully be Consider'd by them, and to *Petition* the *King* thereupon for *Leave* so to *Do*; This, as it is no *ATTEMPTING* To *MAKE* A *CANON*, &c. so do's it not, I conceive, come within the Design of that *Prohibition* which this *Act* has laid upon them. And if the *King* allows the *Convocation* to *Sit*, I do not see wherein they would transgress in framing such an *Address*, supposing that his *Commission* had not before prevented all Occasion for such an Application. But then still this is but *asking Leave* to *act* as a *Synod*; and it will, after all, remain in the King's Breast what Answer to make to such a Request; and whether he will grant them that *Leave* which they desire, or no. As therefore the *Convocation* cannot meet, but by the *King's Writ*; so neither, being met, can they proceed to any *Canonical Debates*, or *Resolutions*, without it. For by virtue of this *Act*, they are forbid not only to *Make*, but to *Attempt*; that is (as I understand it) to *Do* any thing that tends towards the *Making of any Canons*, without his Warrant for their doing of it. All which I elsewhere thus briefly sum up to the same effect: "So that now then, to state this other *Point* aright, the Question betwixt us is this; Whether the *Laws* and *Customs* of this *Realm* have not restrain'd the *Clergy* from *Entering* on any *Synodical Debates*, in *ORDER* to the *MAKING* of any *CANONS*, or *CONSTITUTIONS*, without the special *License* of the *King* first had, to warrant Them so to *Do*?"

But tho' this therefore might suffice, to shew what my Opinion in this Case was, and thereby to Cut off a Great Part of Dr. A's *Exceptions* against it; Yet to avoid, if it may be, all possible Mistakes, or Misrepresentations of it hereafter, I will here beg leave to give a more full, and distinct, Account of my sense in this Particular.

I have before, I think, very fully shewn, that the *Convocations* of the *Clergy*, Call'd by Authority of the *King's Writ*, were Originally *Assembled* for *State-Purposes*, not for *Spiritual* or *Ecclesiastical Affairs*. That accordingly they were, in many Circumstances, Essentially different from the *Provincial Councils* of the *Church of England*; and particularly in this, that the *One* were Call'd by the sole Authority of their Respective *Archbishops*, and for a long time consisted only of the *Provincial Bishops*, and *Prelates*: The *Lower Clergy* being not for several hundreds of Years either *Summon'd* to them, or accounted any *Necessary* or *Canonical Part* of them. But as in all humane Constitutions many Changes and Alterations gradually come in; so in process of time, a Confusion ensued in these *Assemblies* also. And that by this means; that the *Bishops*, and *Prelats*, and *Clergy*, being frequently obliged to meet together for the *Affairs* of the *State*, in *Convocation*; our *Metropolitans* took the Opportunity, for the Ease of their *Clergy*, to empower or permit them, to *Act*, at the same time, in their *Ecclesiastical Capacities*; and to proceed at once, both as a *Council*, and as a *Convocation*. This, as far as I can observe, was first begun by Archbishop Courtney, in the *Convocation* at Oxford, Anno 1382; and was become the *Common Practice* at the time that this *Statute*, of the *Submission* of the *Clergy*, was made.

King Henry the VIII<sup>th</sup> being resolved to tie up the Hands of the *Clergy*, that so they might not be in a Condition of making any considerable Opposition to his Designs; in the first Place, by the Latitude of the Word *Convocation*, (which was now indifferently applied to any kind of *Synodical Meeting* of the *Clergy*) restrained them from *Assembling* by any *Ecclesiastical Summons*, without the Authority of the *King's Writ*; and thereby secured himself, that not only no *State Convocations*, but no *Provincial Councils*, should be held against his Consent. But because it would be necessary for him to Call the *Clergy* to *Convocation*, in order to the raising of those *Subsidies* upon them there, which they had not yet been accustom'd to Grant elsewhere; and that being Met in *Convocation* by his *Writ*, they might there proceed, by the Consent and Authority of their *Metropolitan*, to *Act Synodically*, without any leave granted to them by Himself so to do;



do; therefore to secure himself against any Danger on this side too, it was farther Provided that they should not from thenceforth *Attempt*, or *Make*, any *Canons* or *Constitutions Provincial*, without the *King's most Royal Assent and License*, as well to *Make*, as to *Promulge* and *Execute* the same. So that now the *Clergy* being come together in one Capacity, by Vertue of the *King's Writ*, could not (as before they might have done) by the Sole Permission of their *Archbishop*, without any *Assent* or *Authority* from the *King*, proceed to *Act* in Another; but must as well have his *Licence to Make Canons*, when *Assembled in Convocation*; as his *Writ*, to *Authorize the Metropolitan to Assemble* them there.

Now this being the true design of that Prince in laying such a *Restraint* upon the *Clergy*, and what his *Parliament*, as well as *Himself*, aimed at in the *Statute* which they made to this effect; the Case of the *Convocation*, with respect to their *Power of Acting*, I take to be plainly this: That being *Call'd* by the *King's Writ* to *Assemble* in their *State Capacity*; (as both the Words of it import, and the Continuance of the like *Form of Summons* now, by which they had been wont to be *Assembled* under that *Capacity* heretofore, do plainly shew) They are by that *Writ* empower'd, not only to *meet*, according to the *Mandate* of their *Metropolitan* issued out thereupon; but, being *met*, are *Authorized* freely to *Act* in that *Capacity*, without any other *Restraint* than that One, of not being any longer at *Liberty* to enforce their *Subsidies* by *Ecclesiastical Censures*; which, indeed, from thenceforth they could not do, because they were by this *Act* generally *Restrained* from making any *Canons* or *Constitutions Provincial*, or *Synodical*, without the *King's Licence*; and no *Exception*, or *Provision* was made, for a *Liberty* to do that in this *One Case*, which they might not do in any other besides.

Accordingly, whilst they continued to grant their own Money, they had no need of any *License*, either to *Debate* of, or to come to a final *Resolution* upon, any *Subsidies* for the *Government*. They *Granted* them freely as before; and drew up their *Grants* into a solemn *Instrument*; and by their *President* offer'd it, under his *Metropolitcal Seal*, to the *King* for his *Acceptance*.

If they had any *Addresses* to *make*, or any *Petitions* to *Present* to the *Bishops*, the *Parliament*, or the *Prince*; they had, and still have, a full *Liberty* to *Make*, and to *Offer* them. And, as before, if they saw it needful, to proceed to any proper *Synodical Debates*, in order to the *Regulating* of any thing that might be wanting in the *Doctrine*, or *Discipline*, of the *Church*; They had an undoubted *Right* to draw up their *Requests* to their *Archbishop* and *Bishops* for *Leave*, or *Directions* to proceed upon it, so, I do humbly conceive, they may do the same now: Only with this *Difference*, That their *Petition* must now run, not for *THEIR Leave*, or *Consent*, (who are no longer able to grant them any) but that they would obtain the *Princes Assent and License*, who alone, since this *Act*, can *Authorize* them in this *Particular*.

Sect. 4.

And here, if I mistake not, the *Power* of the *Convocation*, as such, *Determines*. If they mean to proceed any farther, and to *Confer*, not in Order to a *Petition* for a *License*, but (as the *Judges* well express'd it) to *Constitute Canons*, they must first qualify themselves for such *Conference*, by the *King's License*; or they will come within the *Penalty* of that *Statute* which prohibits any such *Attempt*. But such a *License* being obtain'd, They are thereby made a *Council*, as well as a *Convocation*; and from thenceforth may *Act* within the *Bounds* of such their *License*, as securely in that *Capacity*, as by their *Writ of Summons* They had *Authority* to proceed in their *Other*.

Here therefore it is, that I account a *License* to be *Necessary*: Not to enable them to *Consider* of their *Civil Grievances*, or to *Petition* against them; Not to *make* any *Addresses* to the *Prince*, whether of *Request* for his future *Protection*, or of *Thanks* for his *past Favours*; Not to *Grant Subsidies* (had they still reserved to themselves the great *Right* and *Privilege* of *Granting* them;) No, nor yet to *Deliberate* of *Ecclesiastical Matters*, provided it be only in order to *Petition* their *Prelates*, and *Primate*; and by them their *Prince*, for a *License* to proceed farther, according to the *Statute* 25 H. 8. c. 19. But to *CONFER* to *MAKE CANONS*; to *ATTEMPT* any such thing; to *ALLEDGE* or *CLAIM* any such *Right* or *Power*, as still remaining to them; to *put* any such *Power* in *Ure*, and thereby to *MAKE*, *PROMULGE*, or *EXECUTE* any *Canons* by their *Own Authority*; This, and every part of this, I conceive, is now *forbidden*; nor may the *Clergy*,



Clergy, without the *Royal Licence*, PRESUME to enter upon any such *Debates*.

But what sort of Licence is it, that the *Statute* do's require to Qualify the *Convocation* to proceed with safety to make *Canons*? Must it be a *solemn Instrument* under the *Great Seal* of *England*? Or will a *Verbal Message* sent by the *Prince* to the *Clergy*, suffice to indemnify them in this Case? In answer to this; It must, in the first place, be Confessed, that herein the *Statute* determines nothing expressly: It only says, *That the King's most Royal Assent and License must to Them be had*; and this is afterwards called his *most Royal Assent and Authority in that behalf*. And therefore the *Prince* being herein left at Liberty to Signify his Assent, and to Grant his *Authority* in such manner as he pleases; I do not see but that if the *Convocation* be satisfied its self, and can, upon Occasion, make a *Legal Proof* to Others, that the *Prince* did give his *Royal Assent* to their *Proceedings*; howsoever it be communicated to them, it ought to indemnify them in Acting upon it, tho' it should not be in the Way of a *Formal License in Writing*.

Seet. 5.

And accordingly, at the beginning, the *King's Assent* may, for ought I know, have been Convey'd, by word of Mouth, to the *Clergy*; first by his *Vicar General*; after that by the *Archbishop*, who sometimes signified his *Royal Pleasure* to them. But it was not long before a more *Solemn*, and *Secure Method* was introduced; and that, as seems most probable, at the desire of the *Clergy* Themselves: Who knowing the danger of the Times in which they lived, and having once felt the smart of falling under a *Premunire*, were desirous to Proceed upon as sure Grounds as they could; and to have the *License* upon which they Acted, Granted to them in so full, and evident a mannner, as might take off all suspicion of Doubt, or Mistake, in their Acting upon it. This I am sure was the Case of the *Lower House* of *Convocation*, in the 1st of *King Edward* the VIth; and might possibly have been the Practice of some Other *Convocations* before.

In the mean time, those who the most oppose these kind of *Licenses* in *Writing* under the *Great Seal* of *England*, yet cannot deny them to have been the constant Usage for the last Hundred Years: And that, I think, is enough to warrant me, to say thus much, (which is all I shall say as to this Circumstance) That if any Other kind of Signification of the *Princes Assent*, and *Authority*, might in strictness of *Law* suffice to Justify the *Proceedings* of the *Convocation*, (which I shall neither affirm, nor deny) yet to be sure this must be the most secure: And therefore it will be most advisable for the *Clergy*, who have so much to hazard, should they chance to be mistaken, to go upon safe Grounds; and not to venture to Act, on any lesser, or more doubtful Authority, than that upon which their Predecessors have Acted, for, at least, an Age before them.

Having thus plainly stated my Opinion in this Particular; It will now be time to see how far *Dr. A.* agrees with me in it; and wherein the true difference between us do's consist. As for the terms in which he proposes this second Question, they are too loose, and mystical, to let us into his Sense of it.

Seet. 6.

His Definition of this *Right* of the *Clergy* runs thus: "A Right of Treating and Rights, &c.

"Deliberating about such Affairs as lie within their Proper Sphere; and of Coming P. 2, 78.

"to fit Resolutions upon them; without being necessitated antecedently to Qualify Themselves for such Acts, and Debates, by a License under the Broad Seal of England. A pompous Description, full of bigg Words, which Signify nothing at all: To every part of which I am ready to subscribe, and yet am far from believing, what *Dr. A.* pretends, to be the *Right* of the *Clergy* in this Case.

To come therefore a little more closely to the Point: And here in the first place, *Dr. A.* very seriously assures Us, "That the *Clergy* are not, by the

Ibid. p. 79

"Statute of *King H. 8.* tied up Altogether from Acting Synodically. That the

"Convocation, however under a Restraint by that Act, is not become such a

"lifeless Body, as to have neither Sense nor Motion till animated by a Second

"Royal Command. Unquestionably, and according to Common Opinion and

"Practice, they have, even since this Statute, in vertue of the Writ by which

"they meet, a Liberty of Addressing, as they shall see cause, either with Thanks

"or Requests, or other proper Representations. I am clearly of his Opini-

on, and have freely own'd it to be my Sense. If he knows of Any that have ei-

ther Spoken, or Written otherwise, let him press it as Home as he Pleases upon Them.

B b b b

"But



Ibid.

" But it is presumed also, that they may go a great deal farther ; and that there is nothing ( *in that Act* ) which hinders them even from *Devising* and *Framing* the *Draught* of a Canon, so it be done only in a preparatory Way, and with *Submission* to the *Royal Enacting Authority*. Here therefore it is, that Dr. A. both *Expounds*, and *Limits*, those Loose and Mystical Terms, which were so very hard to be Understood before. " The Right of *treating* and *deliberating* about such *Affairs* as lie within their proper *Sphere*, and of *Coming* to *fit Resolutions* upon them, without being necessitated antecedently to qualify themselves for such *Acts* and *Debates* by a *Royal License* ; is a Right of *Devising* and *Framing* the *Draught* of any Canon, at their own *Pleasure*, and by their own *Authority*, without any *Licence* from the *Prince* so to do.

Rights, &c.  
p. 98, 99.

" As for the *Limitation* ( and the only one it is ) that he puts upon their Power in this Case, so it be done only in a *Preparatory Way*, and with *Submission* to the *Royal Enacting Authority* ; He thus interprets his own Meaning in it. " The Statute ( as far as it relates to the Power of the Clergy in Convocation ) plainly implies no more than that *Canons* should not from thenceforth *Pass*, and become *Obligatory*, without the *King's Leave*, and *Authority*, given in that behalf : Without his *Leave*, which was requisite to their *Passing* ; and his *Authority*, which was afterwards to *Ratify*, and *Give 'em Force*.

But what Do's Dr. A. mean by *Passing* ? Or, What is that *Passing* of *Canons* to which he allows the *King's Leave* to be Requisite ? He will tell us that too. 'Tis not in Order to their *Passing* of *Either*, or *Both*, the *Houses of Convocation*. ( For that they may do without the *King's leave* : ) But 'tis in order to the *Archbishops Passing*, or *Ratifying* of them ; for which *He*, indeed, needs the *King's License*, tho' the *Clergy* do not. Let us take it in his own Words :

Ibid. p. 99.

" The 25th of H. 8. has not in the least Altered the Law of Convocations, in Relation to Any of the Powers, or Privileges, of the Inferior Clergy. They can still freely Consult and Debate, Petition or Represent ; propose the Matter, or Form of New-Canons ; and consider about the Inforcing, or Abrogating Old ones : In a Word, Act in All Instances, and to All Degrees, as they Could before the passing of that Statute. Indeed, my Lord Archbishop's Hands are tied by it : For He cannot now Call a Convocation without the *King's Writ*, which before this Act he might, and in Elder times, frequently did. He cannot now Enact and Constitute any thing by his Own Authority. --- He must before he Passes any Act of the two Houses, have the *King's Assent* to it. And after it is Passed, there must be the *King's License* also to Promulge and Execute it. But the Powers and Privileges of All the Other Members of Convocation continue WHOLE and INTIRE to 'em, notwithstanding this Statute.

Sec. 7.

And here now, One would think, We might venture roundly to State Dr. A's Opinion in this Case ; and Affirm it to be plainly this, That by the Clergy of the Realm of England, spoken of in that Statute, as Submitting Themselves to the *King's Majesty*, and promising, in *verbo Sacerdotii*, that they would never from thenceforth presume to Attempt, Alledge, Claim, or Put in ure, or to Enact, Promulge, or Execute any New-Canons, unless his most Royal Assent and License might to them be had, to Make, Promulge, and Execute the same ; We are to understand ( tho' by a pretty hard Cataphoresis ) the Two Archbishops ; who, by virtue of this Act, Alone are limited in their antient Power, both of Calling their Respective Synods, and of Acting in them : Whilst All the Other Members of Convocation, and particularly the Inferior Clergy, have their Powers and Privileges continued Whole and Intire to 'em, and may Act not only in All Instances, but to All Degrees, as they Could have done before the passing of that Statute.

But no ; Dr. A's Meaning is not so easily to be fathomed : For when he comes to Summ up his Opinion, in the very same Chapter, I find the Case is alter'd ; and the Powers and Privileges even of the Other Members of the Convocation, to be very different with him now, from what they were before the passing of that Statute. His State of this Point, as it stands there, is this.

Rights, &c.  
p. 113, 114.

" That the CLERGY COMMONERS being Assembled ( in Convocation ) had Antiently a Right of Framing Canons, and doing several Synodical Acts ( not inconsistent with the Law of their Country ) without expecting the Prince's Leave for entering on such Debates, or Making such Decrees.

" The 25 H. 8. c. 19. has not in the least infringed this Right, as far as the LOWER CLERGY are concerned in it.

That



“ That the *Limitations* there made to the Exercise of it CHIEFLY (He should have said ONLY) concern the *Archbishop* of either *Province*: Who is now restrained, as from Calling a *Convocation* without the *King's Writ*, so from *Passing* or *Ratifying* any *Canon*, without the *Royal Licence*; and from *Pro-mulging* the same by his *Own Authority*.

“ That the *Inferior Clergy* are no otherwise concern'd, than to take Care that they give their *Consent* to no *Canons* framed by *Themselves*, or sent from the *Upper House*, otherwise than with *Submission* to the *Royal Pleasure*; if the *King's Licence*, and *Assent* be not before Obtain'd.

“ That they are therefore left intirely at their *Liberty* to *Confer* and *Deliberate*, even about *New Canons*, and also to *Devise*, *Frame*, and *Offer* them to the *Upper House*, if with a *Protestation Annexed*, that they are neither *Intended*, nor *Desir'd* to be *Enacted*, without the *King's Licence*.

So that now then it appears, that even the *Inferior Clergy* are thus far affected by that *Act*; that if *They Pass*, or *Consent* to any *Canons*, without the *King's Licence* first Obtained by them in that particular; they must Do it with a *Protestation Annexed*, that they do not thereby intend to give any *Force* to them, unless the *King* shall think fit to *Approve* and *Confirm* them. And whatsoever *Dr. A.* may fancy, I take This to be some, and that a very great *Limitation* of the *Clergy's Power*; whom yet he before Affirm'd to be still at *Liberty* to *Act* in *All Instances*, nay, and to *All Degrees*, as they could have done before the *Passing* of that *Statute*.

And this even *Dr. A.* himself, thinks to be of so Great a Consequence, as to make up, indeed, the whole of what is really Intended by those *Licenses*, which since 1603, have been constantly granted to our *Convocations* in these Cases; as far as the *Clergy* are concerned in them. For tho' in the *License*, there is a great deal more Expressed, yet this he takes to be That for which alone the *Clergy* either truly needed them, or did intend to Do by vertue of them. Thus speaking of the *License* of 1603, he tells us, That “ it is not a bare *Li-* Rights, &c.  
“ *cense* to *Treat* that is there granted, but beyond this (as the Words run) a *full, free, and lawful Liberty, License, Power, and Authority, to Confer, Treat, Debate, Consider, Consult and Agree of, and upon, such Canons, Orders, &c.* *Now* tho' a *License* to *Debate* of *Canons*, was not necessary, according to the *Act*, yet a *License* to *Agree* upon them, might be judged necessary;— being liable to be construed to a Sense Equivalent to *Enacting*, or *Making* of Them; which, without the *Royal Assent*, and *License*, They (the *Clergy*) were by the *Act* expressly prohibited to Do. The same I find him repeating in several other Parts of his Discourse upon this Point; and from All together Conclude, that, according to his *Opinion*, tho' the *CLERGY* may, without a *License*, *Debate* upon *Canons*, yet They may not come to an *Agreement* upon them; Or, at least, not without a *Solemn Protestation* made, at the same time, that by such their *Agreeing* to Them, they neither *Intend*, nor *Desire*, to *Enact* them, without the *King's Licence*.

Whereas therefore, in the *Enacting* of a *Canon*, these several Steps may be consider'd; \* That the *Bishops* and *Clergy* in *Convocation*, may first, in general, *Debate* of such *Matters* as may be fit to be *Canonically Establish'd* by them: \* Then *Resolve* to frame a *Canon*, or *Canons*, upon them; and having so done, may in the next place proceed \* to appoint some *Person*, or *Committee*, to draw up the *Form* of a *Canon*, to be presented to, and consider'd of by the two *Houses*; And lastly, having, upon *Debate*, agreed to the *Form* so drawn up, may finally \* *Conclude* upon, and *pass* the same, as the last *Act* of the *Convocation* in this Case: My *Opinion* is, that supposing them thus to begin to *Debate* at first, in order to the *Enacting* of a *Canon*, or *Constitution*, (which the *Judges* rightly call *Conferring* to *Constitute*) and not in order to *Petition* the *Prince* for his *License* so to Do; They do, by the *Statute* of the 25th of *H. 8. cap. 19.* need a *License* in every Step that they take, from the *First* to the *Last*: Whereas *Dr. A.* affirms, that they need it only for the last *Conclusive Vote*; when they come finally to *Agree* upon, and to *Enact* the *Canon* before drawn and fitted to their *Liking*; which (if I mistake not) is the true, and only Difference between us, in this Particular.

## II.

Let us proceed to Examine which of these *Opinions* has the best *Authority* to support it; and will be most for the *Interest* and *Safety* of the *Clergy*, to proceed by in their *Convocations*?

Sect. 2.



For the better judging of which, Dr. A. will give me leave, in the first place, to Observe, that how clear soever the *Sense* of the *Act*, upon which the *Authority* of the *King*, and the *Restraint* of the *Clergy*, in this case, is founded, may appear to Him, yet Others have thought that there is some Ambiguity in the *Wording* of it; and that such as may Do the *Clergy* a very great Prejudice, should their Enemies at any time take an advantage of it, and interpret it according to the *strictest Sense* and *Meaning* that the Words of it will bear: That *Sense* and *Meaning* which Dr. A. cannot but know has (for the last hundred Years at least) been generally thought to be the true one; and has, in fact, been preferr'd to that which he would here set up against it.

<sup>1</sup> Rights, &c.  
pag. 91.

<sup>2</sup> Additions,  
&c p. 46.

The Branch of that *Act* with which we are concerned, consists of two parts: The One, the *Recital* of the *Clergies Submission* and *Petition*; the Other, the *Parliaments Enacting* thereupon. The Words upon which the Dispute between us turns, are these; "That the *Clergy* shall not from henceforth presume to *Attempt*, *Alledge*, *Claim*, or *Put in ure*, or *Enact*, *Promulge*, or *Execute*, any new *Canons*, &c. without the *King's License*. And the Question upon them, in short, is this; whether these Words thus joined together in *One* continued Sentence, are not to be understood to relate to *One* and the *same Thing*? Dr. A. Confesses, that as they lie in the *Clergies Submission*, <sup>1</sup> "there may seem to be an *Ambiguity*: "That is, in plain terms, They do All of them there seem to belong to *New Canons*, yet to be made. Let us see how he proposes the Difficulty, upon his second, and improved Thoughts, of this Matter <sup>2</sup> "For still a *Doubt* remains "behind, in relation to the *Submission* its self, recited in the *Preamble* of the *Act*, "and ACCORDING TO WHICH this *Clause* is said to have been *Enacted*. That *Recital* of the *Submission* bears, how the *Clergy* had promised, *in verbo sacerdotii*, not to *Attempt*, *Alledge*, *Claim*, or *Put in ure*, or to *Enact*, *Promulge*, or *Execute*, any *New-Canons*. Where, tho' the Words *Attempt*, *Alledge*, *Claim*, *Put in ure*, "are divided from the others, *Enact*, *Promulge*, *Execute*, by the particle *Or*; "which is used there in a *Disjunctive Sense*, on purpose to distinguish, and set "apart the two Comma's of this *Sentence*, and the two *Sets* of *Verbs* which have "place in each of them; yet All do nevertheless, at the End of the *Sentence*, "seem to Centre in *New Canons*. And should therefore the first set of *Verbs*, "as imploy'd in the *Subsequent Clause* (by it self consider'd) be Allowed to belong "to *Old Canons* only; yet that *Clause* being said to be *Enacted* ACCORDING TO "THE *SUBMISSION* before *Recited*, the Question still will be, whether by vertue "of that Relation they must not be extended to *New*, as well as *Old Ones*. This "is the only *Difficulty* that can possibly perplex our *Exposition* of the *Act*; but "there is a *Consideration*, or two, that will effectually clear it.

Seet. 9.

<sup>3</sup> Ibid.

Whether his *Considerations* do answer this Pretension, we will Enquire hereafter. That which I would at present observe from this Discourse, is this; that <sup>3</sup> he cannot deny, but that here is, after all, a just Ground of *Doubt* in this Matter: And that so Great, that no less a Man than our Learned Dr. *Cosins*, was clearly of Opinion, that these Words did All belong to *New Canons*; which therefore he thought the *Clergy* were not only restrain'd from finally *Concluding* upon, but were forbidden to *Attempt*, &c. without the *Prince's Leave* and *Authority*.

<sup>4</sup> Rights, &c.  
p. 100.

But <sup>4</sup> Dr. A. carries this Difficulty yet higher: He Acknowledges, that upon the first passing of this *Act*, the very *Clergy* themselves, for ought he knows, might have supposed, that their *Liberty* of *Debate* was *Restrained* by it, as well as their *Power* of *Enacting*. Now One would think, that those who made the *Submission*, upon which this *Act* was founded; and lived at the time when it passed the *Parliament*, should have the best understood the *Sense* of Both. And that it must needs be very dangerous for the *Convocation* at this distance, to proceed upon such a *Meaning* of this *Act*, as not only the *Convocations* of the whole *Last Age* durst not venture upon; but those very Men who lived at the time when this *Act* was made, did apprehend not to come up to the full Scope and Intention of it. "Indeed, the DOUBTFUL WORDING OF THE ACT, (says he) "might possibly give the *Clergy* some *Alarm* at first, and put them under *Apprehensions*, that their *Liberty* of *Debate* was *Abridged* by it; or, at least, that it might "be *Construed* so to be, by those who in those distressing times, were willing "enough to take any Advantage of them. He seems to refer to the *Petition* of the *Lower House* of *Convocation*, in the 1st of King *Edward* the sixth; of which, He elsewhere



elsewhere tells us, that *Supposing it to be Authentick*,<sup>1</sup> “the preferring it shews, <sup>Ibid. p. 466.</sup> “that the *Clergy Doubted* whether a *Commission* might not be necessary to enable “them to Attempt, Entreat, and Commune, &c. From all which therefore, thus much I conceive, Dr. A. himself will allow me to conclude, that the *Clause* of the *Act*, upon which this *Question* turns, is not so plainly and clearly drawn, as not to leave some room for *Doubt*; and to be Capable, at least, of a *Construction*, different from that which he has given of it.

And accordingly Dr. A. himself instances in One very Eminent Person, who Dr. Cost.  
did so Understand it, and Interpret it in the *Sense* which I the rather think to have been Intended by it. The *Author* of the first *Letter to a Convocation-Man* having proposed the *Question*, “Whether or no the *Convocation* may Confer after their *Summons*, and *Meeting*, without the *King's Special License* and *Assent*; acknowledged, that the *Common Received Opinion* was in the negative.<sup>2</sup> If I take Dr. A. aright, he allows the same thing: Where shewing, that the *Clergy* are not, by this *Clause*, TIED UP ALTOGETHER from acting *Synodically*, (in which I easily agree with him) adds, “<sup>2</sup> Unquestionably, and according to *Common Opinion* and *Practice*, they have, ever since this *Statute*, in *Vertue* of the *Writ* by “which they met, a *Liberty* of *Addressing*, as they shall see Cause, either with “*Thanks*, or *Requests*, or other proper *Representations*. But it is PRESUMED ALSO “that they may go a great deal farther. An Expression full of *Caution*, and preparatory to an *Explication* of this *Statute*, that was to run counter the *Common Opinion* before Spoken of, and to lead to a *Singular*, and Unpresidented, *Practice*.<sup>Ibid. p. 79.</sup>

How far that other<sup>2</sup> Passage of Dr. A. may be fairly interpreted to the same Purpose, p. 101; I shall rather leave it to others to judge, than undertake myself to determine. “In the mean time, says he, we will suppose the utmost “that can, by the *Severest Interpretation* of the *Act*, be pretended; that the “*Clergy* are, by it, Cut off from *Forming* the *Draught* of a *Canon*, or even *Deliberating* about One, without being particularly impower'd to that purpose. This is plain, that Those who the most insist upon Dr. A's Interpretation of this *Statute* of *Submission*, cannot deny, but that there are such Difficulties and Ambiguities in it, as have misled some of our greatest Men; (if yet they were misled) and made way for an *Opinion* to have generally obtain'd; that by vertue of it, the *Clergy* are *Restrain'd*, as well from *Debating* about, as from *Enacting* any *Canons*; and may not only not *Make* any without a *License*, but not so much as *Conferr* to *Constitute*, without being first *Authorized* by the *Prince* so to do.<sup>Ibid. p. 101.</sup>

For farther Proof whereof, give me leave to observe yet One thing more, which Dr. A. again Confesses, and which was indeed too well known to be denied; That for a Hundred Years past, (not to rise any higher at present) the *Clergy* in *Convocation* have not presumed to Attempt, any more than to *Enact Canons*, without the *King's License* and *Authority* first had in that Behalf. Sect. 10.  
<sup>3</sup> From the 1st of King James the 1st, Dr. A. himself dates the *Original* of these kind of *Licenses*. And tho' he is very positive, that “there is not any *Opinion* for Rights, &c. p. 363, 364.  
“the *Necessity* of such a *License* Elder than that; yet even that supposes, and it is certainly most true, that this *Opinion* has prevail'd, both among our *Clergy* and *Lawyers* ever since: Insomuch that, within our own *Memories*, when some *Synodical Business* was proposed to have been done without it; it was, by good Advice, stopp'd upon this very ground, that they could not with Safety Attempt such Matters, without being *Authorized* by the *King* to that Purpose.<sup>&c.</sup>

Let us put these Concessions together, and see what the Result of them will be. The *Clergy*, by the 25th of H. viii. c. 19, are laid under a *Legal Restraint* in the Business of *Making Canons*, &c. (for, as to Other Matters, I am as willing as Dr. A. to think that their *Power* is not *Restrain'd*.) Dr. A. is of Opinion, that They may *Debate* and *Agree* upon the *Substance* of any *Canon*, without a *Previous Authority* from the *Prince*; but that they may not, without incurring the *Penalties* of that *Statute*, *Make* or *Enact* it. Others have thought, (and Dr. W. with them do's think) that by the Tenour of that *Statute*, they are *Restrain'd* from *Debating*, in Order to the *making* of a *Canon*, unless they have the *Queen's License*, and *Authority*, in that behalf. Sect. 11.  
<sup>4</sup> Of this, the *Temporal Judges* are to have the Resolution; and should the *Clergy* be cast in their *Opinion*, they would incur a *Premunire*, by Acting contrary to the Purport of that *Statute*.<sup>Hobart. R. p. fol. 83, 84.</sup>



*Statute.* It is confessed, that the *Act* is *Doubtfully drawn*: That the *Recital* of the *Submission* of the the *Clergy*, seems to favour our *Opinion*, and to *Restrain* them from *Debating* about, as well as from *Enacting* and *Making* of *Canons*, without the *Queen's Leave*. Several of our greatest Men have thus *understood* that *Statute*, and thereupon have thought, that since the *Passing* of it, the *Clergy* may of themselves no more *Attempt*, than they may *Constitute* a *Canon*. This has been the *prevailing Sense*, both of our *Lawyers*, and *Divines*, for these Hundred Years; scarce any body has made a *Doubt* of it. And in Consequence thereof, our *Kings* have, for so long at least, constantly granted them *Licenses* to *Debate*, no less than to *Constitute*; and our *Convocations* have never *presumed*, without such a *License*, to *Attempt* the *One*, any more than to *Do* the *Other*. I appeal to any Reasonable Person, by which of these two *Opinions*, Prudence and Interest, to say nothing of Peace and Charity, ought to move those Venerable Bodies to govern their Proceedings? And whether, without examining this Matter any farther, that *Rule*, which in such Circumstances is wont to be recommended as the wisest Direction, may not alone suffice to determine the Point between us, that in *Doubtful Cases* the *safer side* is to be chosen? And that this is (at least) a *Doubtful Case*, when Dr. A. has said all that he can, his own Friends must Allow; tho' I confess, for my own part, I make no doubt, should it ever come to the Tryal, on which side the *Determination* of our Judges would go.

But if Dr. A. thinks this Use of these *Concessions* to be too Great and Conclusive; (which I shall then Agree that it is, when I see the *Convocations* adventure to *Act* by those *New Measures* which he has proposed to Them; and not by those more safe, and prudent *Rules*, by which their *Predecessors* have, for these Hundred Years, governed themselves in their *Conciliary Debates*) let me, at least, beseech him to allow me thus much Favour from them; that I may be permitted, without any suspicious Design against the *Rights* of the *Church*, (for which, I do assure him, my Concern is as hearty and sincere, as 'tis possible for his to be) with the same Freedom to *Defend* the *Judgment* and *Actions* of our *Princes*, and *Convocations*, of the *last Age*, that he has used in *Opposing* the *One*, and *Censuring* the *Other*.

Sect. 12.

In order whereunto, I will

(1st.) Enquire into the genuine *Sense* of the *Statute*, 25 H. 8. c. 19.(2dly,) I will shew, what the *Opinion* of Our *Reformed Clergy*, and *Others*, has been, as to this *Branch* of it. And,(3dly,) Will examine, How our *Convocations* have proceeded, since the time of this *Act*: And whether it do's appear that ever they did, in Fact, *Debate* of, any more than *Conclude* upon, any *Canons*, &c. without the *previous Authority* of the *Prince* so to *Do*.

(1st,) To understand the genuine *Sense* and *Meaning* of the *Statute*, in this Particular, Three things there are that may be needful to be consider'd; and I shall take them, for the most part, as they lie in Dr. A's own Account of them. 1st, The *Clergies Offers* to the *King* in this Particular: 2dly, The *King's* farther *Demand* of the *Clergy*, to which they were finally forced to *submit*: And, 3dly, The *Form* of the *Statute*, which was afterwards *drawn* thereupon; and the *Import* of which we are now enquiring after.

As to the 1st of these, The *Clergies Offers* to the *King*; Dr. A. has furnish'd us with Three several Draughts: Concerning the two last of which, tho' I am not satisfied that they were ever presented to the *King*, as the *Act* of the *Convocation*, or did ever *pass* in *Synod* as such; yet I shall not deny, but that they may have been Composed by the *Clergy*, and perhaps Communicated to the *King*; to the end that being approved of by *Him*, they might afterward have been proposed to, and passed by, the *Convocation*.

Sect. 13.

In the first of these, in Answer to the Complaint of the *Commons*, that they made *Sanctions* and *Laws* of *Temporal things*, not having, nor requiring, the *King's* Royal Assent to the same *Laws* so by Them made; they justify themselves in such their Proceeding. They tell the *King*, that They had this Power of God, and could not Submit it to his Authority. That their Authority of Making *Laws* was grounded upon the *Scripture* of God, and *Determination* of Holy Church. And as concerning the *Requiring* of the *King's* Assent to the *Authorizing* of such *Laws*, as had been made by their *Predecessors*, or should be made by Themselves; they doubted not but that the *King* knew That to Depend not upon their Will and Liberty;

<sup>1</sup> Addit. &c.  
Append.  
p. 18, 19.  
Compare  
Rights, &c.  
p. 464.



berly, who might not Submit the Execution of their Charges and Duty, certainly prescribed by God, to his Assent. All the Qualification they made of the Stiffness of this Answer, was only an insignificant Compliment, as to his Own Personal Qualifications; which, to correct the Fault of Dr. A's Transcript, more than for any other Use that is to be made of it, I shall here add: "Altho' in very Deed the same is most worthy, for your most Princely and Excellent Vertues, not only to Give your Royal Assent, but also to Devise and Command [That] we should for Good Order and Manner [by Statutes and Laws] provide in the Church. Nevertheless, considering we may not so, [Nor] in such sort, Restrain the doing of our Office in the Feeding and Ruling [of] Christ's People, your Grace's Subjects; we most humbly desire your Grace, as the same hath done heretofore, so from henceforth to shew your Grace's Mind and Opinion to us, what your [High] Wisdom shall think convenient; which we shall most gladly hear and follow; IF it shall please God to inspire us so to do.

When this Allegation would not satisfy either the King, or the Commons, but the Convocation saw that they must do somewhat more to comply with the Resolution of Both; New Forms were drawn, and several Debates were held, how to compound the Matter with the King, upon the best and easiest Terms, and with the least Diminution, that might be, of their Authority in this Particular. The next Step therefore which They took, was to try whether they might not get Leave to continue freely to Make Laws, without any Restraint in that Particular, but to have the King's License and Authority for the Publishing of such of Them in which the Laity were concerned. "We be contented, say they, to make Promise unto your Highness, that in all such Acts, Laws, and Ordinances, as upon your Lay-Subjects, We, by reason of our Spiritual Jurisdiction, and Judicial Power, shall hereafter make; We shall not PUBLISH, nor PUT THEM FORTH, except first we require your Highness to give your Consent and Authority unto Them: And so shall from time to time Suspend all such Our Acts, Ordinances, and Laws, hereafter to be made, unto such Time as your Highness, by your Consent and Authority, shall have Authorized the same; except they be such as shall concern the Maintenance of the Faith and good Manners in Christ's Church; and such as shall be for the Reformation and Correction of Sin, after the Laws of the Church, and laudable Customs, as hath been heretofore made, and hitherto receiv'd, and used, within your Realm. In which Point our Trust is, and in our most humble manner we desire your Grace, that it may so be, that upon the Refusal of your Consent, which we reckon [that] we need not fear, [but] yet if any [such] thing should fall [out,] your Highness will be then contented that we may Exercise our Jurisdiction, as far as it shall be thought necessary [unto] us, for the Maintenance of Christ's Faith, and for the Reformation of Sin, according to our Offices, and the Vocation that God hath Called us unto.

This was the next Advance that the Convocation seems to have made, in order to the King's Satisfaction. Before they only pray'd, that his Majesty would let them know his Mind and Opinion, touching what He thought convenient; which they would gladly hear and follow, if it should please God to inspire them so to do. Now, tho' they cannot part with any thing of their Power, which concerns the Making of Ecclesiastical Laws, for which they expressly tell Him, "They no more needed his Consent and License, by way of Authority, than for Giving of Holy Orders: Yet, having Made them, they are content to ask his Leave for PUBLISHING and PUTTING THEM FORTH; and promise to Suspend Them, till such Time as they had Attain'd his Consent so to do. This was something more than they had before Offer'd; but yet the Limitations, which they put upon this Concession, did almost take off all the Benefit of it. For, first, this was to take place in such Laws, Acts, and Ordinances, only, which were to be made upon His Majesty's Lay-Subjects. And that, secondly, but in such of them only, as did not concern Faith, or Good Manners; or were not intended for the Reformation and Correction of Sin, after the Commandments of Almighty God, according to the Laws of the Church, and Laudable Customs of the Realm; in which they still Reserve a Power to Themselves, not only to Make, but to Publish Constitutions too, tho' the King should not give, nay, tho' he should Refuse, his Consent to them.

Whether

Sect. 14.

Addit. Appendix, p. 25, 26.

Addit. Appendix, p. 24.



Sect. 15. Whether this Draught were ever laid before the King, and disliked by Him; or whether, upon better Advice, the *Convocation* did not think fit to tender it all to Him, I cannot tell: But by the *Copy* of a *Third*, and more full *Submission*, in which they come up still nearer to the Kings Expectations, it appears that this Second Project would not satisfy. In that "they offer and promise that from henceforth they would forbear to *Enact, Promulge, or put in Execution*, any such *Constitutions*, so by them to be *Made* in time Coming, unless his Highness by his *Royal Assent*, should *License* them to *Make, Promulge*, and *Execute* such *Constitutions*; and the same so made, should be *Approved* by his Highnesses Authority.

Ibid. p. 27, 28.

Now this One would have thought, should certainly have Answer'd the Utmost of What was expected from them. But yet some Circumstances there were in the wording of this too, and some *Omissions*, which made even this Offer, large as it seemed to be, yet not Go down with the King; to whom, I conceive, it was Privately Communicated. For first, what they here promised was by the *Lower House* limited to the King's Life; and so a Provision was made for the Recovery of their full Authority again, as soon as that Prince should die: Which however he Himself might have Connived at; yet those who managed that Affair under him, were not Contented with it. In the *second Article*, which concern'd *Canons already made*, several Circumstances did not please. But that which was most considerable was, that in the Close of all, such a *Salvo* was Added, as might in time be improved to the utter Overthrow of All that had been done: For all which I shall refer to the *Form* it self, as Dr. A. has published it from the *Cotton MS.* Besides that now, another thing was started, and that too was to be Agreed upon; namely to put the *Assembling* of the *Convocation*, wholly into the King's Power; so that they should no more Meet without his *Writ*, than they should make any *Canons*, or *Ordinances*, without his *License* and Authority.

Here therefore the King himself thought fit to interpose: And since the *Convocation* could not agree on any Form that would please him, He resolv'd to draw up a *Form* for them; and to send it to them by this *Almoner*; and what it was that he therein demanded of the *Clergy*, is the next thing, 2dly, to be considered.

Sect. 16.

Now that was plainly this; To oblige themselves neither ever hereafter to Meet in Synod, without the King's *Writ*; nor being Lawfully Assembled by it, to Claim any Right, or to Proceed by Vertue of any Authority of their Own, to Make *Canons* or *Constitutions*, without the King's *Royal Assent* and *Licence* first had, and obtained by them, for that purpose. In their two first Papers, they had flatly and positively insisted upon a *Divine Right*, or Power, to Make *Laws* in *Spiritual Matters*; and Declared it to be such, as it was not in their Power to Give up. This in their last Paper they had not indeed Asserted, but neither had they let fall any one Word to shew that they had the least Intention to depart from it. They promised only, that they would forbear to Use it without the King's Consent; and One House expressly limited the time of this forbearance to the King's Life: But they gave no Security that they would not hereafter Resume it, as a Right, which having Receiv'd immediately from God, they could no more part with, than (in their Own Parallel) they could with their Power of Giving Orders. The King therefore, to secure all, resolv'd to tie them fast from ever stirring hereafter: They had Offer'd not to Make, Promulge, or Execute any *Canons* without his *License*. This, whilst they held to their Word, Restrained their Acting. But because they had asserted a *Divine Right*, and Authority to Make *Laws*, which they pretended it was not in their Power to part with; and so a Reserve was still left, whereby to evacuate, upon the first convenient Occasion, their present Promise; therefore, to foreclose this too, it was thought needful to their Own three Verbs, to add three others; namely, "That they should not from thenceforth presume to Alledge, Claim, or Put in Ure, any such Authority; nor, in Consequence of such their Authority, should Make, Promulge or Execute, any *Canons* without the King's *License*."

In their second Paper, they had told the King that they were Contented to make Promise, not to Publish such certain *Laws* by them to be made, without his Consent: And in their Third, That they should forbear to Enact, &c. without his *Royal Assent* and *License*. This the King thought to be but a cold and faint Assurance: He resolv'd



resolv'd therefore to make it much stronger, and thereby to tie them the more closely to their Word. In Order thereunto he requir'd them to *Promise, in Verbo Sacerdotii*, not only that they would never from thenceforth presume to *Alledge, Claim, or put in Ure* any such *Divine Right*, as they had before stoutly Asserted; or by so doing to *Make, Promulge, or Execute any Canons*, without his *License*; but not so much as to *Attempt* either the *One*, or the *Other*. Now this cut off all Occasion of any future Troubles in this particular; and was design'd at once both to prevent the Breach of this *Promise* here made, and to remove all such Jealousies and Disorders, as might otherwise have been raised by some following *Convocations*, had they not been restrained from *Attempting*, as well as from *Enacting Laws*; that is from *Entering* upon any *Canonical Debates*, or *Coming* to any *Synodical Resolutions*, whether in *Vindication* of their *Presumed Right to Act by a Divine Authority in this Case*, without regard to the King's Allowance; or in order to the *Making of Canons*, tho' they should not give their last *Sanction* to them, till they were *Empower'd* by the King to that purpose.

This therefore, I look upon to have been the true Occasion of those Additional Words, which the King's Council inserted into the Form, in which the Clergy were Required to make their Submission. They were not only not to *Assemble hereafter in Convocation* without the King's Writ; but were moreover to *Recognize* that they had not any *Right to Assemble* without it. Being met, they were not only not to *Make any Canons* without the King's *License*; but were to *Renounce all Claim* that they had to any *Power of Making* them, otherwise than by his *Permission*. And to secure them in both, they were farther to promise not to *Attempt* any thing, that might either seem to favour such a *Claim*, or to tend to such a purpose. "We do offer and promise in *Verbo Sacerdotii*, here unto your Highness, submitting our selves most humbly to the same, that we will never from henceforth presume to *Attempt, Alledge, Claim, or put in Ure, or to Enact, Promulge, or Execute, any Canons, Constitutions, or Ordinances Provincial, or by any Other Name whatsoever* they may be called in our *Convocation*, in time coming (which *Convocation* is, always hath been, and must be *Assembled* only by your Highnesses *Commandment of Writ*) unless your Highness by your *Royal Assent* shall *License Us* to *Make, Promulge, and Execute* the same, and thereto give your most *Royal Assent*.

Additions  
Appendp. 30.

To this Form of Submission Those of the Lower House, if Dr. A. says right, gave their Assent. They had, indeed, no reason to refuse it: For having before agreed not to *Make, or Publish, any Canons* without the King's *License*; what remain'd, was only a *Renunciation* of an *Authoritative Power, or Right of Making* them; which they, as *Presbyters*, neither by the *Law of God*, nor by the *Canons of the Universal Church*, could claim; and therefore it was no great Hardship for Them to *Renounce* a Power, which only the later *Custom* of our *Own Country*, had intituled them unto, and which was from thenceforth no more to be *Used* by Them, without the King's *Assent* and *Authority*. But these Circumstances stuck harder with the *Bishops*: They accounted themselves to have a *Divine Right* to this *Authority*, and that they could no more *Renounce* their *Power to Make Laws in Spiritual Matters*, for the *Faith and Government* of the Church, than their *Power of Giving Orders*. And tho' they might be content to *Submit the Exercise* of it to the King's *Pleasure*, so as not *Actually* to *Make* any such *Laws* without his *Consent*; yet they thought it a little severe to be *Obliged* to give up their *Authority* so to do: And to promise that they would no more *Alledge, or Claim a Right, to Enact any Canons* without the King's *License*, than they would *Put such a Right in Ure, by an Actual Making* of Them.

Seft. 17.

It was upon this Account, that I conceive, the Bishops demurr'd to the Form sent to them by the King; and tho' the Lower House was willing to Agree to it, yet tarried till the Temporal Lords, (who had been with them upon this Occasion) returned from the King to whom they had been sent by them, before they would conclude upon any thing. The Event shew'd what their Resolution was: The King was perswaded to dispense with those Words, which bore the hardest upon their *Authority*; and adding only the last of *Putting in Ure*, to those they had before Agreed to; to wit, *Enact, Promulge, or Execute*; to receive their *Submission and Petition*, in All other Circumstances,



such as himself had prescribed to them. And now, the Words of their *Submission* ran thus: "We do Offer and Promise, in *Verbo, Sacerdotii* here unto your Highness, Submitting our selves most humbly to the same, that we will never from henceforth Enact, Put in Ure, Promulge, or Execute any New-Canons, or Constitution Provincial, or any New Ordinance Provincial, or Synodal, in Our Convocation or Synod, in time coming ( which Convocation is, always hath been, and must be Assembled only by your High Commandment or Writ ) unless your Highness by your Royal Assent, shall License us to Assemble Our Convocation, and to Make, Promulge, and Execute such Constitutions and Ordinances, as shall be made in the same, and thereto give your Royal Assent and Authority.

§. 18.

Thus passed this *Submission* in Our Convocation: Whether it was Revived by our Bishops and Clergy the next Year, or Communicated to those of the Other Province, and Subscribed to, in like manner, by Them; as I cannot tell, so it is not very material to enquire. Three things only I would beg leave to Observe from what has now been offer'd, before I proceed to consider the Statute which finally passed thereupon: Namely, 1<sup>st</sup>, That it is plain, that All these Words (be their Import what they will) which we have been hitherto speaking of, viz. Attempt, Alledge, Claim, Put in Ure, Enact, Promulge, and Execute; do apparently relate to the *Submission*, and the Promise which the Clergy thereupon made to the King, concerning Canons and Ordinances, HEREFTER to be PASSED by them. That they would not from HENCEFORTH presume to Attempt, &c. IN their CONVOCATION IN TIME COMING; unless the King should License them to Make, Promulge and Execute the same. And so the Bishops and Prelates understood it; and therefore to all the Other Words, tho' plain enough before; They expressly added, New Canons, and New Ordinances; and Call'd them such Constitutions as shall be made in Our Convocation. And, indeed, 'tis of these alone that the whole first branch of their *Submission* treats; the two latter (joyn'd by the Convocation into One) being purposely designed for such Canons and Constitutions, as had before been made; and were now in consequence of their Petition to be Reform'd.

2<sup>dly</sup>, That in Opposition to All these Several Words, as they relate to the Clergies *Submission*, viz. Attempt, Alledge, Claim, Put in Ure, Enact, Promulge, and Execute; these three stand with respect to the Kings Licence, viz. Make, Promulge, and Execute: The two last of which being the same in both; it will follow that the first must be understood in such a Latitude, as to answer to all the Rest; So that the King by Granting the Clergy a License to Make Canons, would at all times Grant them thereby a full Power to Attempt, Alledge, Claim, Put in Ure, and Enact them. And the Reason of this is evident; because that all these being but several steps necessary to be taken in Order to the Making of Canons, which the Clergy before might of themselves have done, and with the King's License still may Do; A License to Make Canons must needs be understood to intend a Permission to Do All such Things without which they cannot be Made: And so Enable them Legally not only to Enact; ( the last thing done in Making of Them ) but also to Attempt, to Alledge, and Claim a Power, with the King's Consent, and by his Permission, to Enact; and so Do all that was necessary, from first to last, to the Making of Canons and Constitutions.

3<sup>dly</sup>, That by those words, Attempt, Alledge, Claim, and Put in Ure, Somewhat more was meant by the King, and Understood by the Bishops and Prelates, than a bare Enacting: For otherwise there would have been no need of their demurring so long upon Them, and making such an Interest as we find they did, for the Omission of Them. For in All the Other Clauses they came fully up to the King's Own Terms; which indeed were, in effect, their Own Offer in their last Form of *Submission*; excepting only the Acknowledgment, and Promise of not Assembling in Convocation without his Writ: Which whether we consider the Common Practice of that Time, or their present Declaration, that the Convocation, was, always had been, as well as ought to be, so Assembled; we have no Reason to think did very much stick with them.

Here therefore I would ask; What did the King Aim at, and the Bishops so much desire to avoid; the One by inserting these Words into the Form of their *Submission*, the Other in the Interest they made for the Omission of them? Was it that they should not expressly Constitute, or Enact any New-Canons, without the King's License? They had before Offer'd it: They still Agreed to Oblige them-



themselves to that. But what was it then that they differ'd about? I have before shewn that the *Bishops* Supposed themselves to have a *Right and Power* given to them by *Christ* to *Make Laws*; and that such a *Power*, the *Granting* whereof depended not upon their *Own Will and Liberty*, nor could they submit it to the *King's Pleasure*. This they insisted upon not only in their first *Answer* to the *Commons Petition*, but in their next *Draught*; tho' I think not passed, yet it may be privately Communicated to the *King*. Here now was a *Salvo* still reserved, whereby to Vacate, upon Occasion, All that they should promise in this matter. They had no power to part with this *Right*; and therefore their *Promise* by which they did it, was from the beginning *Null*, and of *no Force*. This Pretence therefore, I suppose, it was that the *King* resolved to foreclose, by the Addition of these Words: Which as they clearly relate to *New Canons hereafter to be made in Convocation*; so I think they cannot be more naturally Understood, than of their *Attempting*, or *Endeavouring*, by some *Synodical Act*, (for of such only we are now speaking) to *Alledge*, or *Claim* a *Divine Right*, or *Power* (notwithstanding their present *Promise* to the *King*) and in Vertue thereof to *Put* such their *Alledged*, and *Claim'd Power* in *Ure*; by *Conferring*, *Drawing*, *Consenting* to, and so finally *Enacting* of *Canons* as before: All which they were hereby Required utterly to Renounce; and to promise, in *Verbo Sacerdotii*, that they would not make any such Attempt, in any of their *Convocations*, in Time Coming. This is my humble Opinion, as to the Meaning and Occasion of these Words: If *Dr. A.* can suggest any better, or more rational Sense of them, I shall be ready with the utmost Impartiality to consider it; and if I see cause as freely to Embrace it.

Rights, &c.  
p. 464.  
Addit. App.  
pend. page  
24, 25.

To proceed now 3dly, To the *Act* of *Parliament* drawn, the next Year, upon this *Submission*; the Meaning of which we are endeavouring, from these Premises, to Clear. And here it may be fit, in the first place, to take notice, that as this whole Transaction began in the *House of Commons*, and took its Rise from their Complaint to the *King* against the Proceedings of the *Bishops* and *Clergy* in *Convocation*, so the *Statute* which was form'd thereupon, began in that House too; and was from thence not sent, but brought up to the *Lords*, on *March* the 27th; but three days before the *Parliament* Rose. They still persisted in their Prosecution of this Matter; and were resolved by the *Present Act*, to hold the *Clergy* to their *Promise*, and thereby to deprive them, beyond all hope of Recovery, of their Antient Authority in this Particular. And accordingly we may observe how in the Wording of it, they have all along taken the strictest Expressions of both the *Forms*; I mean of that which the *King* sent to the *Convocation*; and of that which the *Convocation* passed, and presented to the *King* as their *Act*. So that we cannot think that they design'd to *Enact* any thing in Favour of the *Bishops* and *Clergies* Authority; Or to take off from the Force of any thing that either the *King* had Requir'd of Them, or They had Themselves promised the *King* in this Particular.

Seet. 19.

The Ground on which they went, was the *Submission* and *Petition* of the *Clergy*; which as the *Convocation* had Reduced from *Three*, to *Two Articles*, so in that the *Commons* followed their Steps. The *Submission*, in both, Referr'd to what concern'd *New Canons hereafter to be made*: The *Petition*, to such as had been before Made; and were then design'd not only to be Review'd, but being Approved by the Commissioners Appointed for that purpose, to be Ratified by *Civill*, as well as by *Ecclesiastical* Authority.

If therefore in drawing up of this *Act*, the *Parliament* first distinctly Recite the *Submission* of the *Clergy* in the same Order, and under the same *Articles*, in which the *Clergy* presented it to the *King*; and then proceed as distinctly to ENACT upon it: If One of these *Articles*, both in the *Clergies Submission*, and in the *Parliaments Recital*, expressly treats of *Canons hereafter to be made*; the Other of *CANONS already in being*, which were to be Review'd: And if there be nothing in the *Enacting* part, but what does as Plainly and Methodically relate to Both, in the same Order in which they had before made their *Recital*; then, I think, I may presume to affirm, that in Interpreting of this *Statute*, we ought not to disturb the apparent Order, and Method of it; but to take each part as it lies with Relation to its proper Subject; The first *Enacting Clause*, as referring to the first *Reciting Clause*, the *Submission*; The Other to the Second, the *Petition* of the *Clergy*.



Sect. 20.

Now that this *Method* was thus strictly observed, as I have affirmed, both by the *Convocation*, and *Parliament*, as I cannot offer any more unexceptionable Proof than that of their Own Records to shew; so shall I not need to appeal to any Other. The several Draughts of which, for the Greater Evidence of this Matter, I will here set down, in several distinct Columns, as they answer to One another.

Addit. &amp;c.

Append. p. 33;  
34.*The Convocations Submission.*

We your most Humble Subjects, Daily Oratours, and Beadsmen of your *Clergy of England*, having our Special Trust and Confidence in your most excellent Wisdom, your Princely Goodness, and Fervent Zeal to the Promotion of God's Honour, and Christian Religion, and also in your Learning, far exceeding in Our Judgment the Learning of all Other Kings and Princes that we have Read of; and doubting Nothing but that the same, shall still Continue, and daily increase in your Majesty;

I.

*First* do Offer and Promise, *in verbo Sacerdotii*, here unto your Highness, SUBMITTING our selves most humbly to the same, that we will never from henceforth Enact, Put in Ure, Promulge, or Execute any New Canons or Constitution Provincial, or any New Ordinance Provincial or Synodal, in Our Convocation, or Synod in time coming (which Convocation is always, hath been, and must be Assembled only by your high Commandment or Writ) unless your Highness by your Royal Assent, shall License Us to Assemble our Convocation, and to Make, Promulge, and Execute SUCH Constitutions and Ordinances as shall be made in the Same, and thereto give your Royal Assent and Authority.

*The Parliaments Recital.*

Where the King's Humble and Obedient Subjects the Clergy of this Realm of England have not only Knowledge according to the Truth that the Convocations of the same Clergy is / always hath been / and ought to be Assembled only by the King's Writ / But also SUBMITTING themselves to the King's Majesty /

I.

Have promised in Verbo Sacerdotii that they will never from henceforth presume to Attempt Alledge Claim or Put in Ure or Enact Promulge or Execute any New Canons Constitutions Ordinance Provincial or Other or by whatsoever other Name they shall be called in the Convocation unless the King's most Royal Assent and License may to Them be had to Make Promulge and Execute the Same / and that his Majesty do give his most Royal Assent and Authority in that behalf /

*Their Enacting upon that Recital.*

Be it therefore now Enacted by Authority of this present Parliament According to the said SUBMISSION and PETITION of the said Clergy.

I.

That They ne any of Them from henceforth shall presume to Attempt Alledge Claim or Put in Ure any Constitutions or Ordinances Provincial or Synodals or any Other Canons nor shall Enact Promulge or Execute any SUCH Canons Constitutions or Ordinance Provincial by Whatsoever Name or Names they may be called in their Convocations in time coming which alway shall be Assembled by Authority of the King's Writ / unless the same Clergy may have the King's most Royal Assent and License to Make Promulge and Execute SUCH Canons Constitutions and Ordinances Provincial or Synodal upon pain of Every one of the said Clergy doing contrary to this Act / and being thereof Convicted to suffer Imprisonment and make Fine at the King's Will /

II.



II.

*Secondarily*, That whereas divers of the Constitutions, Ordinances, and Canons Provincial, or Synodal, which *hath been heretofore Enacted*, be thought to be not only much prejudicial to your Prerogative Royal, but also overmuch Onerous to your Highness Subjects, your Clergy aforesaid is *Contented* if it may stand with your Highness Pleasure, that it be committed to the Examination and Judgment of your Grace, and of 32 Persons, whereof 16 to be of the Upper and Nether House, of the Temporality, and Other 16 of the Clergy; All to be chosen and appointed by your most Noble Grace: So that, finally, which soever of the said Constitutions, Ordinances, or Canons, Provincial, or Synodal, shall be thought and determined by your Grace, and by the most part of the said 32 Persons, not to stand with God's Laws and the Laws of your Realm, the same to be abrogated, and taken away by your Grace and the Clergy; and such of Them as shall be seen by your Grace, and by the most part of the said 32 Persons, to stand with God's Laws, and the Laws of your Realm, to stand in full Strength and Power, Your Graces most Royal Assent and Authority once impetrate, and fully Given to the same.

II.

And where divers Constitutions Ordinances and Canons Provincial or Synodal which heretofore hath been Enacted and be thought not only to be much Prejudicial to the King's Prerogative Royal and Repugnant to the Laws and Statutes of this Realm / but also overmuch onerous to his Highness and his Subjects / the said Clergy hath most humbly **BESOUGHT** the King's Highness that the said Constitutions and Canons may be committed to the Examination and Judgment of his Highness and of 32 Persons of the King's Subjects whereof 16 to be of the Upper and Nether House of the Parliament of the Temporality / and other 16 to be of the Clergy of this Realm / and All the said 32 Persons to be chosen and appointed by the King's Majesty / And that such of the said Constitutions and Canons as shall be thought and determined by the said 32 Persons or the more part of them worthy to be abrogated and annulled / shall be Abolite and made of no Value accordingly / And such other of the same Constitutions and Canons as by the said 32 or the more part of them shall be approved to stand with the Laws of God and Consonant to the Laws of this Realm shall stand in their full Strength and Power / the King's most Royal Assent first had and obtained to the same

II.

And forasmuch as such Canons Constitutions and Ordinance as heretofore hath been made by the Clergy of this Realm cannot now at the Session of this Present Parliament by Reason of Shortness of time be Viewed Examined and Determined by the King's Highness and 32 Persons to be chosen and appointed according to the PETITION of the said Clergy in form above Reherced / Be it therefore Enacted by Authority aforesaid that the King's Highness shall have Power and Authority to Nominate and Assign at his Pleasure the said 32 Persons of his Subjects whereof 16 to be of the Clergy and 16 to be of the Temporality of the Upper and Nether House of the Parliament / And if any of the said 32 Persons so Chosen shall happen to die before their full Determination / then his Highness to Nominate Other from time to time of the said two Houses of the Parliament to supply the Number of the said 32 And that the said 32 by his Highness so to be Named shall have Power and Authority to View Search and Examine the said Canons Constitutions and Ordinance Provincial and Synodal heretofore made / And such of them as the King's Highness and the said 32 or the more part of them shall deem and adjudge worthy to be continued Kept and Obedied shall be from thenceforth Kept Obedied and Executed within this Realm so that the King's most Royal Assent under his Great Seal be first had to the same / And the Residue of the said Canons Constitutions and Ordinance Provincial which the King's Highness and the said 32 Persons or the more part of them shall not approve or deem and judge Worthy to be abolit abrogate and made frustrate shall from thenceforth be Void and of None Effect and never be put in Execution within this Realm /

Such



Such is the plain Method, and Tenor of this Act, as far as concerns this Matter; after which follow two *Proviso's*, in the very same Order:

## I.

With Respect to *Canons, &c. hereafter to be made.*

\* This Proviso was added by the Lords, and agreed to by the Commons.

Provided alway that no *Canons Constitutions or Ordinance* shall be made or put in Execution within this Realm by Authority of the Convocation of the Clergy which shall be Contrariant or Repugnant to the King's Prerogative Royal or the Customs Laws or Statutes of this Realm, any thing contained in this Act to the Contrary hereof notwithstanding

## II.

With Respect to *Canons which had before been Enacted.*

\* Provided also that such *Canons Constitutions Ordinances and Synodals Provincial* being already made which be not Contrariant nor Repugnant to the Laws Statutes and Customs of this Realm nor to the damage or hurt of the King's Prerogative Royal shall now still be Used and Executed as they were afore the making of this Act till such time as they be Viewed Searched or otherwise Ordered and Determined by the said Thirty two Persons or the more part of them according to the Tenor Form and Effect of this present Act

Seet. 21.

And here now let any indifferent Person judge, whether in so plain and clear a Method, there can be any Doubt made to what *Canons, and Constitutions*, each part of this Act Refers. The Clergy first SUBMITTING themselves to the King's Highness, offer and promise, not to Make any New *Canons* without his License. The Parliament, in the same Terms Recite, how that SUBMITTING themselves to the King's Majesty, they had Promised the same. The Clergy, secondarily, declare themselves CONTENTED to have such *Canons, &c.* as had been heretofore Enacted, Reviewed by the King, and Thirty two Persons, to be Nominated by him for that purpose. The Parliament Recite how they had BESOUGHT the King in the same Case, for a Review of those *Canons*, after the same manner which they had proposed in their Address to him. Having thus made a distinct Recital of the Submission and Petition of the Clergy; the one, as we have seen, with the Relation to New, the other to Old *Canons*; They as distinctly ENACT therupon, according to the said SUBMISSION and PETITION of the said Clergy: First, concerning *Canons hereafter to be made*; that they should not Presume to Attempt, &c. (the very words of their Recital) without the King's License. Then, concerning *Canons*, which had before been made, according to the PETITION of the said Clergy, to the like effect of their Own Recital, in the Introductory part of the Statute. The Method is Clear, and Natural, in all: The Parliament's Recital, agrees with the Clergies Address; and both with the Enacting part: And I think leaves it beyond all reasonable Doubt, that the first Paragraph, in every one, is to be Interpreted only, and wholly, of New *Canons*; the Latter, of Old; without confounding and intermixing the One with the Other, not only in the same Sentence, but in the middle of the same Words; without the least Ground or Intimation given, to warrant such a sudden, and Unaccountable Change.

Seet. 22.

To this Evidence, thus arising from the obvious Scope and Method of the Act, which is very clear, and exact; let us, secondly, add the Relation which the Words themselves have to the Form of Submission sent by the King to the Convocation. It cannot reasonably be Doubted but that the Words Attempt, Alledge, Claim, and Put in ure, did there as certainly belong to New *Canons*, as the others which follow in the same Uninterrupted Sentence with them, Enact, Promulge, and Execute. Nor can it any more be doubted, but that from thence the Parliament transcribed them into their Recital in this Act, in the same order, and with Relation to the same Subject. For thus they express themselves; "that the Clergy had Promised, in verbo Sacerdotii, that they would never from henceforth presume to Attempt, Alledge, Claim, or Put in ure, or Enact, Promulge, or Execute, any New *Canons*. How can it be imagined that such a Grave and Wise Body, as the Parliament, should, in their Sanction upon this very Submission, after such a plain Recital, intend to depart from that manifest Relation which these



these Words had to *New Canons*; and proceeding to *Enact*, in the same Words, and in the same Order, design by the the first four to *Abrogate* all the *Old Canons* then in being (of which not the least Intimation had been any were Given by them) by the last Three to prohibit the *Clergy* from *Making New Ones*, without the *King's License*: And all this without adding any One Word to shew that they had any other *Canons* in their view when they came to *Enact*, than those to which both the *King's Paper* sent to the *Convocation*, and their *Own Recital* from it, had *Applied* those Words before.

Nay let me add yet more, Thirdly; They not only give no intimation of any design to *Change* the Subject, concerning which they were *Enacting* in that first Paragraph; but in the Original Record of this Statute, still remaining, there is not so much as the Distinction of a Point to shew, that these *Seven Verbs* were to be thus strangely separated from One another, and Applied to two such different, or rather opposite, Subjects and Purposes. They all follow both in the *Recital*, and *Sanction*, of the *Act*, just as they lay in the *King's Paper*; with several Marks of *Conjunction*, but without any thing to shew that they were not to be *All* applied to the same Intent of *Regulating* the *Convocation* in the making of *New Canons*. The Record carries the Sense thus, in the *Recital*; That the *Clergy* had promised in *Verbo Sacerdotii* that they would never from henceforth presume to Attempt Alledge Claim or Put in ure or Enact Promulge or Execute any *New Canons Constitutions Ordinances Provincial or Other* or by whatsoever Other Name they shall be Called in the *Convocation* unless the *King's most Royal Assent and License* may to them be had to make promulge and execute the same. In all this Sentence there is not one Point; but all runs from the Beginning to the End, in a Continued Sense, the Whole relating to the same Matter. The Case is the same in their *Sanction* upon this *Recital*: For tho' there the *Verbs* are divided, the better (as I conceive) to shew that the *Clergy* were to be Restrained not only from *Enacting*, *Promulging*, or *Executing* of *Canons*, without the *King's License*; (as some would now have it, and the *Bishops* heretofore would only have been) but also from *Attempting*, *Alledging*, *Claiming*, or *Putting in ure*, any Power to to make any such *Canons*, without the like Authority (from which tho' they had no mind to be Restrained, yet the *Parliament* was resolved to tie them up;) yet in the whole Sentence there is again no Point; but the whole runs in the same continued Sense, without Interruption, and without Distinction: Be it therefore now Enacted by Authority of this Present Parliament according to the said Submission and Petition of the said Clergy that they ne any of them from henceforth shall presume to Attempt Alledge Claim or Put in ure any *Constitutions or Ordinances Provincial or Synodal or any other Canons* nor shall Enact Promulge or Execute any such *Canons* &c. Unless the same Clergy may have the *King's most Royal Assent and License*, &c. Now this, I think, plainly shews the *Parliaments Intention*; which would never have thus closely united all the parts of their *Sanction* in this *Act*, had they designed they should have Related to two such different Subjects, and have operated to such different Purposes, in its Force and Effect. And accordingly those who change their Sense, have in order thereunto made as bold with their *Punctuation*; and divided these Words as much in their *Transcript*, as they have in their *Interpretation*.

Sect. 23.

However, 4thly, let us see how it will run according to their own Construction: "Be it therefore now Enacted, by Authority of this present Parliament, according to the said Submission and Petition of the said Clergy; that "They, ne Any of them, from henceforth shall presume to Attempt, Alledge, "Claim, or Put in Ure any *Constitutions, or Ordinances, Provincial or Synodal, or any Other Canons*, which have heretofore been made. Will Those who advance this Sense of these Words, be pleas'd, first of all, to tell us, where the Clergy did ever Submit to, or Petition for, any such thing? That they agreed to have those *Canons* Reviewed; That they Consented, that such of Them as, upon the Review, should be thought and determined worthy to be Abrogated and Annulled, should be Abolite and Made of no Value accordingly; both the *Parliament* Recites, and their own Petition witnesses. But to be so rigorously tied up, that they should not from thenceforth presume at all, or (to state it to the best Advantage) not without the *King's Express License* first had and obtain'd, to Attempt, Alledge, Claim, or Put in ure, Any *Constitutions, or Ordinances, Provincial, or Other, or any Oth Canons*; and so put it at once in the *King's Power*

Sect. 24.



Power to *Suspend*, or even totally to *Destroy* the whole *Ecclesiastical Polity, Jurisdiction, and Authority* of the Church; which, according to this Sense, could from henceforth neither *Put in ure* any *Old Canons*, nor *Make any New ones*, without his *License* first had and obtain'd; was a *Submission* much greater than for ought yet appears, the *King* ever *Required*, or the *Clergy* ever *Designed*, or the *Parliament* ever *Pretended* that they had *Made*. On the contrary, to prevent all Doubt of their Meaning in this Particular, they expressly provided for the Proceedings of the *Ecclesiastical Courts*, by these very *Canons*, as before: That till such time as they were *Reviewed*, they should still be *Used and Executed*, as they were before the *Making* of this *Act*; that is, without any *License* first *Ask'd*, or *Obtain'd*, from the *King*, to that Purpose.

But we will go on with their *Sanction*, according to this supposed *Sense* of it: "Be it Enacted, &c. That they ne any of them shall from henceforth presume to Attempt, Alledge, Claim, or Put in ure any Constitutions or Ordinances Provinciall or Synodall, or any other Canons which heretofore have been made. (So we are now to Expound it) "Nor shall Enact, Promulge or Execute any SUCH CANONS Constitutions or Ordinance Provincial, &c. unless the same Clergy may have the King's most Royal Assent and License to Make Promulge and Execute SUCH Canons Constitutions and Ordinances Provincial or Synodal. Can we imagine that the *Parliament* ever intended to Enact after so strange a Rate? To forbid the Clergy to Enact such Canons as were already Enacted, unless they first obtain'd the King's License to Enact the same? Yet this we must suppose, if the former part of that Sentence be to be understood of Old Canons; for to them the Relative *SUCH* do's evidently Apply the *Canons, Constitutions, &c.* which follow, and shew that we are to understand the same Canons, &c. in both the Members of it.

And this again, those who give us this Meaning, seem to have been aware of; who therefore, in their Explication of this *Act*, drop that *Relative* altogether, as if there were no such *Term* there; as indeed there ought not to have been, had the *Parliament* design'd to have been understood of One sort of *Canons* in One part, of Another in the Other part of the same Sentence. Upon all which Accounts, till I am better inform'd, I shall beg Leave to Conclude, that the *King* and the *Parliament* both intended the same thing: And that what they intended, consisted of two Parts; to One of which the *Bishops* had Agreed, namely, not to Enact, Put in ure, Promulge, or Execute, any *New Canons*, without the *King's* Leave; to the Other they had demurr'd, but were now by this *Act* constrain'd to Submit, viz. That they should not Attempt, Alledge, nor Claim, any more than not Put in ure, &c. any Such Canons; unless they had the same License for the One, which they had Agreed to Expect for the Other.

§. 29.

What those Words were designed to Restrain them from, I have already adventured from their Own Papers, as Publish'd by Dr. A. to Conjecture; viz. That it was to keep them from all future Endeavours to Recover the Power they now gave up; by Restraining them from Attempting, as well as from Enacting of any Canons, without the *King's* Authority: From Alledging and Claiming, as well as from Putting in ure, any Divine and Unalienable Right in this Case; which it was not in their Power to part with, and against which therefore all that the *King* had Required, and they Done, in Compliance with his Desires, was absolutely Null, and of no Force; as in some of their first Papers they had intimated to him that it would be.

But of this let every one judge as he pleases: It is sufficient to my Purpose, that by these Words the *Convocation* was design'd to be Restrain'd from somewhat else besides the Enacting of Canons, which was antecedent to it, and if done, would naturally End in it. If Dr. A. can tell us what that could have been, besides Conferring to Constitute, Concluding upon Draughts of Canons, and putting of those Draughts into their last Form, that the Clergy were wont heretofore to Do, but without the *King's* License may not do now, I am satisfied: My Aim being only to keep the Clergy from incurring the Penalty of this *Act*, not to restrain them from any Liberty which they may securely take within the Purport of it.

To these Arguments, drawn from the Method and Words of the *Statute* itself, compared with the *Submissions* and *Petitions* of the Clergy, upon which it was framed, I shall add yet two Observations more; which, tho' they do not directly serve to Expound the *Act* before us, may help to let us into a farther



ther Understanding of the *Design* of those who drew it, and to shew what they meant in it.

Among other Arguments at first alledged by the *Convocation*, why they could not Oblige themselves to ask the *King's License* to make *Canons*, that which they the most strongly insisted upon was, "That they reputed and took their Authority of making *Laws* to be Grounded upon the *Scripture* of God, and Determination of *Holy Church*; and that therefore they might not Submit the Execution of their *Charges* and *Duties*, certainly prescribed by God, to the *King's Assent*. This they again repeated in their second Paper, wherein they say, that this Power and Authority of making *Laws*, in Matters concerning Faith and Good Manners, necessary to the *Soul's Health*, all Christian Princes have hitherto reckoned themselves Bound to suffer the *PRELATES* to use within their Realms; and have not claimed of the same *Prelates*, that they should from time to time Require their Consent or License by the way of Authority more in making of such *Laws*, than they do claim that they the said *Prelates* should from time to time Require their Consents Authorizable in the Giving of *Holy Orders* to any of their Subjects, or in the Exercising any other Spiritual Act depending upon their Spiritual Jurisdiction, the Authority whereof proceedeth immediately from God, and from no Power or Consent Authorizable of any Secular Prince. And yet we know how this very Prince, about the same time, and by the Advice of the same Ministers, who now prompted him to restrain the *Bishops* in *Convocation* from Exercising this part of their Authority, without his License; did also Restrain them from the Exercise of all the other branches of their *Episcopal Jurisdiction*, here spoken of, without the like License first had under the *Great Seal* of *England* so to do. Of this we have a very early Instance still upon Record, not long after the passing of this Act; a Commission Granted to *Fox Bishop* of *Hereford*, to exercise his *Episcopal Jurisdiction*; the very Person, who was the *King's Almoner*, when the Submission passed in *Convocation*, and brought them the *King's Form*, upon which they Submitted, to it. In these Commissions of License, it is Asserted (how truly I am not now to dispute) "that all manner of Jurisdiction; as well Ecclesiastical as Secular, flows from the *King's Power*, as from its Supreme Head; that it therefore ought to be acknowledged as owing meerly to his Royal Bounty, and to be given back to him whenever He should think fit to Require the same. Upon this Ground, the *King* Authorizes the *Bishops* to Give Orders; to grant Institution to *Benefices*; to Deprive Ministers, if need were; to Visit their Chapters, and *Diocesses*; and all this only during Pleasure.

Thus did the *King* bring the whole Ecclesiastical Jurisdiction within his Own Power; so that without his License, neither could the *Bishops* in *Convocation* make any New *Canons*; nor out of it, Execute any part of their *Episcopal Authority*, pursuant to the Old Ones. And as in the One, the *Bishops* were not permitted, without his Commission or LICENSE first had to impower them so to do, to Exercise any Preparatory Acts, in the Other Instances of their Authority (*Attendant*, the Chief Word of the Act of Parliament, is the very Word of the *King's Prohibition* in the Other Case, of which I am now speaking) but were presumed to be utterly Void of all manner of Ability to do any thing in that respect, till they had received the *King's License*, from whom their Whole Jurisdiction, as to the Actual Exercise of it, is said to flow: So much more in the Other Case, where this Matter is more fully express'd, may we justly suppose it to have been the *King's Design* to Restrain them from all Manner of Use of their Legislative Authority, till by the like License they should be enabled and allow'd, to Attempt, Alledge, Claim, and Put in Ure such their Authority; and in pursuance thereof, to Enact, Promulge, and Execute *Canons* and *Constitutions*, according to the Form and Method therein prescribed to them.

And that which further confirms me in the same Opinion, is, secondly, the Consideration of that Model of Ecclesiastical Government, which seems to have been lay'd by those who had the Chief Management of these Matters; which was plainly this: To Restore the Use of *Diocesan* and *Provincial Councils*, for the Ecclesiastical Government of the *Diocesses* and *Provinces* of the Realm; and therein, to transact those Affairs which were properly Conciliary; and which only the Later Practice of the foregoing Century, had brought within the Cognisance of the *Convocation*.

Sect. 26.

Addit. Append. p. 19. Rights, &c. p. 464.

Addit. Append. p. 24.

Append. ad Ann. 1535, 1536.

Sect. 27.



<sup>1</sup> Reformat.  
Legum Ecclef  
Tit. de Ecclef.  
cap. 12, 19, 20.  
<sup>2</sup> Ibid. cap. 18.

That this was the Design of our first Reformers, the Body of Ecclesiastical Laws drawn up by Authority of that very Act of which we are now speaking, sufficiently shews: Wherein it is directly appointed, 'that every Bishop should hold his Diocesan Synod, every Year; And each Archbishop his Provincial Council, not statedly, or within any Certain Period of Time, (as Dr. A. pretends) but upon a just occasion; <sup>2</sup> Si contigerit in Ecclesia Gravem aliquando exoriri Causam, as the Constitution expresses it. For the Laws of the Church being now to be fully settled by Authority of Parliament, and thereby a Provision to be made for the Ordinary Government of it, the only need there could be for such an Assembly, must arise from some new Emergency, which had not been before sufficiently foreseen, or by consequence, provided for: And then the Archbishop, in whose Province it fell out, was to Convene his Provincial Bishops, and with them to Deliberate about it; and agree upon such Remedy as they should think needful in it. These Councils were to be called for that End *Jussu ac Voluntate Regis*; and being so Assembled for such a Particular Affair, and allow'd to meet upon it; they would also have been Licensed, as the Act directs, to do the Business for which they were Convened.

Now this being the Model to which the Church-Government was designed to be Restored; That the Ordinary Jurisdiction, and Laws of Ecclesiastical Polity, were to be first Established by Authority of Parliament, and that for all Greater Contingencies, which had not before been provided against, Provincial Councils were to be held from time to time by the King's Authority; it is plain, that the Business of the Convocation would have hereby been reduced to what it was Originally call'd for, I mean to Matters of Civil Interest; to such Affairs as the Clergy were to transact as Members of the Community, not as the Ministers and Governors of the Church. By consequence those who went upon this Design, must have intended to have utterly Restrained the Prelats and Clergy from meddling with any Canonical Matters There: From Attempting, as well as from Making of Canons, &c. which were no longer to be the Work of that Convention, but to be separately done in a proper Church-Council.

Let us now put this whole Matter together: That the Notion of King Henry the 8th, and his Council, was, that All Ecclesiastical Jurisdiction flow'd Originally from the Crown; was Owing to his Bounty, and might be Limited or Revoked by Him at his Will\*; That, in pursuance hereof, he permitted not his Bishops to ATTEMPT or Exercise the most proper Acts of their Episcopal Function, but by his LICENSE and Commission; \* That his Intention, with respect to the Convocation in particular, was, to Reduce it to the proper Business of a State Assembly; and for all Greater Church Matters, which concern'd the whole Province, to Revive the Usage of Provincial Councils, to which the Bishops of the Province only should be Summon'd; and for the rest, to leave it to every Bishop within his own Diocess, to hold his Yearly Synod for the better Ordering the Discipline and Government thereof; \* And then let us consider the Words of the Act, upon which the Restraint of the Convocations Power is founded, and Compare it with the Form of Submission upon which it was drawn; and after this judge, whether that Prince, and that Parliament, must not have designed wholly to tie up their hands in all Matters of Ecclesiastical Jurisdiction; and to have forbidden them not only to Enact any Canons without his License, but to enter on any previous Acts, in order thereunto, without his Knowledge and Permission.

Seet. 28.

But against this Sense of that Act, Dr. A. excepts as an Error only of the last Age; which he thinks ought to be Reform'd, and set to rights, among some other Convocational Affairs, in This.

To make this Exposition pass off the better; instead of beginning in the Natural Order, with the Submission of the Clergy, and the Sense of that first, and so proceeding to the Act which was made upon it; He falls directly upon the Statute; and even in that too, passes by the manner of its Recital, and goes straight on to the Enacting part; which being thus separated from the rest, might, he supposed, afford him the better Opportunity of putting such Colours as he had now Occasion to lay upon it.

<sup>3</sup> Addit. p. 21.

"<sup>3</sup> The Words of the Act, says he, are; That They, ne any of Them, shall from henceforth presume to Attempt, Alledge, Claim, or Put in Ure any Constitutions or Ordinances Provincial or Synodal, or any Other Canons: Nor shall Enact, Promulge, or Execute any such Canons, &c. unless the same  
" Clergy



“ Clergy may have the King’s most *Royal Assent*, and *License*, to *Make*, *Promulge*,  
 “ and *Execute*, such *Canons*, *Constitutions*, and *Ordinances*. Here (continues he)  
 “ are *Two several Things* distinctly prohibited to the *Clergy*; in two different *Mem-*  
 “ *bers* of this *Clause*, that have each their proper *Verbs*, and those *Verbs Substan-*  
 “ *tives* of their *Own*, which they govern, and in which their *Signification* and  
 “ *Force* is *Determined*. The *Clergy* are forbid, in the *first place*, to *Attempt*,  
 “ *Alledge*, *Claim*, or *Put in Ure*, any *Constitutions* or *Ordinances Provincial*, or  
 “ *Synodal*, or any *Other Canons*. They are forbid, in the *second place*, to *Enact*,  
 “ *Promulge*, or *Execute* any such *Canons*, &c. The *first Member* of this *Clause*,  
 “ is *PLAINLY* intended to *Vacate* all the *Canons already made*; the *second*, to  
 “ hinder the *Clergy* from *making* any such for the *future*, without *Leave* of the  
 “ *Crown*.

How false, as well as arbitrary, this Division of the present Clause of this Statute is; how contrary to the Scope and Method, both of the *Submission* of the *Clergy*, and the *Recital* of this very *Act*; nay, and to the *Words* of this very *Sanction* too, which not only *Enacts According* to their *SUBMISSION*, but by the *Relative SUCH*, in the *Latter part* of the *Sentence*, plainly shews that the same kind of *Canons* are to be understood in the *One*, of which mention had been made in the *Other*, I have already shewn; and shall not need again to repeat here, what I have so largely insisted upon but just before. Three Considerations there are which *Dr. A.* offers in *Proof* of his *Interpretation*; and what *Force* there is in *Any*, or *All* of them, to *Confirm* it, I now proceed to enquire.

The first of Them is this; That the entire *Clause* is said to be *Enacted*, according to the before *Recited Submission* and *Petition* of the *Clergy*: But their *Submission* Referr’d to the *Canons hereafter to be made*; their *Petition* to Those which had been *already made*; and therefore both these must have been included within the *Sanction* of it. Will *Dr. A.* excuse me if I say, that All this is but meer *Supposition*, without any *Evidence* or *Authority*, to Support his *Conjecture*. This *Clause* was, he says, *Enacted*, according to the *Submission* and *Petition* of the *said Clergy*. How do’s that appear? Or which way will he prove, that it was this *Clause*, and not All that *part* of the *Act*, which relates to the *Submission* and *Petition* of the *Clergy*, that was *Enacted* upon this *Ground*, and according to it.

Sect. 29.  
Ibid. p. 23.

The *Statute* first distinctly *Recites* the *Clergies Submission* and *Petition*, the *One* after the *Other*, without the least *Mixture* and *Confusion*. The *Submission* wholly relates to *Constitutions* and *Canons hereafter to be made*; The *Petition*, to *Constitutions* and *Canons already in being*, which they desired might be *Review’d*. Having done this, it proceeds to *Enact* in these *Words*; *Be it therefore now Enacted*, by *Authority* of this present *Parliament*, according to the *SAID Submission* and *Petition* of the *Clergy*: And so goes on, in two distinct *Paragraphs*, answerable to the two *Branches* of the *Recital* before made; first to determine concerning *New Canons*, according to their *Submission*; and next concerning *Old Ones*, according to their *Petition*.

To shew yet farther, where they began to *Enact* upon the *Latter* of these, the *PETITION* of the *Clergy*; that They did it in the *Method* and *Order* of the *Clergies Instrument*, and their own *Recital* upon it; having in the *first Clause* settled the *Business* of *New-Canons*, they thus *Preface* their *Sanction* concerning the *Others*: “ And forasmuch as such *Canons*, *Constitutions*, and *Ordinances*, As  
 “ HERETOFORE HATH BEEN MADE by the *Clergy* of this *Realm*, cannot now, at the  
 “ Session of this present *Parliament*, by reason of the *Shortness* of *Time*, be  
 “ Viewed, Examined and *Determined* by the *King’s Highness*, and xxxii *Persons*  
 “ to be Chosen and Appointed ACCORDING to the *PETITION* of the *said*  
 “ *Clergy* in FORM ABOVE REHEARSED; Be it therefore *Enacted*, &c.

What can be more plain, than that here they began to *Enact* upon the *PETITION* of the *Clergy*? That this *Branch* of the *Act* therefore, as it lies in the same *Order*, and refers to the same *Subject*, and is prefaced in this plain manner; so ought it to give a full Satisfaction to us, that therein the *Petition* of the *Clergy* was *Confirm’d*; and that the *Other* therefore, as it answers entirely, and only, to the *SUBMISSION* of the *Clergy*, so was it design’d to determine only of *SUCH CANONS* as that *Submission* referr’d to.



But I must add yet more: Dr. A. says, that *this Clause* (and not *this whole Part* of the *Act*) was *Enacted* according to the said *SUBMISSION*, and *PETITION* of the said *Clergy*. It will not, perhaps, be very material to ask him, How then he came to break the Order, and to apply the *former part* of it to *Old Canons*, the *Subject* of their *PETITION*; the *latter* to *NEW ONES*, the *Business* of their *SUBMISSION*; seeing neither *New* nor *Old* are expressly mention'd in this part of the *Statute*, but only *Canons*, and *SUCH Canons*, *Constitutions*, &c. That which I insist upon, and must needs desire some good Account of, is this; That if this was done *ACCORDING TO THE SAID PETITION of the SAID CLERGY*; that is, according to the *Petition* in the *Statute* before *Recited*; He will please to shew, where, in All that *Petition*, the *Clergy* desire 'that "the Force of All the " Old Canons might be actually Suspended, or, pro tempore, Abrogated; as by that part of this Clause he tells us that they were. They desire that these Canons might be Committed to the Examination of the King, and Thirty two Persons: That such as upon their Examination should be judged Worthy to be Abrogated, or Annulled, might be abolite, and made of no value accordingly. And that such Other of the same Constitutions and Canons, as should be Approved by them, to stand with the Laws of God, and to be Consonant to the Laws of the Realm, might stand in their full Strength and Power. But as for any any present, actual Suspension, of All the Old Canons, while this was doing, and before it could be done; for the Abrogation of them Pro tempore, of which he speaks, there is not one Word in their *Petition*: Nor did it ever enter into their Thoughts, to put such a Stop as that would have introduced, to all Ecclesiastical Proceedings, till such a Revision could be made of those Canons as they proposed.

<sup>1</sup> Addit p. 23.

If therefore this Clause of that Sentence, did Abrogate for the time ALL the OLD CANONS, as Dr. A. says that it did; if it actually Suspended the Force of them; Either let him shew Us in what part of their *Petition*, the *Clergy*, desired this; Or he must give me leave to conclude, that this could not be intended to be done according to the said *Petition of the said Clergy*; because indeed, it was never Desired, or so much as Consented to by Them.

Sect. 30.

<sup>2</sup> Ibid. p. 23.

24.

And this brings me to what Dr. A. calls, (a little oddly I confess, but yet so he Calls it,) his *Second Consideration*, to prove that the *former part* of this Sentence ought to be applied to *Canons already made*, (for as to the *latter*, we both agree, that it belongs to such as were hereafter to be established: ) <sup>2</sup> " It is plain, says He, that the *Old Canons* were somewhere in this *Act* Suspended, or " pro tempore Abrogated: And it is as plain, that this *Abrogation* was performed " by no other *Act* of this Session, nor by any other part of this *Act*, but the very Member of this Clause now under debate; and therefore it was done in " this; and so this Part of it must be understood of old Canons.

Now here I do thus far Agree with Dr. A: That neither in any other *Act* of this Parliament, nor in any other Branch of this *Act*, were All the *Old Canons* Generally put under any present Suspension, or Abrogation: In this I dissent from him, that I do not yet see any reason to believe, that they were at all intended to be presently, either Abrogated, or Suspended.

Sect. 31.

<sup>3</sup> Ibid. p. 23.

This therefore Dr. A. undertakes to prove: <sup>3</sup> " 1<sup>st</sup>. From a *Proviso* in this very Statute for continuing them in force, untill a Review, which unless this " Abrogation be supposed, had been altogether needless. This is a very extraordinary Reason indeed, and bespeaks as extraordinary a Procedure in Those who made this Law: Who, by this Account, must first have Enacted According to the *Petition of the Clergy*, such a thing as the *Clergy* never thought of, I am sure never said one word about, in their *Petition*, as the *Act* it self Recites it. And then having Enacted it, must in the self same *Act* have clapped in a *Proviso*, to Annul what they had themselves Enacted, and Declare that it should be of no force. If this be a Reasonable Interpretation of an *Act* of Parliament, and agreeable to the Rule which he afterwards lays down, that of such the <sup>4</sup> Law Says nothing dishonourable ought to be supposed, I must submit. But if it be such a Sense as is utterly both inconsistent with the very *Petition* on which it is said to be founded, and contrary to what appears to have been their Own Intentions; so that, upon this Supposition, both the Allegation is false, and the Sanction of the several Members of this Statute Contradictory to its self; we must then conclude this to be a wrong account of the meaning of this *Act*, and Repugnant to the Intention of those who made it.

<sup>4</sup> Ibid. p. 49.

To



To shew this the more clearly, I must Observe, that by vertue of the latter part both of the Clergies *Petition*, and the *Parliaments Recital* of it, and *Enacting* upon it, the OLD CANONS were Ordered to be *Reviewed*: And upon that *Review*, such of them as should be *Approved* by the King, and the *Thirty Two Commissioners*, were to *Continue in Force*; such as should be *Disapproved*, were to be *from thenceforth Abrogated and Annulled*. If therefore a *present Suspension* were made of ALL these *Canons*, it must have been such as was *Consistent* with this *Design*; that is, an *Abrogation* of *All* of Them, *pro tempore*, as Dr. A. himself expresses it; till these *Commissioners* should have done their *Work*, and the King have *Confirm'd* it; and so a *legal Declaration* have been made, of what *Canons* should *from thenceforth* have been *allow'd* of, and what not.

Now such an *Abrogation*, or *Suspension*, is literally *Excluded* by the *Proviso* of which Dr. A. speaks: Which took care to indemnify the *Bishops* and their *Officials*, in the Use of ALL THESE CANONS (as far as ever they could *lawfully* have been *Used*) till such time as these *Commissioners* should have done their *Work*. And by *Consequence*, the *Same* thing, according to Dr. A. must in the *Same Act* have been both *Established*, and *Annulled*; if in One part they *Enacted* that ALL the *old Canons* should be *Abrogated* till the *Commission* was *Executed*; and yet at the same time *Enacted*, in Another part of it, that Those same *Canons* should *All be Used*, till this were done: Which I am sure must be either a *flat Contradiction*, if both these *Clauses* were *Authorized* by vertue of that *Act*; or if both were not, then since the *whole Act* was pass'd at Once by the King, I shall leave it to Dr. A. to give Us his *Opinion in Law*, which we are to adhere to; Whether to the first *Repealing Clause*, by which *All the Old Canons*, as He says, were *immediately Abolished*; or to the last *Enabling Proviso*, whereby We are very sure, they were *All Allow'd* for the present to be *Used* as they had been before.

But what need was there of such a *Proviso*, supposing that the *old Canons* had not been before *Annulled*? The House of *Commons* knew not of any need that there was of it, and therefore They pass'd the *Act* without it. But the *Bishops*, it seems, were willing, in those difficult times, to be secured in the *Exercise* of their *Authority*: They thought such an express *Warrant* for the *Use* of these *Canons* could do Them no harm; but might be of *Advantage* to avoid disputes; to justify their *Proceedings*; and to Guard both themselves, and their *Officers*, from any future *Hazards*. Therefore they Got that *Proviso* added by the *Lords* to the *Bill*; and the *Commons*, who never dreamt of *Abrogating pro tempore* All the *Old Canons*, readily Agreed to it, and so it became a part of the *Act*.

Will Dr. A. now in Return to this Question permit me to Ask him, upon his Own Supposition, the very same; What need there was of such a *Proviso*? If the *Parliament* design'd that the *old Canons* should still be *Used* till a *Reformation* of them was *Made*, and *Published* by the King's Authority; the Ready way had been to have struck out those Words *Attempt, Alledge, &c.* by which (He supposes) They had *Annulled* them; and not to have destroy'd One Branch of their Own *Act*, by the *Addition* of a *Contrary Proviso* in another part of it. If They did not intend to have them *Continued*, but to be presently *Abrogated*, then the *Proviso* was not only needless, but *Contrary* to their Own *Intention*; and so either way was not fit to have been put at all into the *Bill*.

But Dr. A. has a farther reason than this to justify his *Opinion*: For 2dly. He tells us it appears by the 37 H. 8. c. 17. that "ALL the *Decrees, Ordinances,*" and *Constitutions* of the WHOLE CANON LAW, were by a *Statute* made in the 25th of the King's most Noble Reign, *utterly abolish'd, frustrate, and of none Effect*. But this was not done by any Other *Act* of this *Parliament*, nor by any Other *Clause* of this *Act*, except that of which we are now Speaking; and therefore it must be done by that: And so that *Clause* must be understood of *old Canons* before *Made*, not of such as should hereafter be *Enacted*.

The answer to this will be very easy, as soon as the matter of fact is truly stated. The *Design* of that *Statute* to which Dr. A. Refers, was to enable *Doctors of Law, being Married Men*, to *Exercise Ecclesiastical Jurisdiction*. It Recites, "how that tho' the King was, and ever had been, by the WORD of GOD, *Supreme Head in Earth* of the Church of England, and had full Power and

Sect. 32.  
Addit. p. 23.

"Au-



“ Authority to Correct, Punish, and Repress, all manner of Heresies, Errors, Vi-  
 “ ces, &c. Springing and Growing within the same, and to Exercise all manner of  
 “ Jurisdictions, commonly called Ecclesiastical Jurisdiction; yet the Bishop of Rome,  
 “ and his Adherents, minding, as much as in them lay, to abolish this Power given  
 “ by God to Princes, had made in their Councils divers Ordinances, and Constitu-  
 “ tions, that no Lay or Married Man should, or might Exercise any Jurisdiction Ec-  
 “ clestical; which they there affirm to be directly Repugnant to the King's Su-  
 “ premacy, and to his Prerogative Royal, his Grace being a LAYMAN. And albeit  
 “ the SAID Decrees, Ordinances, and Constitutions, by a Statute made in the 25th  
 “ Year of your Most Noble Reign (they are the Words of the Act, Referr'd to  
 “ by Dr. A.) be utterly abolished, frustrate, and of none Effect; yet as well for the  
 “ instruction of ignorant Persons, and for the better setting forth of the King's Pre-  
 “ rogative Royal, and Supremacy, They desire it may be particularly Enacted, that  
 “ Lay Persons so qualified as the Act prescribes, may Lawfully Execute and Exercise  
 “ all manner of Jurisdiction, commonly called Ecclesiastical Jurisdiction.

This is the true state of the Case; and from thence it appears, that this Recital does not assert, or even suppose (as Dr. A. pretends that it do's) that the WHOLE CANON LAW was Abolished by an Act of Parliament made in the 25th of H. 8. It speaks only of one sort of Constitutions; such as concern'd the Prohibition of Married Persons, from exercising of any Jurisdiction Ecclesiastical. Now of Those Constitutions it Affirms, That they were directly Repugnant to the King's Supremacy, and Prerogative Royal, his Grace being a Layman; and so in the Consequence thereof, were also contrary to the Word of God. Which being so, I shall not need to tell Dr. A. that all such Decrees, Ordinances, and Constitutions as these, were intended to be utterly Abolished, by that very Clause of the 25th of H. 8. which Ordered the Review of those Antient Canons: It being the express Condition of the Clergies Petition to that purpose, and so Recited by the Parliament in their Act; that such Constitutions and Canons as were prejudicial to the King's Prerogative Royal, and Repugnant to the Laws and Statutes of the Realm, should be Abolite and made of no Value; and those only be Allowed to stand in their full Strength and Power, which should be approved to stand with the Laws of God, and to be Consonant to the Laws of this Realm. And by another Act<sup>1</sup> of the same Par-

<sup>1</sup> 25 Hen. viii.  
 c 14. Compare  
 the Preamble  
 of the same  
 Act.

liament, to which I rather think that Statute refers; it was expressly Enacted concerning the same Canons; “ That no Speaking, Doing, Communication, or Hold-  
 “ ing, against any Laws called Spiritual Laws, made by Authority of the See of Rome,  
 “ which be Repugnant or Contrariant to the Laws and Statutes of this Realm, or the  
 “ King's Prerogative Royal, should be deemed Heresie; Nor should any One be Im-  
 “ peached, Vexed, or Troubled, upon such an account.

Sect. 33.  
<sup>2</sup> Addit. p. 25.

There is yet a Third Consideration, from whence<sup>2</sup> Dr. A. pretends to shew, if not the sense of the Act, yet at least the Opinion which the King's Attorneys and Councils have had of it; and which, should it be true, would at most serve only to be placed among his Other Negative Authorities, the Force of which we are hereafter to Examine. In the License granted by King James the 1st, Anno 1603, and so in all the Other Licenses granted by our Other Princes ever since, to the Convocations to make Canons, in which this part of the Act is Recited; All those Words which he pretends to have a respect to Canons already made, are Omitted; and therefore They do not belong to New-Canons yet to be made; at least, in the Opinion of those who drew those Commissions, they were not thought so to do. This is his last Argument, and of the least force of any we have yet considered. For not to pretend to Conjecture in a Case where, when all is done, neither Dr. A. nor I, can do any thing more than Conjecture: How do's it follow, that because the King's Attorneys took only the most material Words for their purpose, and Omitted the Rest, therefore they thought the Rest did not at all belong to this Matter?

The First Commission to which he refers, that of Anno 1603, was drawn, as he himself supposes, by my Lord Coke; who was then Attorney General. The Words of the Statute, under debate, were Omitted by Him. But did He therefore think that they had no Relation to New-Canons hereafter to be made? His Report of his Own, and the Other Judges Opinions, at a Committee of Parliament, some Years after, shews the contrary; and Dr. A. with all his turns, cannot get off the Force of it.

The last Commission under his late Majesty, was that of 1689: The Words disputed were there again Omitted, as they had Usually been: Yet that wor-  
 thy



thy Person who was then *Attorney General*, lived not only to Read Dr. A's Interpretation of this Statute, but freely to declare his Opinion against it.

In such *Commissions* as these, it is enough that the most material Words are express'd, which include all the Rest; especially where Those, which are Omitted, are so well Known, and so well Understood, as they are in the present Case. In 1586: the Clergy of York petitioned the Queen to *License*, and *Authorize* them to *Devise*, *Make*, and *Ordain* such *Orders*, *Decrees*, or *Constitutions Provincial* and *Synodal*, as they should think expedient, for the better Levying and Payment of the *Benevolence* which they had agreed to give to her Majesty. The Queen Consented, and gave them thereupon her *License* and *Authority* to *Decree*, *Ordain*, and *Constitute* any manner of *Decrees*, *Orders*, and *Constitutions Synodal*. &c. Can it be imagined, that she did not thereby effectually Grant them the Power of *Devising*, as well as *Decreeing*; but intended to intimate, that she had no *Right* to *License* them for the One, but only for the Other?

But what if after all, these Words have not been so utterly Omitted as Dr. A. would have it thought; but have been at least so far mention'd in All those *Commissions*, as to shew that they were look'd upon by Those who drew them, to have all that Relation I am now affirming to this Matter? Dr. A. Censures me for Referring in my *Appendix* to the Extract I had before Given of the *Act of Parliament*, for the Recital of it in the *Commission* of 1640. He makes it a Capital Crime, and finds out (as what will not an Uncharitable Spirit find out) a great deal of dishonest Cunning in it. I was mistaken in saying, that the *Act of Parliament* was *Recited Verbatim* in the *Commission*; I confess it: I wrote in haste, and perceived not the Omission of those four words in the *Enacting part*, till Dr. A. took Care to inform the World, and my self among the Rest, of it. But has not Dr. A. shewn a little of that Slight himself, with which he has thought fit to charge me, in the management of this very Argument? Let the Reader Judge. "In the Entrance of that Instrument (the *License* of 1603. says He) All of the *Submission Act* that *Relates any Ways* to the *Clergies Power* of *Making Canons* is *Recited at large*; and in that Recital, (which deserves Observation) these Words *Attempt, Alledge, Claim, Put in Ure*, are *DESIGNEDLY OMITTED*, as being known to belong to *OLD CANONS ONLY*, and to lay no Restraint therefore on the *Clergies Power* of *MAKING NEW ONES*. For thus that Instrument Runs, *Whereas in and by one Act of Parliament, &c.* It was Enacted among Other things that they nor any of them from thenceforth, should *Enact, Promulge, or Execute any such Canons, Constitutions, or Ordinances Provincial, &c.* And again, p. 26. having Censured Dr. W. for Referring to the *Act*, as *Recited Verbatim* in the *Commission*, he adds, tho' the most material Words (of it) and such as would be most Conclusive upon the *Clergies Convocation Acts* and *Debates*, if they really belong'd to 'em, are, as I have shewn, *DESIGNEDLY OMITTED* in that Recital. Many of these *Licenses* I have seen upon Record; and found Them tho' different from One another in several Respects, yet in this of the Omission of the Words, *Attempt, Alledge, &c.* always the same without the least Variation.

SECT. 34.

I may now Appeal to any unprejudiced Reader, whether Dr. A. did not design by this Discourse to work this Belief in him, that those Words, *Attempt, Alledge, Claim, and Put in Ure*, had never at all been put into any *License* since the 1<sup>st</sup> of King James the 1<sup>st</sup>: But that all that part of this *Act*, had been intirely Omitted in these *Commissions*, as not belonging to the *Making* of *New Canons*, but only to the *Execution* of the *Old Ones*? And yet let me now, in my turn, ask of Dr. A. Whether he ever saw any One *License* in all this time, in which these Words were not Recited as a part of that Statute? Or by consequence, whether what was the *Casual Effect* of haste in me, may not justly be suspected to have been an *Unwarrantable Concealment* in Him.

The truth then of the Case is this: The Statute, of which we are discoursing, twice Repeats these controverted Words; in its *Recital* of the *Clergies Submission*, and in its *Sanction* thereupon. In the former of these they have been constantly transcribed into every one of these *Commissions*: There it has been shewn, what the *Convocations* had in *Verbo Sacerdotii* promised as to this matter, viz. "That they would never from thenceforth Presume to *Attempt, Alledge, Claim, or Put in Ure, or Enact, Promulge, or Execute any NEW Canons, Constitutions,*



" tutions, &c. unless the King's most Royal Assent and License might to them  
 " be had to Make, Promulge, and Execute the same.

Then it has been declared how it was thereupon " Enacted, ACCORDING to  
 " the said Submission and Petition of the said Clergy AMONGST OTHER THINGS  
 " that They, nor any of Them, from thenceforth should Enact, Promulge, or  
 " Execute any SUCH Canons, Constitutions, &c. unless the Clergy might have  
 " the King's most Royal Assent and License to Make, Promulge, and Execute  
 " SUCH Canons, &c. What can be more evident, that that if Those who drew  
 these Commissions had DESIGNEDLY OMITTED these Words in the Latter Clause  
 of the Act, as not pertinent to their Purpose, They ought also, for the same  
 Reason, to have Omitted them in the former: Whereas not only Reciting  
 them there, where they were the most evidently Applied to the Subject of  
 MAKING NEW CANONS, but adding moreover, that the Parliament had thereupon  
 Enacted ACCORDING to that SUBMISSION; and to shew that they did not here  
 again Repeat the whole of what was Enacted, expressly inserting that Caution-  
 ary Clause AMONGST OTHER THINGS; they have, I think, effectually Guard-  
 ed themselves against all mistake in this Matter: And more plainly shewn by  
 their Positive Application of those Words to this purpose in One part of the  
 Act, that they did account them to belong to this Subject, than they can just-  
 ly be supposed to have insinuated by their Omission of them (with such a Qua-  
 lification as I have now observed) in the Other part, that they did not think  
 them to Relate to the Making of New, but meerly to the Execution of Old  
 Canons.

Sec. 35.

However, since Dr. A. has thought fit to put the Issue of this matter upon  
 the Authority of these Commissions, let me desire him to give some satis-  
 factory Answer to these Two Things; which naturally arise to be observed  
 from them.

1<sup>st</sup>. Whether in these Licenses the King do's not, by vertue of his Prerogative  
 Royal, and Supreme Authority in Causes Ecclesiastical, (which by this, and the  
 other Acts Referr'd to, 1 Eliz. c. 1. was RESTORED to the Imperial CROWN of  
 this Realm;) Give and Grant full, free, and LAWFUL Liberty, LICENSE, Pow-  
 er and Authority to the Convocation, to these several distinct Ends, and Purpo-  
 ses; to CONFER, TREAT, DEBATE, CONSIDER, CONSULT, and AGREE upon such  
 Canons, &c. as were to be made by them?

And, 2<sup>dly</sup>, Whether the necessity of a License, or Commission to do This,  
 be not founded upon the Authority of the Statute, which in these Commissions  
 is always first Recited; and then the Commission immediately follows thereup-  
 on in these Words, or Others to this Effect, " Know ye that we for divers urgent  
 " and weighty Causes, have Given and Granted, and by These Presents do give and  
 " grant, full and free, and lawful Liberty, License, &c. The plain Construction  
 of which can be no Other than this; that whereas by vertue of this Act, the  
 Clergy, without the King's License, could not, by their own Authority; or in  
 Consequence of their bare Writ of Summons; have Legally Proposed, Conferr'd,  
 Treated, Debated, &c. the King, by his Commission, Authorizes them to do it.  
 But especially, seeing at the End of this very Permission, these Express Terms  
 are added to the same purpose; The SAID STATUTE, or any other Statute, Act  
 of Parliament, Proclamation, Provision, or Restraint, &c. to the Contrary, notwith-  
 standing.

Sec. 36.

I have now consider'd All those Arguments which Dr. A. has offer'd to  
 prove, that the Words Attempt, Alledge, Claim, and Put in Ure, (in despite of  
 the Use made of them in the form of Submission, sent by the King to the Convo-  
 cation, and from thence transcribed into this Act; and of the Recital of it in  
 the Preamble to this very Statute, upon which the Sanction we have now been  
 considering was made) ought to be applied to One sort of Canons, and the  
 following Words, Enact, Promulge, and Execute, to Another: Tho' they All  
 run in the same Sentence, without so much as a Point between them to divide the  
 Sense; and in a Paragraph which wholly, and absolutely, refers only to New  
 Canons, hereafter to be made by the Clergy in their Convocations. As for 'Dr.  
 A's Explication of the Word Attempt, there is very little force in it. The whole  
 amounts to no more than this; that in whatsoever Case that Word is used, it  
 still carries the same general Signification along with it; and denotes an En-  
 deavour to do somewhat; and that for the most part such a thing, as ought  
 not

Addit. p. 28.  
 33



not to be *done*; nor therefore to be *Endeavour'd*, or *Set about*, any more than than to *Finished* and *Performed*.

But in the sense of the Word *Make*, which is much more material, as <sup>Ibid. p. 36.</sup> it is used in this Place, I must beg leave to differ from his Notion: Which being both in the *Form* of *Submission* drawn up by the *King's Order*; in the *recital* of this *Statute* thereupon; and lastly, in its *Sanction* founded upon that *Recital*, Opposed to all those Other Words, *Attempt*, *Alledge*, *Claim*, *Put in Ure*, *Enact*; must be understood in such a Latitude, as to answer to All of them; and take in the whole process of what is requisite to the *Passing* of a *Canon* from its *first Proposal* to its *last Establishment*: All which as it comes within the sense of *Making a Canon*, so was it evidently intended to be understood by it upon this Occasion. The Words of the *Submission* run thus; That they (the Clergy) will never from henceforth presume to *Attempt*, *Alledge*, *Claim*, or *Put in Ure*, or *Enact*, *Promulge*, or *Execute any New-Canons*, &c. unless the King's most *Royal Assent*, and *License* may to them be had, to *Make*, *Promulge*, and *Execute* the same. To *Make*, i. e. to *Do All*, from first to last, which is needful to the *Passing* of such *Canons*; the Particulars of which had been before set down: May *Attempt* it, may *Alledge*, *Claim*, *Put in Ure*, their Power of doing it; and thereupon may finally *Enact* it: From all, and every part of which, they had promised to abstain, unless they should have the King's *License* to *Make Canons*; that is, to do All that without which a Canon cannot be *Made*; and which therefore a *License* to *Make Canons* must be understood to *Grant* to them.

And now, there is but one thing more remaining, to clear up all the Doubts which Dr. A. has thrown in the way of the plain and literal Exposition of the Words this Act. And that is to Enquire whether the Account which he has given of of the *Enacting* part of this Act, can be reconciled with the *Recital* of the *Clergies Submission*, according to which, the *Statute* professes to *Enact*. It is a just doubt of his <sup>Sect. 37.</sup> *Own* raising; Let us see how he comes off with it. He Answers: <sup>Ibid. p. 47.</sup>

" 1<sup>st</sup>, That those Words, *According to the Submission*, do not necessarily imply that *Clause* to have been *Enacted*, according to the *strict Literal Tenour*,  
" but only according to the *Main Drift* and *Substance* of the *Submission* before recited. This is a pretty bold Comment, and yet being Allow'd of, will signify nothing to his purpose. For indeed, in proceeding to *Suspend* or *Abrogate all the old Canons*, as he tells us by that *Clause* of their *Act*, which we are now considering, the *Parliament* did intend to do; They did not only not *Enact* according to the *strict literal Tenor* of their *Submission*, but *contrary* to the *Design* both of *That*, and of their *Petition* too: Which was not to *Suspend All the Discipline* and *Jurisdiction* of the *Church*, and to put an *End* to all *Ecclesiastical Proceedings*, by a *present Repeal* of all the *Old Canons*, before any *New ones* could be *Made*, or *Settled* in their *Stead*: No; They were so far from that, that when the *Bill* came up from the *House of Commons* without the *Proviso* which we now see at the end of it, they would not so much as leave that matter in *Suspense*; but by the *Addition* of that *Declaration* with respect to these *Canons*, took *Care* for the *Continuance* of them in their full force, till such time as a *Review* should be made of them. All that was demanded of the *Clergy* by the *King*; or that they *Consented* to; or indeed, that the *Parliament Enacted*; was, that the *Canons already made* might be examined by *Thirty Two Persons*, and that such of them as they should judge, to be *contrary* to the *Word of God*, to the *Laws of the Realm*, and the *King's Prerogative*, *Royal*, should *FROM THENCEFORTH* be *Annul'd*: And that the rest should not only continue still force, as they were before, but be yet farther *Ratified* and *Confirmed*; and be hereafter *Exercised*, not only by virtue of that *Ecclesiastical Sanction* which they had before, but of that *Civil Authority* which they should now have added to it.

This first Supposition therefore of Dr. A. fails in its very *Foundation*, tho' we should allow of the *Odd Construction* which he puts upon those very plain Words of the *Act*, where it professes to *Enact According to the said Submission and Petition of the said Clergy*. Nor will his Other Observation signify any more; which

2<sup>dly</sup>, <sup>Ibid. p. 49.</sup> <sup>3</sup> Supposes, that in the *form* of *Submission* sent by the *King* to the *Convocation*, and agreed to by the *Lower House*, those Words, *Attempt*, &c. did not relate to *New Canons*, but to *Canons in General*; and that the



Bishops and Prelates, when they struck out the three first of them "Attempt, Alledge, and Claim, added the word *New*, which was not only not inserted, but was not intended, before. That the Parliament when they made the Recital Confounded the two Forms together; took all the Verbs out of the One, Attempt, Alledge, Claim, Put in Ure, Enact, Promulge, and Execute; and added the Word *New*, out of the Other; but without any Intention of applying it indifferently to all of Them; but only to employ the Three latter Verbs to the Subject of *New Canons*, and to leave the rest to belong to the *Old Ones*. This he seems to allow to have been a little Unaccurate; but for that he tells us, that the Parliament thought there was the less need of Exactness in the Recital, because that in the Body of the Statute they had taken care so clearly to distinguish these Verbs, and their Relation, as to leave no Room for a Mistake in the Application of them.

What a Company of Suppositions are here put together, not one of which has yet been, or ever can be proved to be true; and the greater part of which I have before shewn to be certainly false? In the form of Submission sent by the King to the Convocation, and Agreed to by the Lower House, the whole Set of Verbs plainly refers to *New Canons*. Let Dr. A. try what possible Construction can otherwise be made of it: They promise, in *Verbo Sacerdotii*, that they would never from thenceforth presume to Attempt, Alledge, Claim, or Put in Ure, or Enact, Promulge, or Execute, any Canons, unless the King by his Royal Assent should License them to MAKE, Promulge, and Execute the same. What Canons did they promise not to Attempt, &c. but such as the King was to License them to MAKE? And what Canons could those be but *New Canons*, not yet Enacted, but hereafter to be made by them?

Again, The Parliament Confounded not the two forms together: They went upon that which the King had prescribed, and they followed it so strictly, as to have Omitted even the Word *New* in the first Draught of their Bill; till, upon debate, they thought fit, for avoiding of all dispute concerning the Canons of which they speak, to Add it; and then it was interlined in another hand, as some few other Words in like manner were.

Now this shews, Thirdly, That the Parliament were not so Negligent or Un-accurate in this Recital, as Dr. A. would have us believe that they were; but on the contrary, took a very particular Care about it, as that upon which they were to Enact; and ACCORDING whereunto, as themselves profess, their following Sanction was to be understood.

In short; In the Recital, All these Verbs immediately follow One another, without any the Least point to distinguish One part of them from the Remainder. They are all expressly determin'd, both by the Sense, and Words of it, to *New Canons*. The Sanction is framed upon this Recital, as the Act it self affirms: And in that too no Point of Distinction is found; Nothing to Seperate one part of the Sentence from the Other. And therefore I must still take the Liberty to Conclude, till Dr. A. can give me some beter Reasons to the contrary, that they do All belong to the same Subject; and that *New Canons*, hereafter to be made, is the Sole, Common Subject, of them All.

sect. 38.

The Conclusion of this first Argument is this: \* That from the plain Construction of the form of Submission upon which this Statute was framed; \* from the Recital of that Submission in the Act its self; \* from the just, and regular Method of the Sanction which follows thereupon in both its Parts, with respect both to the Canons and Constitutions hereafter to be made, and to those which had been before made, but were by order of this Act to be Reviewed; and lastly, from the Evident Punctuation of the Record it self; it appears, that the Clergy in Convocation are tied up from Attempting, as well as from Enacting of any *New Canons*, unless they have the King's License to Make Them; which by the Purport of the Act, refers to the One, as well as to the Other, and gives them Authority to Do Both. That therefore without incurring the Penalty of this Statute, they may no more Treat, Debate of, or Draw up, than they may Enact any such Canons or Constitutions, without it: Which was the First Argument I proposed in proof of what I had before Asserted, and do still continue to affirm to be the Law in this Particular.

But that I may not seem to stand singular in this Opinion: or to have advanced any thing in restraint of the Proceedings of our Convocations which had

not



not been commonly Received by our most Eminent *Writers*, of all Kinds, before; (tho' I take the Case to be so very clear, as not to need any farther Proof yet) I will proceed

2dly, To shew; What has been the Sense of our *Reformed Clergy* and Others, both *Common Lawyers*, and *Civilians*, as to this Matter.

This is another of those Topics, by which Dr. A. pretends to Confirm the Interpretation he has Given of the Statute 25 H. 8: And I am so much the more concern'd to proceed with him upon this Ground, in that he pretends thereby to expose me to the Censure of his *Reader* for an Assertion, in which nevertheless, both He and I, are Agreed; namely, "That the Interpretation of Authority, that Act given by the Author of the Letter to a Convocation Man, was never allow'd of, nor, for ought I know, so much as heard of, till that Gentleman first enlightned the World with it. For this<sup>2</sup> Dr. A. accuses Me of Rashness and Vanity: He "pretends that the Authorities by him produced, do sufficiently Expose it; and as fully prove the Truth and Justness of the other Exposition. But, indeed, for his Own Sake as well as Mine, I hope he is mistaken: For most certainly after all, he is as far from approving of that Author's Account of the Act, as I am; and has as fully declared his Sense against it.

The Opinion of that Writer in the Case before us was This: That besides the Writ of Summons, by Authority whereof the Convocation is Assembled, there needs only One License from the King to Enable the Clergy to Enact, Promulge and Execute any Canons or Constitutions; and that is the Patent by which they are Confirmed after they have pass'd the Convocation. Let us take it in his Own Words: 3 "To what purpose is such a License before hand to make Canons, since the King's Assent must be had to 'em Afterwards, e're they can be Promulged? Do's the Act say there shall be a DOUBLE License from the King? That he shall Assent Once to the preparing and framing Canons, Another time to the promulging 'em? Do's it mean any more than barely this, that before a Canon can be Enacted, Promulged, or Executed, the King's Concurrence must be had? And is not that HAD, unless it be given before-hand and afterwards too? A Leave, in general, to Make Canons, is given them by their very Writ of Summons: And a Leave, in particular, to Make this or that Canon, is given 'em, when the King Assents to this or that Particular Canon: And what Other Leave, besides these, can there be Imagined or Desired? The Author goes on farther at this rate, till at last he has utterly defined away All Enacting Power from the Clergy, on whose side he was engaged, and put it wholly in the King's Hand. "For to Enact, he says, is to give the Authoritative Fiat to a Law, by which it becomes Obligatory. But the Convocations neither do, nor can be construed to pretend by any thing of theirs, that goes before the King's Assent, to Make a Canon, which shall be a Law of the Realm, and binding: And therefore All they do, before they offer a Canon to the King, in order to his Assent, Rises not up to Enacting, and therefore they want no License for it.

And now, let me freely appeal to Dr. A. himself: Do's he Approve of this Construction? Do's he take this to be agreeable to the Sense of the Act? Or has he shewn it by any Authorities he has produced; or can he shew it by any Others, to have ever been deliver'd as the true Meaning of that Statute, till this Writer first enlightned the World with it? No; he allows, he insists upon the Necessity of a License, to Enact before, as well as upon a Patent of Confirmation, for Authority to Promulge, and Execute, after. He is so nice, as to doubt, whether the Clergy may safely Conclude upon the Form of a Canon without it; least even that should be Construed Enacting: And therefore resolves, that either they ought not to do it, or at least, not without a Protestation to save them harmless in it. But where then is my Rashness, or Vanity, in denying That, which he himself rejects as False and Erroneous? Or with what Justice can he say, that his Testimonies prove this Charge upon me, for disowning a Sense of this Act, which he is as far from Receiving as I am?

The Truth is, that Author had carried his Point, not only to an Unpresidented, but even to an Absurd Excess. Dr. A. has very much corrected the Extravagance of it; and brought it a great deal nearer, both to the Design of the Act, and to the Practice of our Convocations. He agrees, that, without the King's License, the Clergy may not Enact; but Affirms that they may Confer, and

Authority, &amp;c. p. 289.

Addit. p. 46.

Sect. 39.

Letter to a Convocation-Man, p. 98, 97, 98.

Sect. 40.



Debate, in Order to their ENACTING. This (tho' more Reasonable than what had been before advanced) I have deny'd, and must still beg leave to doubt of, for the Reasons before alledged. With which of these two, the *Opinions* of our *Divines*, and *Lawyers*, do the best agree, was the *second* thing proposed, and comes now to be particularly consider'd.

For the better Determination whereof, we must first make a Distinction of the Time since the Passing of this Act, into two several Periods: The One from the 25th H. 8. to the End of Queen Elizabeth, for about Seventy Years; the Other, the Age which has follow'd since; from the First of King James the 1st, to our own Days. In the former of these, if I take Dr. A. aright, he Affirms both the *Opinions* of our *Learned Men*, and the *Practise* of our *Convocations*, to have run generally on his side; but in the latter, to have come off, no less generally, to Ours. Some few *Authorities*, indeed, he alleges, within this time also, to make good the *Interpretation* which he has given of this *Statute*; but as they are but few in Number, so are they no less inconsiderable in their Weight too; as I shall shew, when I come to the particular Examination of them.

Sect. 41. But whether Dr. A. will allow of thus much or no, the Evidence of the thing its self is too great to be withstood; and it is the first thing therefore which I shall lay down, in proof of what I have Asserted; That the *General Consent* of our *Church of England Divines*, *Common-Lawyers*, and *Civilians*, for the last hundred Years, has been, that the *Clergy in Convocation* can no more Legally Confer or Treat, in Order to the Enacting of any *Provincial Canons*, or *Constitutions*, without a *License* from the *Crown* to warrant them in their Proceedings; than they can Conclude upon, and Enact them without it.

I shall hereafter Enquire, when I come to consider the *Practise* of our *Convocations* in this Particular, whether, in Fact, they have ever adventured to Treat in order to the making of *Canons*, till they were first Empower'd by *Royal Authority* so to do. At present, I am only to consider the *Opinions* of our most *Learned Writers* of all sorts; and I shall do it in the Order of the several times in which they Wrote.

Sect. 42. Whether I should here produce the *Letters Patents* of King James the 1st, by which he Confirm'd the *Canons* of 1603, as an Evidence of his Own private Opinion, or Reserve it to the History of that *Convocation*, I cannot tell. This is plain, that he there Recites that the "Bishops and Clergy had not only Received his *License* to Confer, Treat, Debate, Consider, Consult, and Agree of such *Canons*, &c. as they should think necessary; but had by Vertue of the said Authority thereby Granted to them; Treated, Concluded, and Agreed upon certain *Canons*, &c. to the End and Purpose by him Limited and Prescribed unto them.

<sup>1</sup> Rights, &c.  
p. 390.

Against this Authority, Dr. A. Excepts, that the King did not thus License them in consequence of the *Statute* of the 25th of H. 8th, but by his *Prerogative Royal*, and *Supreme Authority* in *Causes Ecclesiastical*: And therefore this is no Evidence, that That *Statute* intended to lay any such Restraint upon their Debates, as we are now speaking of. Should I allow of this Arguing, which yet is very weak, I do not see what Dr. A's Cause would gain by it. For whether it be by vertue of this *Statute*, or of his own *Prerogative Royal*; if the King has a Right to License the *Clergy* to Treat as well as to Enact, it will still come to the same End; that without such a *License* from the King, they have not any *Authority* of their own to do the One, any more than Dr. A. himself allows they have to do the Other.

<sup>2</sup> Ibid.

But indeed, Dr. A. proceeds upon a meer Fallacy in this Exception: He tells us, "that in these *Letters Patents* there is a plain difference made between the *King's Prerogative Royal* and *Supreme Authority* in *Causes Ecclesiastical*; and the *Particular Powers* lodged in him by the 25th H. viii. That in vertue of the first of These, he is said to have Granted the *Clergy* full, free, and lawful Liberty, &c. to Confer, Treat, Debate, &c. upon *Canons*; but to have Given his *Royal Assent* to those *Canons* according to the form of a Certain *Statute* or *Act* of *Parliament* made in that behalf in the 25th Year of the Reign of K. H. viii. And from thence would infer, that the Latter only was done by *Authority* of that *Statute*, and not the Former. Well, let us suppose this to be as he pretends: But will he then tell us by what *Authority* the King Licensed them to Conclude and Agree upon *Canons*? Whether he did that too by his *Prerogative Royal* only, or in Vertue of this *Statute*? Seeing 'tis plain that he Authorized them upon the same Grounds to Confer,



fer, Treat, Conclude, and Agree; and expresses all after the same manner, and in the same Sentence.

If therefore he Licensed them to Treat, by his Prerogative Royal and Supreme Authority in Causes Ecclesiastical, as distinct from this Statute, and not as Confirmed and Restored to the Crown by it, so he did to Enact too; and then we must enlarge the Conclusion, and infer, that the Prince has no Right by this Act to Commission them for the One, any more than for the Other. But if this be what Dr. A. himself will not presume to say; if he allows that by vertue of this Statute, the King has a Right to Grant them a License to Enact, and that by the Authority thereof, as well as by his Royal Supremacy, King James the 1st did Commission this very Convocation so to do; then he will give me leave to Conclude, that he did also Commission it, by the same Right, to Treat and Debate too: Unless he can shew as nicely here, as he has done in the Act of K. Henry 8, where we are to divide the Sentence; so as to accommodate the King's Prerogative to some of the Verbs, and the Statute to the Rest.

The Truth of this Matter is this: The King had before, according to the Purport of that Act 25 H. 8, and by his Supreme Authority in Causes Ecclesiastical, Restored, and Affirmed by it; Granted the Convocation a License "to Treat, Debate, Consult, and Agree, upon Canons. In Consequence thereof, the Convocation having drawn up a Book of Canons, now Offer'd and Presented the same to the King; humbly desiring him to give his Royal Assent to them, according to the Form of a certain Statute, or Act of Parliament, made in that behalf, in the 25th of H. 8: And also (which Dr. A. thought fit to conceal) by his Prerogative Royal, and Supreme Authority in Causes Ecclesiastical, to Ratifie and Confirm the same. This was all that farther remain'd to be done; and therefore it was here only needful to take notice of that Statute of K. H. 8. The Commission to Make these Canons, had before been granted; and there (where alone it was either proper, or needful) the Statute which required such a Commission, in order to that End, was not only Mentioned, but Recited, as we have before seen.

Having thus recounted the Clergies Request, the Patent proceeds to set forth the King's Confirmation of what had been Done by them: "How that having diligently Read and Consider'd their Canons, &c. He had given, and by these Presents did give, his Royal Assent, according to the Form of the said Statute, or Act of Parliament aforesaid, to All and Every the said Canons, &c. But is this all? No; He only says, that he did give his Royal Assent, according to the Form of the said Statute; but for his own Right and Authority to do this, he still Referrs to his PREROGATIVE ROYAL, which Dr. A. would have us believe was not made use of in this Particular. For thus it immediately follows; "And furthermore, we do not only by our SAID PREROGATIVE ROYAL, and SUPREME AUTHORITY in CAUSES ECCLESIASTICAL, Ratifie, Confirm, and Establish, by these our Letters Patents, the said Canons, &c. but Do likewise Propound, Publish, and straightly Enjoin, and Command, by our said Authority, and by these our Letters Patents, the same to be diligently Observed and Executed, &c.

So that now then it appears, that the King's Prerogative, and the Statute of the 25th of H. 8. are so far from standing in any Opposition to one another, that they Do indeed Both co-operate to the same End. The Statute ties up the Clergy, that without the King's Authority, they shall neither Attempt, Enact, Promulge, nor Execute any Canons, &c. under the Penalty therein express'd. And the King, by his Prerogative Royal, and Supreme Authority in Causes Ecclesiastical, gives the Clergy that License which the Act requires, to indemnifie them in their Proceedings: And thereby Authorizes them to Treat, Debate, Conclude, and Make Canons first; and then to Publish and Execute them when made. The Clergy are by the Statute tied up not to Do any thing in this Matter, without the Royal License; but the Prince is not empower'd by the Statute, to give his License to them, but grants it by vertue of his own Prerogative Royal, and Supreme Authority in Causes Ecclesiastical; According to the Form of the Said Statute.

From this Authority of the King himself, I proceed to that of his Attorney-General; who, probably, drew up these Commissions, and whose Opinion therefore (as also that of his whole Council) might from thence alone have been sufficiently inferr'd. But I shall add a more expresse Testimony of it in this Case;

Sect. 43.



<sup>1</sup> Coke 12 Re-  
port, p. 72.

Case; and because Dr. A. has complain'd of my dividing it into several Parts, (as indeed I did, not out of any such Design as he suggests, but meerly to accommodate it to the Method of my Argument) I will now set it down intire, as the Reporter has deliver'd it to us. His Words are these: "It was resolved by the two Chief Justices, and divers other Justices, at a Committee before the Lords in Parliament, divers Points concerning the Authority of a Convocation:

"1. That a Convocation cannot Assemble at their Convocation, without the Assent of the King.

"2. That after their Assembly, They cannot Confer to Constitute any Canons, without License del' Roy.

"3. When They, upon Conference, Conclude any Canons, yet they cannot Execute Any of their Canons without Royal Assent.

"4. They cannot Execute any after Royal Assent, but with these Four Limitations;

"1. That they be not against the Prerogative of the King.

"2. Nor against the Common-Law.

"3. Nor against any Statute-Law.

"4. Nor against any Custom of the Realm.

"And all this (adds the Reporter) appears by the Statute, 25 H. 8. c. 19.

"And this was but an Affirmance of what was before the said Statute.

I shall not need to observe, that, in this Opinion, the Judges exactly pursue the Method, and take in the whole Sense of that Statute, as far as it relates to the Matter of Canons yet to be made. The Words of that Act, which we are now discoursing of, viz. are, that the Clergy shall not presume to Attempt, &c. they more briefly, but withal more clearly, Expound by these very apposite Terms, CONFER TO CONSTITUTE: And that by the Conference of which they spake, they meant such a Debate as is design'd in Order to the Constituting of Canons, tho' it should not perhaps End in it; but be either let fall, upon the Debate, within; or be prevented by Authority, or a Prorogation, from without; appears by the next Branch; When They, upon Conference, Conclude, &c. Which sufficiently implies, that they might sometimes Confer without Concluding; and yet, if that Conferring were in order to Constitute, it would still come within the Conference, for which they had before agreed the License del' Roy to be necessary.

<sup>1</sup> Rights, &c.  
p. 410, 411.  
Addit. p. 70,  
71.

Against this Authority, Dr. A. makes two Exceptions; 1<sup>st</sup>, That the Report was not publish'd till after my Lord Coke's Death, and therefore may be suspected not to be Exact: And, 2<sup>dly</sup>, that taking it as it is, it makes nothing against him. To the former of these I shall not need to reply. Posthumous Pieces, tho' left imperfect by their Authors, and for that Reason oftentimes not fit to be Publish'd, may yet be faithfully Publish'd, as they are left; and so I conceive this was. Had Dr. A. ever heard but the least Intimation to the contrary, we do not so little know his Spirit, as to doubt but that he would have fill'd our Ears on both sides with it. But for the Latter, it is indeed very strange, and puzzles me to think what he would have had the Judges say, to have deliver'd themselves more fully than they did upon this Occasion. "The Clergy, say they, cannot Confer to Constitute any Canons, without License del' Roy: That is, says Dr. A. They cannot SO Confer AS to Constitute. But why then was Conferring at all mention'd? Why did not their Lordships plainly lay it down, without any more ado, that after their Assembly, they cannot Constitute any Canons? This would have been Clear and Intelligible; but then they should have done the same too in the next Branch; Having Concluded, or rather having Constituted, any Canons; yet they cannot Execute Any of their Canons, without Royal Assent. Whereas now, by repeating the Conference again, as a material Circumstance, and that with such a Term of Distinction, as plainly implies that sometimes their Conferring might end there, and not come to any such Conclusion; When, upon Conference, They Conclude any Canons; They evidently shew the Conference, of which they before spake, to be Conferring, in Order to Conclude; and that such, for which, whether they did thereupon Conclude, or no, yet the King's License, by the Statute 25 H. 8. c. 19. was requisite.

But against this, Dr. A. objects: That if we take it thus, the most material Point is omitted by Them, namely, the Need of a License to Constitute? Does he



he, in good earnest, believe this? Did those Venerable Persons declare a *License* to be needful to *Authorize* the *Clergy* to *Confer* to *Constitute*, and yet not declare thereby, that they could not *Constitute* without *One*? But there is no fence against some Mens Constructions. <sup>1 Rights, Sec. p. 67.</sup> King Charles the 1st's Judges spake Equivocally, when they gave their Opinion, that the *Convocation* being call'd by the *King's Writ*, was to sit on 'till it were dissolv'd by the *King's Writ*, tho' the *Parliament* was dissolv'd. They had no mind to be understood, and therefore they drew up their Sense in such Terms as were not to be unriddled: King James's Judges are, for ought I can perceive, in the same Case: They either did pronounce on Dr. A's side, or he is resolv'd to make them do it, whether they will or no. In the mean time, their Words, I think, are very clear and full, and deliver to us this plain Sense, that by the Statute, 25 of K. Hen. 8. c. 19. the *Clergy* in *Convocation* cannot *Confer*, in order to the *Constitution* of any *Canons*, without the *King's License*; Whether, upon that Conference, they *Do Agree* and *Conclude*; Or whether they only *Conferr*, but upon Conference do not *Agree*, nor come to any *Conclusion*.

S. Ct. 44.

To this Opinion of the Judges, my Lord Coke subjoins his own Assent, in his Report of it. And in a MS Treatise of the Power of the Church to make Canons, where he argues upon this Clause of the present Act, he all along applies it entirely to *New Canons* hereafter to be made, and not to such as were before in use. At the beginning of his Discourse, he thus divides the Statute, as he says, into its proper Parts. "First, in the Preamble, the Clergy acknowledge the King's Power and Supremacy, in Causes Ecclesiastical; and that their Meddling aforetime, was but Presumption and Usurpation. Secondly, It contain'd their Promise, in *Verbo Sacerdotii*, that they will never from thenceforth presume to Attempt, Alledge, Claim, or Put in ure, or Enact, Promulge, or Execute, any New-Canons, in Convocation, unless the King's most Royal Assent and Authority be given them in that behalf. Thirdly, They complain of the Grievous Burthen that the Subjects then endured by the Canons then in use, which were not only ever Onerous to his Highness and his Subjects, but much prejudicial to the King's Prerogative Royal, and Repugnant to the Laws and Statutes of this Realm. The Fourth part thereof, is, Their most humble Suit, that the said Constitutions and Canons be committed to the Examination of his Highness, and of Thirty two Persons to be by him Appointed. Thus my Lord Coke divided this Statute: In his Second Branch, he applies the whole first Clause, under Consideration, to *New Canons*; In his Two last, the Other to the Review which they desired might be made of the *Old Ones*. And in the Prosecution of his Argument, to shew, that the Clergy, by this Statute, had no Power given them to make Laws in their Convocation, the Ground on which he builds is this; that there were no such Words of Ordination, and Statute, to Authorize their *New Constitutions*, as in the other Clause there were to establish such of the *Old Ones*, as the King, and the Thirty two Persons appointed by him, should approve of; and therefore no *New Power* was granted to the Convocation in that behalf. His Words are these: "The Clergy having no Lawful Power to make Laws in their Convocation, for the Outward Government of the Church, before that Statute, it followeth that these Words in the said Act, viz. That they shall never from thenceforth presume to Attempt, Alledge, Claim, or Put in ure, or Enact, Promulge, or Execute, any New-Canons and Constitutions, unless the King's most Royal Assent and Authority be given them in that behalf, (for so he abridges and delivers the Sense, even of the Enacting Clause of that Statute) being an Exception out of the said Clause of Restraint, can give them no Power to make Laws Ecclesiastical, without Addition of Words of Ordination and Statute, viz. That such Canons and Constitutions, so to be made, shall be from thenceforth Kept, Observed, and Executed, for Laws Ecclesiastical of this Kingdom."

Such was my Lord Coke's Argument upon this Statute. It is not my Business to examine of what Strength it is: This is clear, that, with relation to the present Act, he absolutely took all that first Clause to relate to *Canons* hereafter to be made in Convocation; and did not divide the Verbs, as Dr. A. now do's, so as to allot the Four first to One sort of *Canons*, the Three last to another; but applied the whole to One and the same kind, viz. to *New Canons*; which therefore he must have accounted the Clergy, by this Statute, to have been no less prohibited to Attempt, than to Enact. I might



I might, on the Church side, add to these *Authorities*, that of an Eminent Prelate, Bishop *Bilson*; who about the same time that the *Judges* delivered their *Opinions* in this Case, published the *Latin Edition* of his *Perpetual Government of Christ's Church*: But this being only a *Translation* of what he had several Years before set forth, in the Reign of Queen *Elizabeth*, I shall chuse rather to consider his Account of this Matter there, than needlessly anticipate it here.

Such was the Sense of some of our Greatest Men, under King *James the 1st*: That the same continued to be their Opinion under his Son and Successor, King *Charles the 1st*, we have two such Evident Authorities to Prove, as may alone suffice for that Whole Reign. In his *Declaration* before the Book of *Articles*, set forth by Him, *Anno 1628*. He Promises, "out of his Princely Care, that the Church-Men may do the Work which is proper for them; the Bishops and Clergy, from time to time, in Convocation, upon their humble Desire, should have LICENSE under his Broad Seal, to DELIBERATE of, and to Do, all such things, as should concern the settled Continuance of the Doctrine, and Discipline, of the Church of England.

This *Declaration*, the King himself tell us, he published with the Advice of so many of his Bishops, as might conveniently be brought together. Dr. Heylin goes farther: He informs us, that Archbishop *Laud* advis'd, and procured the publishing of it; and therefore, we may be sure, had the Principal hand in the drawing of it. About twelve Years after, the King made good, what he had now promised: He Licensed the Convocation to Treat of, as well as to Make, Canons; and Confirm'd them just as his Father before had done: And by both these publick Acts, in two such distant Parts of his Reign, has sufficiently shewn, that he accounted the Royal License to be no less needful to empower the Convocation to Deliberate, than to Enact; and that they could not legally do either without his License.

But here again, Dr. A. is at his old trade: To Confer to Constitute, in the Judges Opinion, was So to Confer As to Constitute. And now to Deliberate of, and to Do, for Both which the King promised his License to the Clergy, must, he tells us, be taken Conjunctly; so to Deliberate as also to Do. For "Deliberating (says he) is not to be separated from Doing; nor a Leave supposed requisite for the One, but as it is to End in the Other. And for this, as far as I can see, we must be content to take his Word. If such Glosses as these can deceive, let them deceive: I neither hope, nor desire, to convince those, whom such kind of Expositions can persuade.

Sect. 46.

In the Testimonies before alledg'd, we have the Sence of the King's Council, of Archbishop *Laud*, and of several other of the Bishops delivered to us; as well as his own Royal Judgment, in this Case. I shall to them add the Opinions of a few Particular, but very Eminent, Authors, and so have done with this Reign. Among these, as none has spoken more expressly than our Reverend Dr. Heylin, so shall I, in the first place, begin with him. In his Historical Account of the Convocation, to which the King granted the Commission before mentioned; He tells us, "that the Prolocutor being admitted, his Grace produced a Commission under the Great Seal, by which they were Enabled (according to the said Statute of King Henry the viiith) to Propose, Treat, Consult, and Agree, &c. He had before spoken of that Statute, in a short Discourse preparatory to the Opening of this Convocation: In which, having shewn the Conformity between the Parliament and Convocation, in several Particulars, he closes it up with these remarkable Words to our present purpose; "In this, and this alone, they differ as to Matter of Form, that the Peers and People assembled in Parliament may Treat, Debate, and Conclude of any thing, which is to be tendered to the King for his Royal Assent, without any other Power than the first Writ, by vertue whereof they are Assembled; but the Bishops and Clergy are Restrained in their Convocation, by the Statute of the 25th of Henry the 8th, from Treating, Debating, Forming, and Concluding of, any Canons or Constitutions, &c. till they are Licensed thereunto by the King's Commission.

Heylin's Life of A. B. Laud, p. 397.

Ibid. p. 395.

This I think may be a sufficient Testimony of Dr. Heylin's Judgment in this matter: A Person than whom none was more high for the Legal Rights of the Church, or had more particularly Applied himself to the Study of these Matters. It is not impossible but that by the help of the same figure, by which he Conjoyn'd Deliberating and Doing in the King's Declarations, and thereby Evaded



ded the Force of that dangerous Promise which the King made to the Clergy, of Granting them a *License in Convocation* for the One, as well as the Other, Dr. A. may tell us, that Dr. Heylin's Words, are to be understood after the same manner. That when he says the Clergy are Restrained by the Statute 25 H. 8. from *Treating, Debating, Forming, and Concluding* of any Canons, without the King's Commission, He meant only from such a *Treating, Debating, and Forming*, as was to End in *Concluding*; and must not be separated from it. To prevent this it may not be amiss to add this one Evidence farther of his Opinion, from a Letter written by him to a Person of Honour in behalf of the Convocation, which it was feared would not have been Call'd with the Parliament upon King Charles the II<sup>d</sup>'s return: "I know 'tis conceiv'd by some, that the Distrust which his Majesty hath in some of the Clergy, and the diffidence which the Clergy have of one another, is looked upon as the Principal Cause of the Innovation: For I must needs behold it as an Innovation, that any Parliament should be Called, and not a Meeting of the Clergy at the same time with it. To obviate this he shews, that the King had no reason to be afraid of their coming together: "For since, says he, the Clergy in their Convocations are in No Authority to PROPOUND, TREAT, or CONCLUDE ANY THING until they are empowered by the KING'S COMMISSION, the King may tie them up for what time he pleases, and give them nothing but the opportunity of entertaining One another with the News of the Day.

Mr. Vernon's  
Life of Dr.  
Heylin.

After so full an account of the Sense which this learned Advocate of the Episcopal Church of England had of the Restraint of the Clergy founded upon this Statute; I may perhaps be Excused, if I Offer that of Another, who tho' he has stood under a more doubtful Character, yet wanted not a more than ordinary Knowledge in these Matters; and therefore may be warrantably Appeal'd to, as no incompetent Witness in this Case. The Person I mean, is our Church Historian, Mr. Fuller, who thus delivers his Judgment; and is not at all Censur'd by his severe Examiner for it. "Since this Year (1532) from Archbishop Cranmer to Archbishop Laud, All Convocations are born Tongue-tied, till the King did cut the String thereof with his Letters Patents, (191) Allowing them leave to DEBATE ON MATTERS OF RELIGION. And again, speaking of the Last Convocation of King Edward the VI<sup>th</sup>; He tells us, that the Clergy had no Commission from the King to meddle with Church Business: "And every Convocation in its self is born Deaf and Dumb, so that it can neither hear Complaints in Religion, nor Speak in Redress thereof, till first Ephata, be thou Open'd, be pronounc'd unto it, by Commission from Royal Authority.

Sect. 47.

Church Hist.  
Book v. p.

3<sup>d</sup> lb. Book.viii.  
p. 420.

To make Dr. A. some Amends for this Opinion, which I have some cause to apprehend will a little move his Indignation; let me to this suspected Author, add the sense of another, a suffering Presbyter when he wrote it, but a pious and learn'd Bishop of our Church when he Publish'd it; the famous <sup>4</sup> Sanderson: Who in a very few, but very significant terms, thus decides the Case with his usual Judgment, and Perspicuity; that the Bishops and Clergy, "can not either Meet in Convocation, without (the Kings) Writ; or Treat without his Commission; or ESTABLISH without his Royal Assent. An Authority the more to be valued, not only for the Judgment of the Writer, tho' that were very great; but for that Integrity which was always so eminent in his Determinations: And that it utterly Excludes all Colour of that Cavil, with which Dr. A. in vain endeavours to defend himself; as if no *Treating* were forbidden, but such as was accompanied with *Enacting*; and to be taken together in Conjunction with it.

Sect. 48.

Def. of Episcopacy. p. 33.

I shall close up these Evidences with the Opinion of that Great, and Eminent Civilian, <sup>4</sup> Dr. Zouch, who to the very same purpose thus delivers the Sense of this Act, and of the King's Authority as settled by it; "Quod Synodus Nationalis, vel Provincialis, Convocari non debeat absque Regis Rescripto, nec in iis quicquam Tractari vel Determinari nisi eo Assentiente; nec quicquam Vim legis obtineat Priusquam Regalis Assensus adhibitus fuerit. "Dr. A. has endeavour'd, in Answer to this, to perswade us, that Dr. Zouch Relied implicitly upon *Cosens* Tables, and therefore his Authority ought to Go for nothing, or at least, for no New Authority. From whom Dr. Zouch took the Words of his Propositions, neither Dr. A. nor I can tell: The Act of the 25<sup>th</sup> H. 8. is the only thing to

Sect. 49.

Descr. Juris  
Eccle. par. 1.  
Sect. 2.

Rights, &c.  
p. 410.



which he refers for the Truth of them. If he Copied Dr. Cosens his Expressions, yet that will not prove but that he did freely use his own Judgment in weighing of them, before he subscribed to them: And the force of his Authority will be never the less considerable, because upon a due Examination, He found Dr. Cosens to have been in the Right, and therefore follow'd him in the same Opinion, upon the Authority of the same Statute.

Sect. 50.

And now I may, I think, be allow'd to affirm, that for the last Age, the Prevailing Opinion of our Princes, our Counsellors, our Judges, our Lawyers, and even of our Convocations and Clergy, has been, that a License is Necessary to empower the Bishops and Clergy in Convocation, to DEBATE as well as to CONCLUDE; and that this Act do's require the Royal Assent both to the One and to the Other. But what shall we say to the LXX Years before? How went the Opinions then? And by what Authority did they Confer, from the Latter End of King Henry the VIIIth's Reign, to the Beginning of King James the I<sup>st</sup>'s? Will Dr. A. bear with me, if I adventure to Answer, that both the Opinions and Practise of those Times was, as far as I can judge, the very same that they have been since; and do equally bespeak the Words of this Statute, to have been understood in the same Sense from the beginning, that they Generally are at this Day.

Indeed, not long after the beginning of Queen Elizabeth's Reign, a Puritanical Party arose, who were Enemies to the Constitution of our Church, and to the Ecclesiastical Discipline, and muster'd up all the Objections they could invent, to weaken its Authority, and expose the Practise of its Courts to Censure and Contempt. Among other Methods which they made use of to this purpose, One of the chief was this; to argue from this Statute (upon the very same Ground which Dr. A. now proceeds upon) That without the Kings express License, the Bishops and Clergy could not Attempt, Allege, Claim, or Put in Ure, any Canons or Constitutions; which therefore, since they did not pretend to have for every Cause which they heard and determin'd by the Ecclesiastical Law, they Concluded their Proceedings to be contrary to the purport of this Statute; and that the Judges, and Others who were concern'd in them, were under the Penalty of it for such their Presumption.

Considerations ad informand. Anim. Episc Wigorn. pag. 28.

But Others went yet farther; they laid their Scheme thus: ' That by the words, ANY OTHER CANONS in that Act, All Canons, of what sort or degree soever, whether Domestical, or foreign Canons, before that time made, were forbidden to be Attempted, Alledg'd, Claim'd, or Put in Ure; and by that means were at once, concerning their Practise and Execution with us, Annulled and made Void. That therefore, so many of them as at that time were not, or since that time have not been, Reviv'd and Re-authorized, ought not to be Attempted, Alledged, Claim'd, or Put in Ure, at this Day. But by the Proviso in that Statute, such only of our Own Provincial Canons were allow'd, as were not contrariant or repugnant to the Laws and Customs of the Realm, nor to the King's Prerogative Royal: The whole Body therefore of the Popish Canon Law, which was not made by the Clergy of this Realm, is hereby utterly Abolished, and may not Lawfully be Used; and of our Own, All such Rules and Maxims as either were not made in some Provincial Domestic Synod; or being made there, are not Agreeable to the Laws of the Realm, are likewise hereby Cut off. And how far these two Allegations, (both founded upon Dr. A's Sense of that Statute) would go to put an End to all the Proceedings of those Courts; I shall submit it to Those who are concern'd in them, to consider. In the mean time this is evident, that the design of all these Notions was the same; viz. To destroy the Ecclesiastical Jurisdiction of the Bishops, and their Courts and Officers: And that the Ground they went upon, was the very same for which Dr. A. now so much Contends; viz. that by the Canons which the Clergy are forbidden to Attempt, we are to understand such Old Canons as had before been Made, not such New Ones as should hereafter be Enacted, in any following Synods or Convocations.

Sect. 51.  
Apology for the Courts Eccles. part 1. chap. 1.

In Answer to this Suggestion, Our Learn'd Dr. Cosens undertook to defend those Courts, in which he was himself One of the Chiefest Judges; and the Ground of his Defence was built upon that Sense of the Statute which I have before offer'd. He asserts it, as a matter out of all doubt, that the design of the first Paragraph of it, was to Regulate the Clergy in Making of New Canons, not to Abrogate and Annul such Old ones, as had before been made. "The chiefest



“ chiefest colour ( says he ) and pretence for this Opinion ( the Opinion of  
 “ the Puritans and Dr. A. ) is taken out of the New Reviv’d Statute, made in  
 “ King Henry the VIIIth’s time, of *Submission of the Clergy*. But the Words  
 “ thereof do plainly discover the Weakness of such Collection. For it is not  
 “ Enacted simply, that they shall not Put in Ure, &c. Any Constitutions, &c.  
 “ but according to their abovesaid Submission and Petition ; which was, That they  
 “ would not Enact, or Put in Ure, any New CANONS, &c. in their Convocation,  
 “ without the King’s Royal Assent and Authority in that Behalf. Otherwise there were  
 “ a flat Contrariety in the self same Act, by Reason of the last Proviso there-  
 “ of ; where CANONS already made, so they have the Qualities thereby limit-  
 “ ed, are appointed to be Us’d : For it is there said, shall be now still Us’d and  
 “ Executed, as they were before the making of that Act.

I have the rather given this short Account of this Matter, that it may there-  
 by be seen who they were, who, ( as far as I can learn, ) first set on foot the Sense  
 of this Statute, which Our pretended Church Advocate now Advances, and for  
 what End they did it. As for Dr. Cosens his Opinion in this particular, we  
 have already seen to what he suppos’d that part of the Act to belong. That it  
 related to New Canons hereafter to be Enacted, not to those which were before  
 made. The meaning of the Words of it we have in another of his Pieces, to  
 this Effect ; <sup>1</sup> “ that a Provincial Synod cannot be Called without the King’s Writ ; <sup>2</sup> Cosens Ta-  
 and that being Call’d, nothing can be either Treated of, or Determined in it, ni- bles.  
 si Consentiente & Assentiente Principe. So that by Attempting, &c. therefore he  
 understood Treating ; the same which the Judges afterwards express’d by Confer-  
 ring to Constitute, in their Exposition of it.

To evade this Authority, <sup>2</sup> Dr. A. first quarrels with the Book from whence <sup>2</sup> Rights &c.  
 it is taken : He tells us, it is a Posthumous Piece, published after the Death of p. 409, 410.  
 its Author, and therefore as he ( without any Ground ) supposes, Corrupted in  
 this Place. To set it right, if not to the Author’s Sense yet to be sure to  
 his Own ; He thinks that the word Treated, should be Wholly Struck out, and  
 then all will be well. But as this is but precariously suppos’d, without any  
 manner of Reason offer’d to support such a Conjecture ; so the Assurance  
 we have, that Dr. Cosens did hold all that Paragraph of the Act, on which his  
 Propositions are built, to belong to New Canons, is a sufficient, indeed a convin-  
 cing Proof, that he wrote it just as we now have it ; and intended by the word  
 Treating, to express the sense of what the Law meant by the several Terms of  
 Attempting, Alleging, Claiming, and Putting in Ure.

From this great and Learn’d Civilian, Let us proceed in the Next Place, to <sup>3</sup> Sect. 52.  
 the Opinion of a no less eminent Common Lawyer, and Antiquary, <sup>2</sup> Mr. Lambard, <sup>2</sup> Archeion  
 in his Treatise of Courts, to the same purpose : Where speaking of the Con- page 10.  
 vocation, with reference to this same Statute, he thus briefly delivers the Sum-  
 of the Clause before us : That it is Always Summoned by the King’s Writ ; and  
 can Do Nothing without the Royal Assent, first had and Obtain’d.

This I think, comes fully up to what we are now Affirming ; and yet the next <sup>3</sup> Sect. 53.  
 Evidence, of as Worthy and Learned <sup>3</sup> a Divine, afterwards a Bishop of our <sup>3</sup> Bilson perpet.  
 Church ; will be still more full and express : Who in his Book of the Perpetual Government  
 Government of Christ’s Church thus proposes the Objection of some of the Puri- &c. p. 382.  
 tans, of whom I was before speaking, against Us. The fault, say they, We find Chapt. xvi  
 “ is, that Archbishops have Suppressed the liberty of Synods, and reserved all things to  
 “ their Own Jurisdiction. To this he thus replies : “ Who I pray you, prohibiteth  
 “ the Use, or Abridgeth the Power, of Synods, to Make Rules, and Determine causes  
 “ Ecclesiastical ; the Metropolitan, or the Prince ? Take good heed, lest by eager,  
 “ and often Calling for the Indiction and Decision of Synods, at the Metropolitan’s Hands,  
 “ without the Prince’s leave, You Erect a new form of Synods, not to Advise and  
 “ Guide the Magistrate, when they be thereto Requir’d, but to straighten or forestall  
 “ the Princes Power.

“ True it is with us, no Synods may Assemble without the Princes Warrant, as  
 “ well to Meet, as to CONSULT, of any Matters touching the State of this Realm.  
 “ Otherwise they have no Power of themselves to make Decrees, &c. Which  
 Sense himself thus clearly, delivers in his own Latin Translation of this  
 same Book, <sup>4</sup> “ Verum quidem est nullas apud nos Synodos, sine Principis præcepto, <sup>4</sup> Edit. Anno  
 “ Convenire, aut Deliberare posse, de quibuscunque Rebus ad Publicam Utilitatem 1511. p. 459.  
 “ hujus Regni, aut Cleri Statum pertinentibus. Words as full and plain as can  
 F f f f 2 well



well be put together, and which as positively speak both the *Authority* of the Prince, and the *Legal Inability* of the Clergy in the Case under Debate

Sect. 54.

After so clear and formal a Declaration of this Matter, by three Persons of so great Eminency in three several Faculties and Professions; I know not what I could more add, unless it were the sense of a whole *Convocation*; against which because Dr. A. has made some Exceptions, tho' of no great Moment, which will come in their Order of time to be Examined, I shall but just mention it here, and so leave the more full Consideration of it to that place. The *Bishops* and *Clergy* of *York* having Agreed to a *Benevolence* to the *Queen*, in the *Convocation* of 1586. the Payment whereof they desir'd to enforce by their *Own Ecclesiastical Authority*; first accounted their *Grant* to her *Majesty*; and then, in the next place, requested her not only to Accept the same, " but also by her *Letters Patents* under her *Great Seal*, to *Assent* thereunto; and to *License* and *Authorize* them, in that their *Convocation*, to *Devise*, " *Make*, and *Ordain*, such *Orders*, *Decrees*, or *Constitutions Provincial*, and *Synodal*, " as they should think *Expedient*, for the more speedy and sure *Levying* and " *Payment* of the said *Benevolence*.

Such need did that *Convocation* think its self to have of the *Queen's License* to *Devise*, as well as to *Make* and *Ordain*, in their *Assembly*: And that this had been both the *Opinion*, and *Practice* of preceding *Convocations*, will in the *Prosecution* of their *History* more fully Appear. In the mean time, having hitherto shewn what *Authority* we have, of all kinds, for the *Necessity* of a *Royal License* to *Attempt*, as well as to *Enact*; to *Treat* and *Debate* of, no less than to *Make Canons*; Let us stop a while, and Consider whether Dr. A. has Offer'd as Good, and Full, and plain *Opinions*, to prove, that they may without any *License*, *Deliberate* upon, *Frame*, and *Agree* to such *Canons*, notwithstanding this *Act*; provided they do but in this last Instance, proceed with a *Salvo* for the *King's Authority* to be had before they shall be look'd upon as fully *Enacted* by them.

Sect. 55.

And first, I must observe, that the Greatest part of Dr. A's *Authorities* which he alleges in Confirmation of his *Opinion*, are meerly *Negative*. They neither expressly Apply those Words of the *Statute*, 25 H. 8. c. 19. *Attempt*, *Allege*, *Claim*, or *Put in Ure*, to old *Canons*, (as Dr. A. does) nor deny them to belong to *New Ones*. They neither *Affirm* that the *Clergy* in *Convocation* may *Deliberate* upon *New Canons*, in order to the *Enacting* of them, without a *License* first Granted to them so to *Do*, nor do they otherwise Intimate that they had any design to Determine any thing on the One side, or the Other, in this Controversy. But what then do's Dr. A. produce them for? Why he shews that some Persons, where they transiently speak of this *Act*, have only taken notice of the *Clergys* being deprived thereby of the *Power* of MAKING CANONS, but say nothing of their being Restrained by it, from *Debating*, or *Treating*, concerning them.

Now such *Negative Authorities* can be at the most but a *Presumptive Evidence* in this Case, supposing them to be full and Particular; but if instead of being such, it shall appear that they are General, and Imperfect, and Loose in their Accounts of this *Statute*; That in taking notice of it, they design'd only to mention what was the *Main Thing* that was done by it, without Entering on an exact Declaration of All the Circumstances which accompanied the Doing of it; it will then follow, that they are not so much as *Presumptive Proofs* on his side: Nor can serve for any thing, but to shew the weakness of a Cause, for which no better, or plainer *Testimonies*, could be produced. To come therefore to Particulars.

Sect. 56.  
Rights &c.  
pag. 89.  
Addit. p. 51.

The *Ant. Brit.* he says, give this Account of the *Act*; that the *Clergy* in *Convocation* promised the *King*, that they would not *Make* any *Ecclesiastical Laws* in time coming, nisi & *Synodus*, &c. unless both the *Synod* were *Assembled* by the *King's Authority*; and the *Constitutions* Published therein, were *Confirm'd* by the same *Authority*. Will Dr. A. himself say, that this was all that the *Clergy* promised to the *King*? Then, for ought I can perceive, the *Clergy* may not only *Deliberate*, but may *Conclude* upon *Canons* without any *License*; nay may *Publish*, and *Promulge* them too in their *Synod*. All they are to do is to see, that before they send them abroad as *Synodical Constitutions*, they Obtain the *King's Patent* of *Confirmation*; (for of that only this *Authority* speaks) but as for any Other *License*, which yet Dr. A. himself, insists upon no less than I do, there is no need of it.

The



The other Passage which he produces from the same *History*, is yet more short: It takes notice only how the "*Authority and Power of the Synod* was lessened, or rather, intirely broken and overthrown, after that the *Clergy* had promised, that they would therein *Decree nothing* without the *King's Authority*. And Dr. A. may as well from thence infer, that having *Decreed* with the *King's Permission*, they needed no *License* to *Promulge* and *Execute* any *Canon* by vertue of this Act, because that neither of these do's that *Author* take any Notice; as that they did not need it to *Treat*, and *Confer*, because no mention is made of that. The End of such *Debating* as we are now speaking of, is *Enacting*, or *Concluding* upon *Canons*. Where there is, confessedly, no Power to do the One, it is but a Folly to set upon the Other. For what signifies it for a Venerable Body of Men to enter upon long *Debates*; to *Consult*, and *Treat* about the *Matter* and *Draught* of a *Canon*, when they know they must stop there, and can stir no farther without a *Royal License*. They may provoke the Prince; may raise Divisions in the Church, and discontents among the People; In a word, They may do Mischief to themselves, to Religion, and to the Civil Peace, by such *Debates*. But as to all the End at which such *Debates* either *Do*, or I am sure, *should Aim*, it is Vain and Fruitless for Men to *Deliberate* of what they neither *Can*, nor *Dare* to Go through with. And therefore it is enough for an *Historian* who regards the Dignity of that Body, to say, that they cannot now, without the *King's Leave*, *Make any Canons*, without troubling himself to descend to every other Circumstance of their Confinement; Or to take a particular Notice, that they may not without such a *License*, *Treat* or *Confer* in those Matters, in which they are confessed to have no *Authority* to *Establish*, or *Decree*.

My Lord Herbert in his *History* of King Henry the VIIIth, gives a very short Abstract of the several Acts which were pass'd in the same Parliament with this of which we are now discoursing. The *Submission* of the *Clergy* he thus recites, *that they will not from henceforth Make, or Alledge, any New Constitutions without his Highness's Assent and License*. Do's this take in the full Substance of it, as it lies in that Act? Dr. A. will not pretend that it does. And yet defective as this Recital is, One thing it does which Dr. A. did not care to Observe; that is, it takes two of the *Verbs* made use of in that Act, and *Applies* them Both to *New Canons*; tho' one of them belongs to that *Set* which he contends to Relate only to the *Old Ones*. So little does that Passage make for his Advantage! But his Lordship goes on, and thus Abridges the *Parliament Sanction* upon their *Submission*; that in the *Convocations*, *nothing shall be Promulged, or Executed, without his Highness's License*. What says Dr. A. to this? Is this all that that Statute Requires? Then 'tis for *Promulging* and *Executing* only, that the *King's License* is required by vertue of it: And so the *Clergy* may still not only *Attempt*, but *Enact* too, whatsoever *Constitutions* they Please, without it.

Sect. 57.  
Herb. Hist.  
p. 399.  
Rights, &c. p.  
89, 94.  
Addit. p. 40.

In the other Passage, my Lord Herbert refers not to this Act, but to the *Submission* of the *Clergy* some Years before. By what mistake his Lordship Applied the Promise there mentioned to that *Submission*, I cannot tell. It is enough that he speaks only of what the *Clergy Promised*, not of what the *Parliament Enacted*: And I need not tell Dr. A. that the Words *Attempt*, &c. were not in their *Submission*, tho' they were put into the *King's Form*; and from thence taken into this Act. However, here again, all that the *Historian* says is, that they promis'd for the future to *Make no Constitution*, nor *Execute* any without the *King's Leave*: He mentions not *Attempting*, &c. in one part of that *Clause*; nor does he any more take any more notice of *Promulging* in the Other. The reason of which is easie to account for; because *Making*, and *Executing* did, in effect, comprehend Them All; and therefore in a Place where, as an *Historian*, he had no need to be more particular, He thought it enough to mention those only.

Ibid. p. 349.

*Rastal*, and *Poulton*, are two Other Authorities alledg'd by Dr. A. to justify his Interpretation of this Statute. Had they Read upon it; had they otherwise given a full Account of it; their Learning and Profession would have made their Opinion the more Considerable. But to Appeal to *Abridgments* for the Sense of a particular *Clause*, or *Word* in a Statute, is a singular Method; and such as will be likely to give but a little Satisfaction to those, who desire to know the full Meaning and Comprehension of it. However, let us hear what

Sect. 58.  
Addit. &c.  
p. 40.



what they say: Poulton in his Abridgment, puts this Title before the Act, "That the Clergy in their Convocations shall Enact no Constitutions without the King's Assent. He says only Enact, therefore he suppos'd they might have Treated without it. By the same Logic I add, therefore having Enacted, they may also without the King's Assent, Promulge and Execute; nay, and for ought appears by Dr. A's Quotation, may Assemble too in Convocation without his Writ.

But he proceeds: "Rastall in his Repertory at the End of the Statutes, makes this to be the purport of it; That the Clergy in their Convocations shall Enact nothing, unless they have the Kings, (He should have added Royal) Assent and License. I answer as before: If this be not only the purport, but the full Purport of it, then there is no need of any Writ for the Convocation to Meet by; nor of any Letters Patents of Confirmation for Canons when Made, in order to the Legal Promulgation and Execution of them. If it be not the full Purport of that Act; if what Rastal expresses be so far from being so, that Dr. A. himself must Own all this to be wanting, to Compleat the Purport of it, he may please to tell Us why an Abridgment in which so many material things are Omitted, may not have pass'd over Attempting, as well as Promulging and Executing of Canons; nay and even the King's Writ of Summons, to Call them to Convocation.

Sect. 59.  
Rights, &c.  
p. 94.  
Addit. p. 40.

Mr. Fox in like manner, gives a Summary account of this Act: He mentions only Enacting and Executing, of Canons; and says, that the Clergy had promised in Verbo Sacerdotii, not to do this without the King's Royal Assent. He takes no Notice either of Attempting on the one Hand, or of Promulging on the Other; but refers to the Statute for a more full account of it.

Rights, &c.  
p. 94.  
Addit. p. 40.

Bishop Godwyn is still more loose and imperfect: He says, that in this Parliament an Act was made for Abrogating the Authority of the Synod or Convocation, in Making of Ecclesiastical Canons, nisi quatenus Rex eos Ratos habuisset, unless the King gave his Royal Assent to them. If by Making of Canons Dr. A. will strictly understand, the Sole Act of Passing, or Enacting of them; then here is no reserve for the King's Assent to their Promulging, or Executing of Canons, &c. any more than for their Debating about them. But if to avoid this Omission, he will take it in a large Sense, so as to Comprehend the whole Process of the Convocation in this matter, from first to last; then to Make Canons, in this Signification, will import as well their previous Treating about them, before they pass'd, as their Publishing and Executing of them afterwards. In the former Sense, the Historians account is notoriously short of the Purport of the Act; in the latter, it refers as well to what he pretends is Omitted, as to what he must acknowledge ought to have been mention'd by him.

Rights, &c.  
p. 94, 95.

Mr. Masons Authority I take, at all Adventures, as I find it reported by Dr. A. and upon the Credit of that, beg leave to ask him what it signifies to his Purpose? He says, that "it is Enacted by Authority of Parliament, that the Convocation shall be Assembled always by Vertue of the King's Writ? I agree with him, and make no manner of Question of it. He adds, "That their Canons shall not be put in Execution, unless they be approv'd of by the Royal Assent: I am perfectly of the same Mind; and desire Dr. A. to say, whether I ever made any doubt of it.

Sect. 60.  
Rights, &c.  
p. 97.  
Addit. p. 45.

To proceed therefore to somewhat that may be more Pertinent; "the Authority of the Convocation its self, which set out the Institution of a Christian Man, a few Years after they had Submitted. In the Dedication of that Book, the Prelates address the King after this Manner: Without your Majesties Power, and License, we Acknowledge and Confess, that we have none Authority, either to Assemble together for any Pretence or Purpose; or to Publish any thing that might by Us be Agreed on, or Compil'd? What would Dr. A. infer from hence? The King had by a special Commission caused the Archbishops, Bishops, and other Prelates out of both Provinces, to meet together at Lambeth; and Required them "upon the diligent Search and Perusing of Holy Scripture, to set forth a plain and sincere Doctrine concerning the whole Sum of all those Things which Appertain to the Profession of a Christian Man. They Met, and drew it up accordingly; in a Book entituled by them, The Institution of a Christian Man: And having so done, they Dedicated it to the King, by whom they had been Call'd together, and Commissioned for this Purpose. "We do Offer it, say They, here- with unto your Excellent Majesty, most humbly beseeching the same to permit and suffer it, in case it shall be so thought meet to your most Excellent Wisdom, to be

Printed;



Printed; and so with your supreme Power set forth, and commanded to be by us, and all other your Subjects of the Clergy of this your most Noble Realm, as well Religious as Other, taught to your Highness's People: Without the which Power and License of your Majesty, we Knowledge and Confess, that we have none Authority either to Assemble our selves together for any Pretence or Purpose, or to Publish any thing that might be by us Agreed on, and Compiled.

This was the Occasion of the Declaration here mentioned, and the Ground on which it was made. The King design'd to have a *Book of Doctrine* compiled, and set forth by Authority. He thereupon Assembled his Bishops and Prelates by his Commission; and by the same Commission, Required, (and in that Authorized Them,) upon the diligent Search of Holy Scripture, to Compile such a *Treatise*. They Met, Debated, and Drew up the Book, which they were commanded to Compile; and then desired the King that it might be Printed, Set forth, and Taught by his Command, to All his People. They took not the least step without his Assent; but from their first Meeting, to their final Concluding, had his Assent and Authority, to justify them in what they did.

And to shew that this was no more than was Necessary for them, they first profess, that they could not have thus Met together for this End, without his License: Without the Power and License of your Majesty, We Knowledge and Confess, we have none Authority to Assemble our selves together for any Pretence or Purpose: And 2dly, They add, that having Met, and Compiled such a *Treatise* by his Majesty's Command, They could not yet by their Own Power, Publish or Set it forth: Or to publish any thing that might be by us Agreed on and Compiled.

But what is there in all this to prove, that the Convocation may Debate and Treat of Canons and Constitutions, tho' not Enact them, without the King's License? Was this Meeting, in the first place, a Convocation; such as that Act speaks of? No, but a Select Committee appointed by a particular Commission, and for a particular End. Were here any Canons or Constitutions Provincial or Synodal, Debated upon, or Made by them? Not so neither: But a *Book of Doctrine* was Compiled out of the Holy Scriptures, at the King's Command. Do they in their Dedication, speak of Canons or Constitutions, such as the Act refers to? No, They do not; but of a Theological *Treatise* Agreed on, and Compiled by them. Or, to Allow for all this; Do they say, lastly, that they had Power to have Agreed upon, and Compiled such a Book as that, without the Kings Commission? Dr. A. himself dares not say it; but he thinks they IMPLY as much. I confess, I cannot see where any such thing is Implied. But be it so; Will Dr. A. stand by such an Implication? Will he Affirm that the Convocation, without the Kings License, have Authority to Agree upon, and to Compile any such Determination or Doctrine? If so, he will go much farther than I thought his Principles would have led him; which, as I understood him, left the Convocation a liberty of Debating only, but not of Agreeing and Compiling, without the King's License; or (at least which comes to the same thing) without a Protestation made, to Guard them against the Penalty of this Act, for the want of it?

In short, that which the Bishops and Prelates here acknowledge and confess, is this, that without the King's License, they had no Authority to Assemble, for any Pretence or Purpose; nor being Assembled (as here they were by the King's Power) and having by vertue thereof Agreed to, and Compiled such a *Treatise*, had they yet any Authority, without the like License, to Publish what they had Compiled. It was the King's License alone that could Authorize them to have Assembled together, to Agree, and Compile; and it was the same License alone, that could also warrant them legally to Publish what, being so Assembled, they had Agreed upon, and Compiled.

This was their plain Meaning, and all it proves, I conceive, is this; that if the King grants a Commission to any Number of Bishops, or Prelates, to meet together for any Particular End or Affair; they may, without any farther License, Treat and Debate of the Affair for which the King Assembles them, and come to proper Conclusions upon it. A Truth that no body, I believe, makes any Doubt of; but the pertinence of which to Dr. A's present purpose, I am yet to understand. For that this meeting was a Convocation, or Acted as such, was Dr. A's Error when he first wrote, as it had been Dr. W's before. He afterwards saw this to be a plain Mistake; but yet to make it look like a Proof to his purpose, was willing to dissemble it; as by comparing his cautious Note in

Rights &c.  
p. 97. 176.

Addit. &c.  
page 45. 33.



the *Margin* of his *Corrections*, with what he afterwards observes concerning this very Book; it manifestly appears.

Sect. 61.

Hitherto I will adventure to say, Dr. A. has not alledged any one Testimony that do's in any Measure come up to the purpose for which he produces them. All he pretends to is, that the *Writers* whom he quotes do not expressly take notice of the *Clergies* being *Restrain'd* from *Conferring* to *Constitute*, as well as from *Enacting* of *Canons*; tho' neither do any of them *Deny*, but that they are so *Restrained*. The Passages give only a summary Account of this *Act*; and that (as most such general Accounts are, and I have particularly shewn these to be) a very short, and imperfect one.

But there are some Other of his *Authorities* which not only labour under this Defect, but fall under another *Exception*; namely, that they are taken from such Authors who were *Enemies* to our *Church*, and may therefore justly be suspected to have misinterpreted this *Statute* out of ill *Will* to it; as Dr. *Cosens* complains some did in his time, and we know, Others continued to Do in the next Reign also. He tells us that,

\* Addit. p. 40,  
41.

The Ministers<sup>1</sup> of *Devon* and *Cornwal* allow, that the *Clergy* Assembled by the *King's Writ*, and his most Royal Assent, and Authority, given, may Enact and Put in ure, *Canons*, &c. *Provincial*. They are much in the Right; but would have spoken more to his Purpose had they said, that the same *Clergy*, without his most Royal Assent, and Authority given, might have Treated and Conferr'd about the like *Canons*, tho' not have Enacted and Put them in ure.

\* Ibid.

The<sup>2</sup> *London Ministers* alledge, "that since the Submission of the *Clergy* of this Kingdom, the Convocation is bound by the Statute 25 H. 8. c. 19. from Decreeing or Executing ought repugnant to the Customs, Laws, or Statutes of the Realm. This again is a most certain Truth; but what the consequence of it is to the Purpose in hand, let him tell us that can.

\* Ibid.

<sup>3</sup>Mr. *Huntly*, expounding this Statute, as far as concerns the Business of *New Canons*, says, that it Submits the whole *Clergy* to the Supreme Jurisdiction of the Crown, in these four Particulars; 1. That they cannot make any *Canons* in their several Jurisdictions, but only when they meet in a *Provincial Synod*. 2. That they must not meet in a *Provincial Synod*, until they be first Call'd thither by the *King's Writ*. 3. That when the *Clergy* are so Met, being so Call'd, and HAVE Made *CANONS*, they cannot Execute or Put them in ure, nay they cannot Promulge, or Publish any one of these *Canons*, until they are Confirm'd by his Majesty's Letters Patents. 4. That so far they may go, farther they cannot. If Dr. A. pleases to say what he infers from any, or all these Assertions; I shall very readily consider it: For my part, I know not how to Apply them to his Advantage.

But it may be, it is Mr. *Huntley's* Account of the *Old Canons* that falls in so nearly with his Exposition: "Which are either *Canons made beyond Sea*; and of these, he says, that none of the *Clergy*, in their several Jurisdictions, can Execute, or Put in ure, any such foreign *Canons*, until those foreign *Canons* are first Receiv'd here for Laws of this Land, by the *King's Sufferance*, and the Subjects free Consent, and Custom; Or *Canons in this Land formerly made*: And of Those, this *Act* Abrogates all such as are contrary to the Supreme Jurisdiction of the Crown, &c. and Approves and Establishes all the rest, until they be otherwise order'd by the 32 Persons there mentioned. From what part of the *Act* Mr *Huntly* infers the first of these Assertions, (which yet I take, in the main, to be very true) I cannot well determine. The other is plainly enough delivered in it. But neither in both, or either of these, can I see any thing that proves what Dr. A. affirms, and is, the Point in Doubt between us; that these Words, *Attempt*, &c. belong to *Canons Already Made*: And that the *Clergy* therefore, are *Restrain'd* only from *Enacting*, not from *Conferring*, &c. to *Make Canons*.

\* Addit. &c.  
p. 42.

The *Treatise*<sup>4</sup> of *Oaths* very rightly observes, that no Constitution or Ordinance should be Made, or Put in Execution, without the *King's Authority*: But still neither does that say, that Constitutions and Ordinances may be Debated upon, and Drawn into Form, and every thing done besides *Enacting*, that is requisite to the Making of them, whether the *King* gives the *Clergy* a License, or not, to Do it.

\* Ibid. p. 43.

<sup>5</sup>Mr. *Beals* Papers either afforded nothing to Dr. A's Purpose, more than these *Tracts* had done, or if they did, he has had the ill Fortune to overlook it.

" Without



“Without the Prince's Writ, the Archbishop cannot Assemble any Convocation or Synod, nor Put in Ure any Canon therein agreed without her Highness's Sign Manual. What follows; why therefore they may Attempt, Allege, and Claim, without it? Nay, but I must add more (seeing that too is omitted, as well as all the Rest) therefore, they may Enact, and Promulge, without any License to Authorize them so to Do.

Again, “by the Statutes of England, no Bishop ought—to Publish any Decree or Canon, without the King's special License and Assent. The Consequence again is clear, and lies exactly before.

Again: “In the Articles of 1584, 'tis said in the Title, *Establish'd by the Clergy*; which Mr. Beal thought implied, that the full Strength thereof was derived from the Convocation, not from the Queen; who, as they there say, did but Allow and Confirm them. This he marvel'd much at, and thought to be a great Presumption: Let him draw the Conclusion from it that can.

Anno 27 Eliz. It was complain'd to the Parliament, “that the Clergy did Make, Promulge, and Execute, Articles and Injunctions, without her Majesty's Writ, and Royal Assent, contrary to this Act. Do's any body doubt but that if the Fact was true, the Complaint was very just. But Dr. A's Inference is this; That they complain'd only of their Making, Promulging, and Executing, and did not add their Attempting, Treating, Conferring. The Reason is so very plain, that I wonder Dr. A. did not, or rather would be thought not to have seen it. They Made Canons; this was alledged: And this sufficiently prov'd, as well as implied, that they had Attempted them. They Made them, 'tis the Word of the Act, which Answers to All the Verbs under Dispute; to Attempting, as well as Enacting: And therefore, by the Tenor of that Law, no less than in the obvious Reason of the thing its self, it includes all the rest. They Made, Promulged, and Executed Articles, without her Majesty's Assent: This was so great an Offence, so much beyond Attempting, &c. that Dr. A. may as well infer, that a simple Assault or Battery, is not prohibited by our Law, because it is not laid in an Indictment for Murder; as that Treating about Articles or Canons, is not forbidden, because it was not mention'd in a Complaint, where the Clergy were charg'd with Making, Promulging, and Executing of Them, without any License first had to warrant them in that behalf.

In a word, Concerning the Statute 25 H. 8. c. 19. Dr. A. tells us, Mr. Beale Observed, that the King has Authority; 1. To Summon Synods, and Convocations, by his Writ. 2. By his Royal Assent, to Approve their Constitutions before they be divulged. 3. With this Proviso, that nothing be done Contrariant or Repugnant to the Law of the Realm. Here again he would have it observ'd, that Mr. Beale says nothing of the Unlawfulness of Conferring without a License. 'Tis Allow'd; but withal it must be farther Observ'd, that neither do's he say Any thing of Enacting, any more than of Debating: And therefore, by the same Reason, that from this Omission he inferrs the One may be done without the Royal Authority; he will give me leave to conclude, that so may the Other too.

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If Dr. A. be not yet sensible, of how little Force such kind of Inferences as these are, I will endeavour, by a parallel Instance or two more clearly to convince him of it. Bishop Sanderson, in a Treatise which he wrote on purpose to shew that Episcopacy was not Prejudicial to Regal Power, gives this Account of the Statute of 25 H. 8. c. 19. “That by that Statute, upon the Submission and Petition, of the Clergy, it was Enacted, that no Canons, or Constitutions, should be MADE by the Clergy in their Convocation, without the King's License first had in that behalf, and his Royal Assent After. This he delivers as the Sense of that Act: And from thence I thus argue, by Dr. A's Rule, that had this Reverend Prelate thought the Clergy were tied up not only from Enacting, but from Treating too, without the King's Authority, he would certainly have mention'd it; because this would yet more have shewn the Dependence of the Episcopal Jurisdiction, upon the Royal Supremacy; which was the thing he was there concern'd to prove, and for the sake of which, he alledg'd the Sanction of that Statute. And yet, in another part of that very Treatise before referr'd to, he declared the King's License to be necessary for the One, as well as for the Other; for that the Clergy cannot either <sup>2</sup>MEET without his Writ, or TREAT without his Commission, or ESTABLISH without his Royal Assent.

Sanderson's  
Episcopacy;  
&c. p. 121.

Ibid. p. 33.



\* Heylin's  
Tracts, fol.  
pag. 41. §. 6.

How expressly Dr. *Heylin* asserted the Necessity of a *License*, to enable the *Convocation* to *Treat* and *Debate*, I have before shewn: And yet, in his *Justification* of our *Reformation*, where he avowedly delivers the Sense of this *Act*, he do's it after the very same manner that those *Authors* do, whose *Opinions* Dr. *A.* Alledges on his behalf. "It's true, says he, the *Clergy*, in their *Convocation*, "can do nothing now, but as their *Doings* are Confirm'd by the *King's Authority*: And, I conceive, it stands with Reason, as well as Point of State, that "it should be so. For since the two *Houses* of *Parliament*, tho' Called by the "King's *Writ*, can *Conclude* nothing, which may bind either *King*, or *Subject*, "in their *Civil Rights*, until it be made good by the *Royal Assent*: So neither "is it fit, nor safe, that the *Clergy* should be able, by their *Constitutions* and *Synodical Acts*, to *Conclude* both *Prince* and *People*, in *Spiritual Matters*, until "the Stamp of *Royal Authority* be imprinted upon Them. "It is true, the "Clergy of this *Realm* can neither *Meet* in *Convocation*, nor *Conclude* any thing "therein, nor put in *Execution* any thing which they have *Concluded*, but as "they are Enabled by the *King's Authority*. So that, according to this *Account*, (may Dr. *A.* if he pleases, argue) All that Dr. *Heylin* thought the *Clergy* needed the *King's Authority* in, was, A *Writ* to *Meet*; a *License* to *Conclude*; and a *Commission* to *Execute*. But as for any Other *License* to *Debate*, or *Treat*, he knew no Occasion for it: If he had, he would never have omitted the *Mention* of it in a Place where he was expressly shewing what *Incapacities* the *Clergy* were brought under by that *Statute*, and the *Submission* on which it was founded.

\* Against Ful-  
ler, par. 2.  
pag. 65.

To confirm this Construction, as to Dr. *Heylin's* Opinion in this Case, yet more: Let us consider how he reports the very *Form* of *Submission*, which was sent by the *King* to the *Clergy*. "That no *Constitution*, or *Ordinance*, shall be "hereafter by the *Clergy*, *Enacted*, *Promulged*, or *Put in Execution*, unless the "King's Highness do Approve the same by his *High Authority* and *Royal Assent*. I conclude therefore, that the *King* never Required the *Clergy* to promise, in *Verbo Sacerdotii*, not to *Attempt*, *Allege*, *Claim*, or *Put in Ure*, any such *Constitutions*, or *Ordinances*; for, if he had, Dr. *Heylin*, who saw the *Acts* of this *Convocation*, and in Them the *Form* of that *Submission*, which Fox the *Almoner* brought to it from the *King*, would undoubtedly have mention'd that, as well as the rest. Yet Dr. *A.* knows how wrong an Inference this would be; and that All those *Words* were most certainly in the *King's Paper*, tho' Dr. *Heylin* omitted them (as *Historians* are but too apt to do) in his *Abridgment* of it.

\* Hist. of  
Presbyt. lib. xi.  
pag. 371.

In short; The same Dr. *Heylin* thus relates the *History* of the *Convocation* i *Jac. I.* "That by the great Industry, and indefatigable Pains of Archhishop "Bancroft, a Body of *Canons* was Collected, to the Number of 141, out "of the *Articles*, *Injunctions*, and *Synodical Acts*, during the *Reigns* of Q. *Eliz.* "and K. *Edw.* the sixth. Which being methodically *Digested*, *Approv'd* of in "Convocation, and Ratified by his *Majesties Letters Patents*, in the due *Form* of "Law, were stoutly put in *Execution* by the said Dr. *Bancroft*, translated to the "See of *Canterbury*, in *December*, 1604. Here we have a full *Account* of the *Proceedings* of that Famous *Convocation*, as far as this *Statute* is concern'd in them. The *Convocation* was *Assembled* by the *King's Authority*; but that being done, we hear of no *Royal License* for *Collecting*, *Digesting*, and *Approving*, of these *Canons*. Afterwards, indeed, when the *Convocation* had made them, they were Ratified in due *Form* of *Law* by his *Letters Patents*: But Dr. *Heylin* knew well enough, that the *Convocation* had Power sufficient of Themselves, without any Other *License* than that of their first *Writ*, to *Collect*, *Digest*, and *Approve*, of such *Canons* and *Constitutions*; and therefore he mentioned no *Letters Patents* for this, but only for the *Ratifying* of them; which was indeed the Whole of what they wanted them for.

Will Dr. *A.* allow of this Arguing in this Case? Will he permit me, in despite of the *King's License*, which himself has seen, and which Dr. *Heylin* had seen too, when he wrote this, by the meer dint of Consequence, to Argue a plain *Matter of Fact* out of Doors? If not, let him shew in what his *Allegations* differ from These; and why that should be a good Argument in his Case, that is none at all in this.

Sec. 63.

But there are still two *Authorities* remaining, which must not be forgotten: Mr. *Bagshaw's*, in his Argument against the *Canons* of 1640; And King  
Charles



Charles the First's, in his Proclamation against the Assembly of Divines, Anno 1644.

"The former, 'he says, in that famous Argument, being to produce the Words of this Statute, by which the Clergy have Power to Make Constitutions, says they are, That they shall not Enact, Promulge, or Execute, any Constitutions, &c. unless they may have the King's most Royal Assent to Make, Promulge, and Execute, the same. But as to Attempting, Alleging, Claiming, or Putting in Ure, he never dream'd that these were in the Act apply'd; or were Applicable to this Purpose; and therefore do's not mention them. And therefore he concludes, "that to the Making of Canons, there must be the King's Royal Assent.

Addit. p. 27

To shew how little we can depend on this Inference of Dr. A. which is still the same that All his Others were, a meer Presumption, without any Certainty, and therefore without any Force; I must observe, that Mr. Bagshaw's Business, in that Argument, was to shew the Illegality (that was what he undertook) of the Canons Made in that Convocation. His Second Topick, to prove this, was thus propos'd by him, "That they were not well Created by any of the King's Writs, or Commissions, to Enable them to MAKE Canons. The Question he thus states, Whether they had Lawful Authority to Make them, by force of the Statute 25 H. 8. c. 19. His Business was not nicely to state what the Clergy might, or might not do, without a Royal License, by virtue of that Statute, in the Business of Making Canons; much less of Attempting to Make them: But to argue, whether such certain Canons, ALREADY MADE, (and therefore past Attempting) had been Made by such Authority as the Act requires?

Mr. Bagshaw of the Canons, pag. 1.

And he thus begins his Argument with a downright Fallacy, not to say any thing harder of it. "The Words of the Statute, says he, by which the Clergy have Power to MAKE Canons, (he should have said, by which the Clergy are Restrain'd in their Power, which before they had, both by Right and Custom, to Make Canons; for that indeed was the Truth of the Case: But to wave this as foreign to my present Purpose) "are penn'd in the Negative: That they shall not Enact, Promulge, or Execute, any Canons, or Constitutions, &c. unless the same Clergy may have the King's most Royal Assent to Make, Promulge, and Execute, such Canons, &c. By which it plainly appears, that the Clergy have no Power to MAKE Canons, but in their Convocation; and that to the MAKING of these Canons, there must be the King's Royal Assent. Whether this were so, or no, comes now to be Examined.

Thus Mr. Bagshaw: And the Result of what he says, is plainly this: He argued about Canons already Made. He was to shew, that the Clergy had not had a Legal Commission for the Making of them. He had therefore no Concern with the Debates of the Convocation, previous to their Enacting. He own'd they had two Commissions from the King, before they Made them, and his Letters Patents of Confirmation after. But he pretended, that the first Commission determined with the Parliament; and if it had subsisted longer, was yet revoked by the second: Which being made out of Parliament, he deny'd, that it was such a License as that Statute required; or sufficient to Empower the Clergy to Continue to Sit as a Convocation, much less to Make Canons, in such their Assembly.

What therefore Mr. Bagshaw thought of the Convocations Power, to Treat without a License, or of the Words which relate thereunto, this Argument informs us not. He consider'd only of what was required to the Making, Promulging, and Executing of Canons, &c. That was his Province; and therefore to that only he applied both his Recital of the Statute 25 H. 8. and his Arguments upon it.

As for the Proclamation of King Charles I. "He tells us, it forbade the Assembly of Divines to Meet upon these, and these Accounts only; because, by the Laws of the Kingdom, no Synod, or Convocation of the Clergy ought to be Call'd, &c. but by the Authority of the King's Writ. Had it stopp'd there, this alone would have been sufficient to shew the Illegality of their Assembling; by virtue of any other Authority: Nor was there any need of the King's Proceeding any farther. However, he adds, "That no Constitution, or Ordinance, Provincial, or Synodal, may be Made, Enacted, Promulged, or Executed, unless with the King's Royal Assent, and License, first obtain'd. In the first Branch, he shews their Meeting to be Illegal; in the second, that their Acting (should they proceed to Make any Orders or Constitutions) would be so too.

Sect. 64. Rights, &c. p. 97.



His Concern was not to determine all the Niceties of that *Act*, consider'd with respect to a *Legal Convocation*. He insisted upon the two main things, that were proper to be taken notice of in such a *Proclamation*; That they could not *Assemble* without his *Writ*; nor *Make, Enact, Promulge, or Execute*, any *Constitution*, without his *Assent*. For the rest, what that *Prince's* Opinion, concerning the *Convocations Power* to *Confer* without a *License*, was, I have before sufficiently shewn, both from his *Declaration* set before the 39 *Articles*; and from his *License* and *Patents of Confirmation*, granted to the *Convocation* of 1640, about three Years before. So that this therefore may be another Proof of the Weakness of these kind of Authorities; and shew how little they can be depended upon, in a Matter of such Moment as this. The *King* here took no notice of the *Clergies* being prohibited to *Confer* and *Debate*, without his *License*: Therefore, says Dr. A. he thought that they might *Treat*, and *Confer*, without it. But in his Other Instruments, he expressly granted the *Convocation* a *License* to *Confer*, and *Debate*; and Asserted his *Royal Prerogative* to *License* them in this Matter: And therefore we are sure Dr. A's Inference from this *Proclamation*, must be fallacious; and that, notwithstanding the Omission of that Branch of his *Sovereignty* here, yet he did account the *Clergy* to be *Restrain'd* from *Deliberating* upon, as well as from *Concluding* of *Canons*, without his *Royal License* to *Authorize* them so to Do.

Sect. 65.

<sup>1</sup> Rights, &c.  
p. 98.

We are now come to an End of those Passages, by which Dr. A. pretends to *Confirm* his *Exposition* of this *Statute*. There are yet two Suggestions against this *Restraint*, which I suppose was laid upon the *Clergy* by it, which tho' of no great Moment, may yet be Proper to be just taken notice of, before I conclude this Point: The One is, that in the <sup>1</sup> *Reformatio Legum Ecclesiasticarum*, there is not, as far as he can find, any One Expression that implies the *Composers* of it to have thought, that the *Clergies Synodical Debates* lay under any *Restraint* from the *Crown*; which (says he) is a very strong *Presumption* that they did not think the *Clergy* to lie under any. Now to make this any *Presumption* at all, and much more a very strong *Presumption* in this Case, we must suppose, that the *King's Power* over the *Acts of Convocation*, by virtue of this *Statute*, is somewhere or other *Declared* in that *Book*. It being otherwise unconceivable, how the Omission of this One Particular Circumstance of the *Clergies Restraint*, by virtue of that *Act*, should be a very strong *Presumption* against it; supposing that in that *Book* there is neither any mention made at all of this *Act*, or of the *Incapacities* which the *Clergy* were laid under by it. And yet this is the very Truth: That *Collection* speaks not one Word of the *Convocation*; or of what the *Clergy* may, or may not Do, there. It provides only for the *Occasional Assembling* of *Provincial Councils* for the *Common Affairs* of the *Province*; and determines of what *Persons* they should *Consist*, and by what *Authority* they should be *Called*. But as for the *Convocations*, of which we are now discoursing, there is not a Word about them: And Dr. A. may as well say, that the *Clergy* may *Enact, Promulge, and Execute* what ever *Canons* they Please, without any *License* or *Commission* to empower them so to Do; and tell us, the *Silence* of that *Book* is a very strong *Presumption* of the Truth of such an *Assertion*; as infer from thence, that it is any *Presumption* at all of their *Power* to *Confer* without it.

<sup>2</sup> Rights, &c.  
p. 376.

Nor is the *Silence* of <sup>2</sup> *Archbishop Parker's Directory*, of any greater moment in this Particular: Which shews only the *Form* of *Opening* the *Convocation*; but meddles not with any part of the *King's Authority*, by this *Act*, to *License* the *Clergy* to *Confer, Enact, Promulge, or Execute*. It proceeds no farther than to the *Choice* of a *Prolocutor*, and so concludes. But in those *Convocations*, which have had the *King's Commission* to *Treat, &c.* the earliest Notice that has been taken of it, has not been till after the *Prolocutor* was *Chosen, Presented, and Confirmed*; and therefore, in such a *Formulary* as Ends with that, we ought not to expect any account of it.

Sect. 66.

To Conclude therefore this *second Point*: That the *Clergy* in *Convocation* have no *Power* to *Treat, Confer, Consult, or Debate*, in order to the *Making* of any *Provincial Canons, or Constitutions*; Our *Princes*; Our *Judges*; Our *Council* learned in the *Laws*; Our *Civilians*; Our *Divines*; have plainly and fully declared. Those of *Q. Elizabeth's* Reign, speak after the very same manner that their Successors have since done: That the whole *first Clause* of the 25th *H. viii* belongs



longs to *New Canons*, hereafter to be made; so Dr. *Cofens*. That the *Convocation* can *Do nothing* without the *Royal Assent* first had and obtain'd; so Mr. *Lambard*. That it cannot *Consult* without the the Prince's Warrant; so Bishop *Bilfon*. Whereas, on the other side, Dr. *A.* has not produced any one *Church of England Writer* (I might add, nor *Puritan* neither) that *Exprefsly Applies* those Words of the *Act*, upon which the *Dispute* depends, to *OLD Canons*, or denies them to belong to *NEW Ones*: Or otherwise affirms that the *Clergy* in *Convocation* may *Treat, Consult, and Debate*, about *Provincial Canons, and Constitutions*, in order to the *Making of them*, by their *Own Authority*, without any *License* or *Assent* from the *Prince* so to *Do*. He has only amassed a *Heap of Witnesses*, who speaking either of this *Act*, or of the *Restraint* lay'd upon the *Clergy* by it, do not expressly take Notice of this, as neither do they of several other *Inabilities*, under which yet we both agree they do lie, by vertue of that *Statute*; and from thence infers (but how *Weakly*, how *Precariously*, nay, how *Falsly*, I have abundantly shewn) that they were not aware that any such *Incapacity* was thereby laid upon them. Which being thus evinced, I proceed in the

(3d) and Last place, to Enquire how our *Convocations* have proceeded since the Passing of this *Act*; and whether it do's appear that the *Clergy* have ever, in fact, *Treated, Conferr'd, and Debated*, upon any *Canons* or *Constitutions Provincial, or Synodals*, in order to the *Enacting* of them, without being first *Authorized* by the *Prince* so to *Do*?

And this is again another Proof which Dr. *A.* himself allows to be of great Force in this Case; but ' he denies it to have been *always on that side of the Question* which I am now defending; and taxes me, with his accustom'd Severity, for affirming of it. He accuses me for carrying the *Concession* of the first *Writer* in this *Dispute* farther than he thinks his Words will bear; and thus Concludes with Relation to us both: " Indeed, should that Author have allow'd the " Stream either of *Practice, or Opinion*, to have been ALWAYS contrary to " his *Sense* of the *Act*, he had been, as Dr. *W.* now is, under a gross mistake; " for it is Certain that both *General Opinion* and *Practice* were on his side for many Years after the *Act* pass'd. But why then, if this be true, has Dr. *A.* left his side, to advance a middle Opinion, between *His* and *Mine*? The Author of that *Letter* held, that the *Clergy* had no need of any previous *License* to *Enact*: That One only was requir'd by the *Statute* of the 25 *H. 8. c. 19*. And that was the *Confirmatory Patent* by which the *Constitutions*, before made by the *Convocation*, were allow'd to be *Promulg'd, and Executed*. Now this Dr. *A.* utterly Rejects: He insists upon the *Necessity* of a *License* to *Enact*, tho' not to *Treat*; and in so doing, is Guilty (by his own Account) of that very thing for which he so severely Censures me: Whilst he also gives up that *Right* which yet, at the same time, He confesses the *General Opinion* and *Practice* for so many Years after that *Act* had been Pass'd, went for.

To correct therefore Dr. *A.*'s Expressions, and reduce them to his own Meaning, His Assertion I conceive should be this; that the *General Opinion* and *Practice* for many Years after that *Act* pass'd, were on that Side of the *Question* which he has now taken: And so it will agree with what follows; " That upon a strict enquiry into the Matter, He finds no Instance of a *Commission* to *Treat* that is not Threescore and ten Years younger than the *Statute* its self. " That the several *Convocations* in the twelve last Years of *Henry the VIIIth*; " Those of *Edward the VIth*; of *Queen Mary*; and *Queen Elizabeth*; All, for " ought he can find, *TREATED* without any such *Commission* or *License* in *Writing*. " 'Tis true, he says, the *Registers* of most *Convocations*, Summon'd since this " *Statute*, were lost in the Fire of *London*: However, large *Extracts* out of several of them are preserved, and compleat *Transcripts* of some: And in none of these is there the least footstep of any *License* under the *Broad Seal* to be seen, but very Plain *Intimations* to the Contrary.

So that now then the Matter of *Fact*, according to Dr. *A.* must have stood thus, That from the time of this *Statute* to the end of *Queen Elizabeth*, it does not appear that the *Convocations* had any *Commission, or License* in *Writing*, under the *Broad Seal*, to *Treat*; but that there are very plain *Intimations* to the Contrary; that is, that they had no such *License*, but *Treated* without any.



Sect. 68.

But still there is a difficulty or two remaining to be Clear'd, before we can proceed to Examine the particular *Matters of Fact* in this Case. For when Dr. A. tells us he can find no *Footsteps* of any *Commission*, or *License*; I conceive we are to understand him according to the Nature of his *Own Hypothesis*, and to his express State of this Point, p. 363. of a *Commission to Treat*: And that therefore, by *ACTING without any such Commission*, He means, that the *Convocation Acted* without any such *License* as that of 1603; whereby the Clergy were empower'd to *Confer*, and *Treat*, as well as to *Enact*. For otherwise, if he means that they *Acted* without any *Commission at all*, either to *Treat*, or to *Enact*, He out-runs his *Own Hypothesis*; and proves more than he pretends to, or will venture to Affirm the *Convocation* may do without a *License*, since the passing of that Statute.

I shall therefore take it for Granted, that Dr. A. does not design hereby to lay aside the need of *Commissions*, or *Licenses* to *Enact* (the necessity of which, by virtue of this *Statute*, he both Owns, and Contends for) but meerly of *Licenses* to *Treat*; the only Ones which, if I mistake not, he is against. But his next *Limitation* will be more difficult: For even of these *Licenses* he speaks as *Commissions*, or *Licenses in Writing*, and under the *Broad Seal*. Now 'tis certain the *Act* of King *Henry the VIIIth* determines nothing in this particular. It do's not say, that the Clergy shall not *presume to Attempt*, &c. any *New-Canons*, &c. unless they shall first have obtain'd the *King's License in Writing*,\* under the *great Seal* of England, to *Make*, *Promulge*, or *Execute* the same. It speaks only of the *King's License* and *Authority* to be first had: But after what manner the King should *send* his *License*, or *Give* his *Assent* to them, in this Case, it prescribes not; nor pretends to *Limit* the *Prerogative* at all in that particular.

\* Which the same *Act* expressly requires for the Confirmation of such Canons as should be Approved by the 32 Persons; and would therefore have done here, if here it had been necessary.

And accordingly, in stating of the matter in debate, I have purposely avoid-ed this, as a Circumstance in which I had nothing to do to Determine any thing One way or Another. The *Act* of Parliament requires the *King's Assent and License* to *Attempt*, as well as to *Enact Canons*; and in pursuance of that *Act*, I do affirm his *Assent* and *License* to be necessary to indemnify the *Convocation* in the One, as well as in the Other. But that this *Assent* should be testified by a *License in Writing*, under the *Broad Seal*, the *Act* says not; nor shall I therefore contend, that such a *License* is otherwise necessary, than as it seems to be most safe, and has for these last hundred Years, at least, been confessedly granted after that manner. Whether it was always so Convey'd to the *Convocation* in *Writing*, under the *Great Seal*, is another *Question*; in which I shall leave it to Dr. A. to think and resolve as he Pleases.

Whereas therefore Dr. A. speaking of Queen *Mary's License* to *Cardinal Pool* to hold his *Legantine Synod*, which still remains upon Record in the Register of his See, makes this Use of it, in the Present Case; "that if any other *License* of this Nature had, from the time of those *Legantine Synods* down to that of King *James the Ist*, been granted, it would also either in the *Rolls*, or *Registers*, be found; But none such appearing there, we have all the Reason in the world to Conclude that none issued: The most that can be inferr'd from hence, supposing the *Fact* to be true, is, that these *Licenses*, at the beginning, were not wont to be Granted, as now They are, in *Writing*, under the *Great Seal*; But it does not at all argue that the Clergy had not the *King's Assent* and *License* convey'd to them some other Way, according to the Purport of this *Act*.

† Rights &c. p. 375.

To convince even Dr. A. himself of the Weakness of his Arguing in this particular, let me only change the Point under Consideration, from a *License to Treat*, into a *License to Enact Canons*; and then ask him this Question: Has he met with any such *License* upon Record, during the time of which he here speaks? If he has, and if in those *Licenses* there is no mention made of *Conferring*, *Consulting*, and *Debating*, but only of *Enacting Canons*; that I confess would be to his Purpose, and weigh more with me than all he has yet alledged. But if he has not Met with any such *License*; (as from his Silence, in this particular, we may venture to conclude that he has not) then let him consider what the Consequence, upon his own way of Arguing, must be. I will give it him in his own Words: "The Observation naturally arising from hence is, That if any *License* of this Nature (relating to the *Acting* of our *Convocations*, and to the *Clergy's Making* of *Provincial Canons* there) had, from the time of these *Legantine*

‡ Ibid.



“ *gantine Synods* down to that of King James the 1<sup>st</sup>, been Granted, it would  
 “ also either in the *Rolls*, or *Registers*, be found : But none such (as I can hear  
 “ of ) appearing there, we have all the Reason in the World to Conclude that  
 None issued.

And now what says Dr. A. to this Argument? Will he adventure, by the  
 meer Strength of such an Inference, to Affirm, that the Clergy, during the  
 time of Queen Elizabeth, *Enacted Canons* in Convocation with any Commission, or  
 any Other License whatsoever, from that Princess so to Do? If not, let him give  
 me the same Liberty that himself takes; and allow me to conclude, that tho  
 no such License in Writing should appear either upon the *Rolls* or *Registers*, yet  
 the *Convocations* may have had a License to Treat; as well as he must Grant that,  
 notwithstanding the same Defect both in the *Rolls* and *Registers*, yet they certainly  
 had the Queen's License to Enact, Promulge, and Execute.

The true State, therefore, of the Matter in Debate betwixt Dr. A. and Me,  
 in the present Case, is this: Whether, in Fact, the Clergy did ever presume to  
 Attempt, any more than to Enact, any Canons or Constitutions, in their *Convoca-*  
*tions*, without the King's License and Authority for the One, as well as for the Other?  
 And to determine this; We must, first of all, lay aside All such *Convocations*,  
 as, being Assembled, did not Confer upon nor Constitute any such Canons, as no  
 Presidents either One way or Other in this Case. For whatever Business besides  
 they Did, if they neither Attempted, nor Enacted, any Canons or Constitutions  
 Provincial, or Synodal, it is All without the Compass of this Statute; and is such  
 for which no special License or Commission is required by it.

Sect. 69.

2dly, If the Convocation should at any time be found to have Conferr'd even a-  
 bout some Canonical Matters; Yet, if it were not in Order to Constitute Canons,  
 but only to Agree whether they should proceed to Make any Canons, first, and  
 then to Address, or Petition the Prince for License (according to this Act) to  
 Deliberate upon, and Enact them; this again, as it it would not be to Attempt  
 to Make Canons, so neither would it prove any thing of a Right in the Clergy  
 to do All that is Previous to the Enacting of them, without being empower'd by  
 any Royal Authority in such their Attempt.

3dly, If the Convocation should not only have Attempted, but have actually  
 Made, such Canons as the Statute speaks of; and it should not appear from any  
 accounts, which are now remaining, that the Clergy had a License from the  
 Prince to Confer or Treat about them; Yet still this will be no Proof, that they  
 did Confer without Any, unless it can be shown that they had a Royal License,  
 or Commission, to Enact such Canons, at the same time that they had none at all,  
 or that it does not appear that they had Any, to Attempt, or Debate upon  
 them.

4thly, Seeing in all such Commissions of License as Remain to us, there is ever-  
 more Granted, in the same Instrument, a Power to the Clergy to Confer, Con-  
 sult, Treat, and Debate, as well as to Enact, and Constitute, in their *Convocati-*  
*ons*; if at any time either the Minutes which remain to Us of those *Convocati-*  
*ons* whose Acts are now lost; or Our Histories, which were written by Those  
 who had seen their Acts, shall inform Us, that the Clergy were Directed or  
 Empower'd, or otherwise Licensed by the Prince, to make Canons, &c. We ought  
 to Conclude, that they were Commission'd not only to Enact them, but also to  
 Debate upon them; unless there be some particular Remark which expressly takes  
 notice that they were Empower'd thereby to Enact only, but not to Attempt,  
 and Confer also.

But especially, 5thly, If we shall sometimes find that the *Convocations* did go  
 to Work by a Previous Royal Authority, to Debate, as well as to Conclude, tho' at  
 other times there should be no Mention made of any such License, yet this will war-  
 rant us to Conclude (unless the Contrary do Appear) that they did proceed Al-  
 ways by the like Authority; because, by Law, they were Always Oblig'd to do so.

Sect. 70.

These I take to be the General Rules by which we must proceed in judging  
 on which side the Matter of Fact, in this Case, lies; and upon these, I shall now  
 go on to the particular Examination of it. But before I do this, One Remark  
 there is which I ought not to omit, because it is not only in its self very true, but  
 is made by Dr. A. himself; and will, I think, go as great way towards the De-  
 ciding of the Point in Debate betwixt us.



<sup>1</sup> Rights &c.  
p. 367.

<sup>2</sup> Antiqu. Brit.  
p. 331.

<sup>3</sup> Fox. Vol. ii.  
p. 503, 504.

At the Opening of the Convocation of 1537, ( ' so Dr. A. calls it ) Cromwell the King's *Vicar General* declared the Cause of their Meeting in a Speech, which the <sup>2</sup> *Ant. Brit.* thus briefly sum up ; *Regis esse Voluntatem, &c.* " That it was the King's Pleasure to reduce the *Rites and Ceremonies* of the Church, to the Rule of the *Holy Scriptures*, and to Abolish all such things out of it, as were not supported by the Authority of God's Word. But <sup>3</sup> Mr. Fox gives us the very Words that he delivered, and they begin thus: " *Right Reverend Fathers in Christ, The King's Majesty giveth you high thanks that ye have so diligently, without any Excuse, Assembled hither according to his Commandment. And ye be not Ignorant that ye be called together to determine certain Controversies, which at this time be mov'd concerning the Christian Religion and Faith, not only in this Realm, but also in all Nations thorow the World. For the King studieth Day and Night to set a quietness in the Church ; and he cannot rest until all such Controversies be fully Debated and Ended, thro' the Determination of you, and his whole Parliament. -- And he desireth You, for Christ's Sake, that all Malice, Obstinacy and Carnal Respect set apart, ye will Friendly and Lovingly dispute among your selves of the Controversies moved in the Church, and that ye will Conclude all things by the Word of God. --- Ye know well enough that ye be bound to shew this Service to Christ, and to his Church ; and yet notwithstanding, his Majesty will give you high Thanks, if ye will set and Conclude a Godly and Perfect Unitie : Whereunto this is the only Way and Means, if ye will determine all things by the Scripture, as God commandeth You in Deuteronomie, which thing His Majestie exhorteth and desireth you to Do.*

<sup>4</sup> Rights &c.  
p. 368.

<sup>5</sup> Ibid.

Thus did Cromwel, in the King's Name, and by the King's Command, Open this Assembly: An Assembly of the *Archbishops and Bishops* of both *Provinces*, with other Select *Prelates and Divines*, called together purposely for this End ; and effectually empower'd, both by their *Writ of Assembly*, and by the *Vicar General's Commission*, thus solemnly deliver'd in the King's Name to them. <sup>1</sup> What Dr. A. means by Observing, that these Bishops and Prelates had not any Commission, I cannot well imagine. A Commission in Writing, under the Great Seal of England, they had not ; nor did they need any such License. But the King's Assent, and Authority to Dispute and Conclude, they evidently had ; and that is all that I insist upon. They neither Met without his Command, nor Attempted any thing without his Order, and Direction. The other Reflection of Dr. A. is more just, and is that which I am now particularly to take notice of: ' That " the Practice then, and long afterwards, was only for the President to declare to them by Word of Mouth, the King's Pleasure ; for what Ends he had Called them together, and what Business He would have them proceed upon. And this Verbal Intimation, was all the previous Leave that was either Askt, or Given, in that, or several other succeeding Reigns. This He confirms by some other Authorities, and then Concludes again: " I have laid these Instances together, that we may see clearly what the Custom then was ; and how a Message from the King, by the President, supplied the place of a Commission under the Broad Seal, which was afterwards practis'd. Dr. A. repeats this Remark several Times over: And from it, I conceive, I may have his Consent to Conclude, that tho' in the Reigns of King Henry the VIIIth, and his Successors, King Edward the VIth, and Queen Elizabeth, there was no Commission in Writing, under the Broad Seal, sent to our Convocations to Empower them to Treat, yet it was the Custom even then for the King to send them Messages by the President, who declared to them by Word of Mouth the King's Pleasure ; for what Ends he had Called them together, and what Business he would have them proceed upon: Which Message, so deliver'd, supplied the Place of a Commission under the Broad Seal, which was afterwards practis'd.

Now this, I have before said, Answers my Purpose to the full as well as any Written Commission could do: Whose Business is not to determine what kind of License the Clergy ought to have, to warrant them to Treat, and Confer, about Canons and Constitutions ; but whether, by the 25th of H. 8. c. 19. they do not need some License or Other for Both. And even here, in these Reigns, will Dr. A. please to tell us ; Had they a Verbal Authority to Treat, and after that, a formal License in Writing, under the Broad Seal, to Enact? Or did they, by the Vertue of the same Declaration of the King's Pleasure to them, Do both? In the Assembly of 1537, before mentioned, they not only Disputed, but Concluded too.



too. They drew up a *Book of Doctrine*, and presented it to the *King* as their *Sense and Judgment*, in the several Points which were therein Considered and Expounded. Had they any Other Authority for their *final Conclusion* upon these *Doctrines*, than they had for their previous *Debating* concerning Them? If not, then seeing Dr. A. allows the *King's License*, and *Authority*, to be requisite for the *latter*; he will give me leave to conclude, that what was thought an *Effectual License*, according to this *Statute*, for *That*, must needs have been accounted as effectual a *License* for the *Other* also. The *manner of Authorizing* the *Convocations* may in time have been changed; but the *Sense* of the *Act* was always held to be the same; viz. That the *Clergy* in *Convocation* needed the *King's License* to *Confer*, as well as to *Establish*; and were to be *Empower'd* by him for the *One*, no less than for the *Other*.

Against this Dr. A. has made an Exception, and it is indeed the only Ex-<sup>1 Rights, &c. p. 375, 376.</sup>ception that can reasonably be made against it: That when the first Convocation of Queen Elizabeth Assembled, whilst this *Statute* lay under a *Repeal*; the *President* demanding of the *Clergy* of the *Lower House* whether they had thought of any thing to Offer that day; They answer'd, That they knew not for what Cause they were Assembled, or of what Things they were to Treat? The Inference which he draws from their Answer is this; "That it was Customary for the *Convocation* to be directed to the Subject of their *Debate* by the *Crown*, even when the 25th of H. 8. lay under a *Repeal*: And such *Directions* therefore given at Other Times, when the *Statute* was in force, must not be supposed to spring from this *Act*, so much as from the *King's known Prerogative*; by which he ever propos'd, both to *Parliaments*, and *Convocations*, at their first Opening, the Reasons which He, on his part, had to Assemble them. I do agree with Dr. A. The *King* did not derive his *Prerogative* of *Directing* the *Convocation* in what they should *Debate* upon, from that, or any Other *Statute*: It was always the *Right* of the *Crown* so to Do. But yet by that *Statute* the *Clergy* were *Restrained*, tho' not from all kind of *Debates*, yet from all such as were held in Order to make *Canons*, without the *King's Direction*; and therefore, tho' the *King's Prerogative* be not deriv'd from thence, yet the *Clergy's Restraint* is. And that *Restraint* I do affirm to reach as well to their *Conferring* to *Constitute*, as to their *Constituting* of *Canons*; so that without the *Princes License* and *Authority* (which he by his Own *Prerogative*, not by *Vertue* of that *Statute*, has the *Power* to *Grant*) they may no more *Treat* of, than they may *Conclude* upon, any such kind of *Constitutions*.

Here therefore it is, that Dr. A. and I seem still to differ, as to the proceedings of these first Reigns. He allows that the *King* both by his Own *Prerogative*, and by the *Authority* of *Custom*, has, and ever had, a *Right* to *Declare* to the *Convocation*, wherefore he called them; and what *Business* he would have them go upon? He affirms that such *Directions*, so given to them in the *King's Name*, were to all Intents and Purposes a *sufficient Warrant* for them to proceed upon the *Business* which the *King* commanded them to do. I will not dispute that Point with him: This only I would Ask; Could the *Clergy* without such a *Message* and *Direction*, after the passing of this *Act*, have *Confer'd* to *Constitute* any *Canons*, or not? If not, then it must be granted that by vertue of that *Act* they were *Restrained* from *Debating*, as well as from *Acting*; which is what I am Contending for? If they could; then Dr. A. must shew, That the *Clergy* heretofore did, in *Fact*, *Confer* concerning *Canons* and *Constitutions*, not only without any *Commission* in *Writing* under the *Broad Seal*; but without so much as any *Message* sent them by the *King*, or any *Direction* from the *President* in his *Name*, so to Do. This, I say, he must shew, or he must Confess the *Practice*, even of our antient *Convocations*, to have run on that side of the *Question* which I am pleading for; and to prove the *Necessity* of the *King's Royal Assent* to warrant them to Attempt, no less than to *Enact*, any such *Canons* and *Constitutions*. Let us see how he proceeds, upon this true State of the *Matter*, to make good his Assertion against Me.

He takes the Rise of his Enquiries from the "Convocation which SAT upon a Prorogation Nov. the 5th, 1532. before which the Submission of the Clergy was made to the King, but not yet Enacted. In a Diary of that Meeting; he says, he

Sect. 71.  
1 Rights, &c. }  
p. 364.

H h h h



he finds no hint of a *Commission*, and therefore Concludes that they had none.

Dr. A. is certainly a very fortunate Man, to have a *Diary* of a *Convocation* that met but once in all; and then did no manner of Business, but was prorogued to the 5th of *February* following; as those very *Minutes*, whereof he speaks, would have told him had he thought fit to Attend to them. Indeed upon its Resumption in *February* after, it sate till the 8th of *April*. In this time some Ecclesiastical Affairs were mention'd: First, Mr. *Latimer's* Preaching contrary to his Promise in the Eleventh Session; but nothing was done upon it. Then the *Opinions* of the *Universities*, in the Business of the *Divorce*, were openly read in the same Session: And a doubt was raised, whether they might Dispute upon that Point, because the Matter still remained before the *Pope* Undecided. The next Session the same Debate was Resum'd; and then the *Convocation* agreed with the *Universities* in their *Opinions*. In the following Meetings they treated farther of the same Point; and finally drew up their *Resolution* upon it.

<sup>1</sup> Rights, &c.  
p. 365.

<sup>2</sup> Stat. 25 H.  
8. c. 22.

<sup>3</sup> Ant. Harm.  
p. 193.

Of this Dr. A. takes Advantage: ' He observes how that the *Clergy* made a doubt in this Case, whether they might Lawfully Dispute upon a Matter which at the same time lay before the *Pope*; " They had no Doubt it seems about " the *Lawfulness* of *Treating* without a *Royal License*. Nor had they any Reason to make any Doubt of it. For, besides that they were directed by the express *Command* of the *King*, to discuss the *Question* relating to this Matter; Who ever thought that to dispute a Point of Conscience, from the Principles of *Divinity*, and *Canon Law*, and that only in Order to the Delivery of their *Opinions* concerning it; was, or could be construed, to make *Canons*? <sup>2</sup> The *Universities* of *Oxford* and *Cambridge* did the very same, and that by the same *Authority*: So did the foreign *Universities* too. Dr. A. therefore, could hardly have begun his *History* more unhappily than with a *Convocation*, which did nothing but dispute of, and determine two *Questions*, as far as concern'd their *Own Judgment*, and did that too by the *King's Authority*; as an <sup>3</sup> *Author* of good Credit, who had seen the *Original Instrument* of the whole Process, expressly assures us.

But to go on with this Affair: The *Convocation* having Disputed and Concluded of these *Questions*, were content barely to set down in their *Own Acts*, what their Opinion as to each of them was; till upon the 5th of *April*, They, at the *King's Command*, made a *Publick Instrument* of their Proceeding: Which, at last amounted to this only; 1<sup>st</sup>, That, in their Opinion, to Marry a *Brother's Wife*, being first known by him, is prohibited by the *Law of God*, and beyond the Power of the *Pope* to Dispense withal. And, 2<sup>dly</sup>, That this was sufficiently prov'd to be the Case in the *Marriage* of the *King* and the *Princess Catherine*, by the *Evidences* which had been laid before them to that purpose. For this I need offer no Proof to <sup>4</sup> Dr. A. who has himself not only seen, but published the *Instrument*, which by the *King's* express *Command* was made about it.

<sup>4</sup> Addit. &c.  
Append. n. 3.  
p. 1.

Seet. 72.  
1533.

<sup>5</sup> Addit. &c.  
p. 100, 101,  
102.

In the *Convocation* the next Year, another *Question* was propos'd by the *Archbishop* to be discussed by the *Prelates* and *Clergy* there Assembled; concerning the *Authority* and *Jurisdiction* of the *Pope* in this *Realm* of *England*. The *Convocation* agreed in the *Negative*; that the *Bishop of Rome* has no more, or greater, Power in this *Realm*, than any other foreign *Bishop*. The *Archbishop* approv'd of their *Opinion*, and profess'd himself to be of the same Judgment; and order'd a *publick Instrument* to be made of it. And all this, as <sup>5</sup> Dr. A. observes, without any *License* to Qualify them for such a Debate; of which some notice would have been taken, if by the *Statute*, then newly pass'd, such a *License* had been held necessary. To say nothing of a small Mistake of <sup>6</sup> Dr. A. in Point of *Chronology*, as to the *Passing* of the *Act of Submission*, which was upon *Monday* the 30th, not upon *Sunday* the 29th of *March*: He Affirms, that the *Convocation* Debated upon this *Question* without *License*. Will he please to tell us what *License* they had to Conclude, and Determine, upon it? They had None to Debate, (so he infers) because None is taken Notice of. I add, that by the same Reason, they had None to Conclude, because neither is there Any taken notice of for that, any more than for the Other. But the Truth is, there was no need of a *License* for Either. They only discuss'd a *Theological Point*, and so gave their Judgments upon it. <sup>6</sup> Retulerunt, Affirmarunt, atque ita se sentire

<sup>6</sup> Ibid. p. 102.



*sentire expresse Declararunt*, are the Words: And the Archbishop himself did no more, *se idem sentire Affirmabat*. Which can in no reasonable Construction be interpreted to Attempt, or Enact, a Provincial Canon or Constitution; the only thing which, by that Law, they were forbidden to do.

But why does Dr. A. dissemble his own Knowledge, of the King's Authority for the doing even of this. In the Instrument of Our Convocation it was not, indeed, expressly mention'd, and therefore of that he gives us a Copy at large. But in the Instrument of the Convocation of York, which he had seen in Archbishop Lee's Register, and I doubt not had Copied from thence, the King's Order is expressly Recorded; tho' he thought not fit either to Publish their Instrument, or to give the least hint of it. The Question was proposed to the Clergy, *juxta Regie Majestatis Mandatum*. The Clergy were *Rogati & Requisite*, to Declare their Opinions upon it: And all this the Archbishop, *Regia Celsitudini tenore presentium* intimated and signified. If this does not sufficiently bespeak the Authority on which the Convocation Debated, as well as Concluded; I cannot tell what could have been more plainly Recorded for the Affirmance of it.

Should I add, that Dr. A. knew not only that this was done in Convocation by the King's Authority, but that the same was follow'd by the Universities, by the Cathedral and Collegiate Churches, and by the Religious Houses over all England, I should say no more than what he would be forced to Own to have been the Truth. And they All did it by the same Authority of the King, either expressly Demanding it of them, or letting them otherwise know, that it was Expected from them.

Were it needful to carry these Reflections any farther, I might put Dr. A. in mind of yet one thing more, which He himself was aware of; That all this was done, in both these Convocations, before the Act of Submission was made, or by Consequence, the Clergy under any Restraint in their Convocational Debates. To this He Replies, "that tho' the Submission did not yet bind the Clergy as a Law, yet as a Promise it did. But he will give me leave to tell him, that he regards not what he says, when he thus Argues. For the Upper House not only did not Promise not to Attempt, Allege, or Claim, a Power to Treat of New-Canons; but did expressly Remonstrate against it; and the King accepted the Submission without it. So that however they were indeed restrain'd by their Submission from Enacting, and putting in Ure, any Canons without the King's License; yet they were hitherto free as to their Debates: And neither by Promise, nor Statute, Restrain'd from Treating of, but only from Making of Provincial Constitutions, in their Convocation.

Dr. A's next step is to the Convocation, which began June the 9th, 1536: But before I follow him thither, he will give me leave to stop, and consider how things went in the last Session of the foregoing Convocation, Anno 1534. At their first Meeting upon Wednesday the 18th of November; the Archbishop had a Conference with the whole Convocation concerning certain English Books, which he committed to several of the Bishops to examine, and commanded them to Report their Opinions to him. This Debate was almost the only Business of that Convocation; and scarce a Session pass'd in which it was not Resumed. But what was the result of this Matter? Did they thus Confer in Order to the Passing of any Decree, or Constitution, Provincial or Synodal, against those Books, their Principles, or their Authors? This, indeed, might have brought their Conference within the Purport of the Act of Submission. But this, therefore, they presumed not to Attempt, or to Do. Their Debates ended in a Petition to the King, that he would Require his Subjects to deliver up all such Books within a certain time; that He would direct a Translation to be made of the Scriptures into the Vulgar Tongue; and lastly, that he would Command that none of his Lay Subjects should Dispute about the Catholick Faith. This was the Result of their Debates; and this confirms what I have before observed. The Clergy in Convocation may Treat about Ecclesiastical Matters: They may Come to fitting Resolutions upon them. But they must neither Treat, nor Resolve, to Make any Canons, Constitutions, or Ordinances Provincial, without the King's Authority; which is the only Conference or Conclusion forbidden to them by this Statute.

To proceed now with Dr. A. to the Convocation of 1536: In which Cromwell, as Vicar-General, demanded a Place, and sat under that Character, at the head of it. On Friday, June the 23d, the Prolocutor, with the Clergy of the Lower

Append. ad  
Ann. 1534.

Wharton Hist.  
de Episc. &c.  
Lond. p. 286.  
&c.

Rights, &c. p.  
364, 365.

Seet. 73.  
1534.

Append. ad  
Ann. 1534.

Seet. 74.  
1536.  
Fuller Ch.  
Hist. v. Book  
House, p. 208, 209.



House, presented to the Archbishop a Book, containing Sixty seven Opinions, collected by them; which they Declared they did think in their Consciences to be Erroneous; to have given Occasion of Dissention within the Realm; and to be worthy of Special Reformation. These Articles they Exhibited with a Protestation, that they neither in Word, Deed, or Otherwise, directly or indirectly, intended any thing to Speak, ATTEMPT, or Do, which any manner of wise might be displeasing to the King's Highness. — But that they did sincerely addict themselves to Almighty God, and his Laws, and unto their said Sovereign Lord the King, &c. and his Laws, Statutes, Provisions, and Ordinances, made here within his Grace's Realm.

<sup>1</sup> Rights, &c.  
p. 367.

Such a Petition, drawn up by a part of the Convocation only, and so guarded; which pretended not to Enact any thing, but only to present to the Bishops such Abuses as they desired might be Reform'd; was, I conceive, far from coming within the Statute of the 25th of this Reign. And yet, from the very manner of their presenting of it, Dr. A. very artificially endeavours to prove somewhat to his purpose. <sup>1</sup>“ Had, says he, any General Commission been granted them, there had been no need of this Protestation, which was made to guard them against the 25th and 27th of Henry the 8th, and has therefore, we see, a plain reference to them. I do Agree with Dr. A. that their Protestation did refer to the Act of the Clergies Submission, and I will venture to make this use of it; that by declaring, they did not intend to ATTEMPT any more than to Do what might be displeasing to the King's Highness, but did sincerely addict themselves to Him, his Laws, and Statutes, they have given us a fair Intimation, with respect to their Proceedings in Convocation, that they supposed they might become Criminal by the One, as well as by the Other; and therefore equally guarded themselves by their Protestation against both. But still here was no Attempt to Make any Provincial Ordinance, or Constitution; nor therefore any thing that needed a Royal License to warrant their Debates. All that was done, was to suggest to the Prelates such Matters as they suppos'd might be fit to be Reform'd, and so leave it to them, to Consider what Method would be the most proper to take for the Reformation of them.

But there was another thing done in this Convocation, which, without the Royal Authority, they could not have Attempted, much less have Concluded upon, as yet the whole Body of the Clergy did, and Dr. A. therefore ought to have given some account by what Commission it was done. The thing I mean, is the Book of Articles both of Doctrine and Discipline, which was Agreed to in this Convocation, and Promulged by the King's Authority. Of this, all the Relation we have in the Extracts of this Synod, is this; that on the 11th of July, the Bishop of Hereford produced a certain Book, containing Articles of Faith and Ceremonies: Which being Read by the same Bishop, the Honourable Tho. Cromwel, the most Reverend, and the Other Prelates, the Prolocutor and Clergy of the Lower House, approving the said Book, Subscribed to it.

The manner of its Compilation, I conceive, was this: The King first caused it to be drawn up, by such Persons as he thought fit to employ about it; and then sent it by Bishop Fox to the CONVOCATION, there to be Debated upon, Approved, and Subscribed; as accordingly it was, by the Vicar General, the President, the Prelates, and the Clergy there.

<sup>2</sup> Cleopatra,  
E. 5.

<sup>3</sup> Fuller's Ch.  
Hist. Book V.  
p. 214:

That this was the Method which the King took in this Case, the several Expressions of such Public Instruments as relate to it, prompt me to believe. In a Letter of the Kings to the Bishops, still remaining in the Cotton<sup>2</sup> Library, he thus speaks of these Articles; “ We were constrain'd to PUT OUR OWN PEN TO THE BOOK, and to Conceive certain Articles, which were by All You the Bishops, and Clergy of this our Realm, in Convocation Agreed on. This was dated November the 19th Regn. 28; about four Months after the Passing of these Articles. It was this, I conceive, gave Occasion to that Passage in the King's Letters of Confirmation prefix'd to them; <sup>3</sup>“ that he had not only in his Own Person, at many times, taken great Pains, Study, Labour, and Travail, but had also caused his Bishops, and other the most discreet, and best Learned Men, of his Clergy of the whole Realm, to be Assembled in Convocation, for the full DEBATEMENT and quiet Determination of the same. Where, after long and mature DELIBERATION had of, and upon, the Premises, they finally Concluded and Agreed, &c.



It is to the same Effect, that the King speaks in another *Letter*, which he dated the very next day *July the 12th*; for the *Suspension of Preaching* for some time; which Dr. A. not only saw, but Copied (tho' not with the Exactness he should have done) out of *Bishop Fox's Register*, and has publish'd in his *second Appendix*. "Forasmuch as we being, by the Ordinance of God, King of this Realm, and by vertue thereof *Supreme Head* of the Church of the same, it appertaineth to our Duty to provide and see that *Unity, Concord, and Agreement*, may Remain among our Subjects, Members of that Politic Body whereof we be the *Head*, specially in *Opinion and Sentence* of our Religion. Albeit considering that upon Contention arising among our People, in Diversity of certain *Opinions*, we have, conformably to our said Duty, for the Profit and Setting forth of the *Truth of God's Word*, the Suppression of Errors, and the Reducing of such *Controversies* to One Good and Catholick Conformity, CAUSED all you the Bishops, with the Clergy of our Realm, in solemn Convocation, deliberately DISPUTING and ADVISING the same, to AGREE to certain Articles most Catholick conceived.

<sup>1</sup> Registr. Fox. vol. 6. 2

And here then we may plainly see by what Authority the Convocation Debated of, Disputed about, and Advised; and finally Concluded upon, and Agreed to, these Articles. The King Caused the Prelates and Clergy to be Assembled for this Purpose. Being Assembled by his Writ, He Caused the same Prelates and Clergy deliberately Disputing and Advising, to Agree to them. How he executed these Commands, whether by his Vicar General, or by their President; by a Written License, or by a Verbal Direction; I enquire not: It is enough that they Debated and Advis'd, as well Concluded and Agreed, by the King's Authority, and that this we are so fully, and in so many different manners, told, that there can be no Doubt of it.

To the Evidences, before given, I might add those of the <sup>2</sup> *Injunctions*, which were set forth not long after these Articles; in which the Use of this Book is thus enforc'd: "Whereas certain Articles were lately Devised and Put forth by the King's Highness's Authority, and Condescended unto by the Prelates and Clergy of this his Realm in Convocation, &c. But instead of pursuing this Matter any farther, I shall rather beg leave to take notice of such a Piece of Misrepresentation, which Dr. A. has thought fit to make of my self upon this Occasion, as deserves a much harder Name than I am willing to give to it. He first speaks in a very severe Strain of King HENRY the 8th; and then thus proceeds with Me upon it. "And yet the Acts of this King, the most Exorbitant and Oppressive Acts of Power, which he Exercis'd towards the Clergy, are produc'd by Dr. W. as GOOD and LAWFUL PRECEDENTS, which All his Successors are ALLOW'D, and INCITED to follow: PARTICULARLY that Instance of his Correcting, and Amending, the Determinations of the Clergy in Synod, even upon Doctrines of Faith, is given us without any Intimation that such a Practice exceeded the Bounds of Kingly Power.

<sup>2</sup> Sect. 75. Fox. Vol. II. p. 387.

<sup>3</sup> Rights, &c. p. 148 Comp. Pref. p. v.

Now, not to dispute how far a Christian Prince, in a Corrupted State of the Church, may warrantably Correct the Later Determinations of his Own Synods, if he finds them to run apparently contrary to the Catholick Doctrine deliver'd in the Holy Scriptures, and establish'd by the Authority of more Ancient and Greater Councils; (which, with Dr. A's Favour, our most eminent Divines have not doubted to affirm every such Prince may not only Lawfully, but Commendably, Do) The Question is, Whether, in fact, Dr. W. did produce this as a Good and Lawful Precedent in this Case, without any Intimation, that herein that Prince Exceeded the Bounds of his Kingly Power; and Allow'd, and Incited, All his Successors to Do likewise. And for this, I appeal to my own Words, upon which he grounds this Charge against me; "Whether our Kings may not only Confirm such, and so many, of the Canons, &c. of their Convocations, as They shall judge Expedient, and Refuse and Reject the Rest; but may also, by their Supreme Authority in Ecclesiastical Matters, Correct and Amend, Those which they do Allow of, I SHALL NOT UNDERTAKE TO SAY. But so we are told Henry the 8th did, and that in a Case of the Strictest Nature, in framing the very Articles of Religion, which were afterwards Publish'd by his Authority, Anno 1536. THUS MUCH, I believe, may warrantably be ASSERTED, That as the King has Power, without a Convocation, to Make and Publish such Injunctions, as he shall think the Necessities of the Church to Require, and to Command

<sup>4</sup> Authority &c. p. 135. 136.



“ Command the Observance of them ; so may He, with the *Advice and Consent* of his PARLIAMENT, much more, not only *Make what Ecclesiastical Laws* He shall think *fitting*, for the DISCIPLINE OF THE CHURCH, but make such use of the *Convocation*, and the *Resolutions* Agreed to in it, in Order thereunto, as he shall think fit : And (as I have shewn the *French Kings* heretofore to have done ) may not only *Confirm*, or *Disallow*, but may sometimes even *Alter*, and *Correct*, what is done by them, according to his own Liking.

And here now, let Dr. A. say, Where do's Dr. W. Approve of King Henry the 8th's *Correcting* the *Determinations* of that Synod in *Matters of Faith*, and *Allow* and *Incite* All his *Successors* to follow his Example ? He *suspends* his *Judgment*, whether they may *Do it*, or *no* : He just mentions the *Action* of King Henry the 8th, without any *Mark of Approbation*, to *Recommend* it, much less to *Incite* all his *Successors* to *Do* likewise. And waving any *Resolution* in so nice a Case, Asserts nothing but what Dr. A. himself must confess to be true ; That *Our Kings*, as well as *Other Christian Princes*, may make *Laws* in *Ecclesiastical Matters*. That for the *better*, and more *regular*, doing of this, They may, and indeed, ordinarily, ought, to take the *Advice and Consent* of their *Bishops*, and *Convocations*. And that, having so done, they may, upon their *Sense* and *Resolutions*, frame any such *Useful Law* as they shall think fit, in their *Own Words* ; without being confined to the *Terms* and *Expressions* ; or perhaps (in every Circumstance) to the very *Substance* of their *Synod's Determination*. This was the *Summ* of what I Asserted : Let the *Impartial Reader* judge what there is fairly to be excepted against, in it.

Sect. 76.  
1537.  
Rights, &c.  
p. 367.

How that Meeting<sup>1</sup> which Dr. A. calls the *Convocation* of 1537, was set to work, I have before shewn : It Assembled by the King's Command, and both *Treated*, and *Concluded*, by his Authority. In it was fram'd a Book of Doctrine, Intituled, *The Institution of a Christian Man*. This the *Bishops* submitted to the King's *Judgment*, in a *Stile* which Dr. A. can hardly with *Patience* hear of. “ We do most humbly submit it to the most Excellent Wisdom, and Exact Judgment of your Majesty, to be *Recognized*, *Overseen*, and *Corrected*, if your Grace shall think any Word or Sentence in it meet to be *Changed*, *Qualified*, or farther *Expounded*. He took the *Liberty* which they gave him, and *Corrected* it accordingly ; as by an<sup>2</sup> *Original Letter* of the *Archbishop* to Cromwell, still remaining, it appears. <sup>3</sup> Mr. Fox adds more ; That he not only *Corrected*, but *Enlarg'd* it too ; adding, with his own hand, the *Article of Images*. If I might be *Allow'd* to conjecture in this Case, I should think, that what the King did to this *Book*, may have given *Occasion* to the *Mistake* of some of our *Learn'd Writers*, of his *Correcting* the *Articles* publish'd by the *Assent* of the *Convocation* the Year before. It being plain, that the *Articles* of the *Convocation* of 1536, were first brought to the King's Liking before they pass'd that *Synod* ; as the *Doctrine* of this *Assembly* was *Corrected* by him, after they had *Agreed* to it, before it was *Printed* ; and yet was Publish'd in their Name. And that Dr. A. may take me right now, whatever he did before, I do Affirm it to be no undue *Usurpation* in any Prince, if a *Church* be generally *Corrupted* in its *Doctrine*, by the *Advice* of a few *Orthodox* and *Sober Bishops*, and *Clergy-Men*, to *Correct* the apparent *Errors* of a *Provincial Synod* ; and to *Maintain* or *Set forth* the *Truth* of those few, tho' contrary to the *Sense* and *Determinations* of a *Greater*, but *Mistaken Assembly*.

<sup>1</sup> MSS. Cotton.  
Cleopatra.  
E. 5. fol. 101.  
<sup>2</sup> Fox. Mart.  
<sup>3</sup> Edit. p. 1472.

Sect. 77.  
1539.

The next *Convocations* were held, both at *London* and *York*, on the 2d of May, 1539. In these, those *Articles* were propos'd, upon which the severe *Statute* soon after pass'd 31 H. 8. c. 14. By what Authority the *Convocations* *Treated* of these *Articles*, that *Statute* will tell us : “ The King's most Royal Majesty most prudently pondering and considering, that, by *Occasion* of variable and sundry *Opinions* and *Judgments* of the said *Articles*, great *Discord* and *Variance* hath arisen, as well amongst the *Clergy* of this his *Realm*, as amongst a great Number of the *Vulgar People*, his loving Subjects of the same ; and being in a full Hope and Trust, that a full and perfect *Resolution* of the said *Articles* should make a perfect *Concord* and *Unity* generally among his Loving and Obedient Subjects, of his most excellent Goodness, not only *COMMANDED* that the said *Articles* should *DELIBERATELY* and *ADVISEDLY*, by his said *Archbishops*, *Bishops*, and *Other Learned Men* of his *Clergy*, be *DEBATED*, *ARGUED*, and *REASONED*, and their *Opinions* therein to be *UNDERSTOOD*, *DECLAR'D*, and *KNOWN*, but also, &c. With



With the *Parliament* the Year following, the *Convocation* was summon'd; Sect. 78.  
 But what it did, or whether it did any thing at all, I cannot tell. <sup>1540.</sup> The Busi-  
 ness of *Religion*, both as to *Doctrines* and *Ceremonies*, was put into another Me-  
 thod, and two *Committees* were appointed by the *King* to *Debate* and *Conclude* of Journ. H. Lords, 12 April, 31 H. 8.  
 Each. In the former, were the Two *Archbishops*, and Six *Other Bishops*, and  
 Twelve of the *Clergy*: In the latter, were only Six *Bishops*, who were to *Deliberate*  
 of the *Rites* and *Ceremonies* of the *Church*. What these should *Conclude*  
 upon, and the *King* by his *Letters Patents Confirm*, <sup>32 Hen. viii.</sup> the *Parliament* decreed should  
 be Obey'd and Observ'd; Provided nothing were Done, Ordain'd, or Defin'd, c. 25.  
 contrary to the *Laws* and *Statutes* of the *Realm*.

But not to insist upon these *Committees*, with which our *Argument* is not 1541.  
 concern'd; nor yet upon the *Convocation* of the *Archbishops*, *Bishops*, and *Clergy*  
 of both *Provinces*, deputed by the *King* to determine the *Business* of his *Marriage*  
 with *Anne of Cleve*. On the 20th of *January*, the next Year, the two *Con-*  
*vocations* met, four Days after the *Parliament*. Of that of our *Province*, <sup>3 Dr. A. 3 Rights, &c. p. 368.</sup>  
 has observed, with Relation to our present Enquiry; That the *Archbishop*, at  
 the Opening of it, declared to the *Prelates* and *Clergy*, in the *King's Name*,  
 that it was his *Intention* they should *DELIBERATE* among themselves about the  
*Reformation* of *Errors*, and *Make Laws* for the *Avoiding* of *Simony*, &c. He  
 might have taken notice of several other *Particulars*; but in the mean time,  
 here is enough to shew, that this *Convocation* *DELIBERATED* upon all these things,  
 at the *King's Command*, and therefore to be sure had his *License* and *Assent* for  
 what it did. And in the following *Sessions* of the *Convocation*, as often as they  
 came to any particular *Propositions*, or *Conclusions*, within this *General Direction*,  
 still the *Archbishop* Decreed, that the *King* should be *Consulted* about it; so that  
 nothing was here either *Done*, or *Decreed*, without his *Knowledge* and *Con-*  
*sent*.

In this first *Convocation*, it do's not appear that any thing was *Establish'd*: Sect. 79.  
 In the next, upon the 16th of *February*, 1542, the *Book* of *Homilies* was deli-  
 ver'd in by the *Prelates*, who had been deputed to compose it. This was One  
 of the things which the *Archbishop* had directed to be done, in the *King's Name*,  
 at the first *Opening* of this *Convocation*. At their next Meeting, the *President*  
 told them, that it was the *King's Pleasure* that certain *Ecclesiastical Books* should  
 be *Examined*, and *Corrected*. The *Session* following, the *Clergy* of the *Lower*  
*House* made four *Petitions* to the *President* and *Prelates* in the *Upper*. After  
 this, some *Debates* were held concerning *Doctrinal Points*, pursuant to the *King's*  
*Intention* at first declared to them; but nothing, that I can observe, was either  
*Attempted*, or *Done*, but in vertue of it. Nor do I find that they had any *Other*  
*Authority* to *Constitute*, and *Decree*, than that upon which they *Conferr'd* and  
*Debated*. The *King's Pleasure*, declared to them by the *Archbishop*, was what  
 they seem to have gone upon: Whether it were any otherwise *Convey'd*, either  
 to him, or them, I cannot tell.

And here *Dr. A.* puts an End to the *Proceedings* of the *Convocations* during  
 this *Reign*: And indeed, tho' some others met after this, yet either nothing at  
 all was done in them; or, if there were, the accounts of what they did are  
 utterly lost to us. Let us therefore now take a summary *Review*, how we have  
 found the *Matter of Fact* to have stood during the latter Part of this *Reign*.

In 1532, the *Clergy* neither *Made*, nor *Attempted*, any *Canons* or *Constituti-*  
*ons*. They *Debated* only of two *Questions* concerning the *King's Divorce*; and  
 even in that they proceeded, from the *Beginning* to the *End*, by the *King's*  
*Authority*. Sect. 80.

In 1534, Another *Question* was propos'd to them concerning the *Authority*  
 of the *Bishop* of *Rome*. They only deliver'd their *Judgment* upon it; They  
*Defin'd* nothing: Yet this One of the *Convocations* expressly did at the *King's*  
*Command*, and we have all the *Reason* in the world to believe, that so did the  
 Other also.

In 1535, They *Examined* some *Books*, and gave their *Opinions* of them: But  
 they *Examined* them not with any *Design* of *Censuring* either the *Doctrines*, or  
 the *Authors*; but to *Petition* the *King* for the *Suppression* of them; and that the  
 People might be, by him, forbidden the use of them.

In 1536, The *Lower House* of *Convocation* Collected, and Presented to the  
*Vicar-General*, the *Archbishop*, and *Prelates*, in the *Upper*, certain *Articles* of  
*Doctrines*



*Doctrines* which they thought worthy of *Reformation*. They guarded them with a *Protestation*, that they did not thereby intend to *Attempt*, or *Do*, any thing displeasing to the *King*, or contrary to his *Laws*. These *Articles* were read in the *Upper House*, and nothing more done with them. But in the same *Convocation*, a *Book of Articles* was *Treated of*, and *Concluded upon*; and both were expressly done by the *King's Command and Authority*.

In 1537, The *Assembly*, which Dr. A. calls a *Convocation*, proceeded intirely by the *King's Order*, and with his *Authority*.

In 1539. The *Six Articles* were *Debated*, *Argued*, *Reason'd* upon, in both the *Convocations*; and their *Opinions* thereupon *Understood*, *Declar'd*, and *Known*. But it was by the *Kings Command*, that they *Debated*, *Argued*, and *Reason'd*, as well as *Agreed* and *Declar'd* their *Judgment* upon such their *Deliberation*.

In 1540. Two *Committees* were *Appointed*, and *Empowr'd* by the *King*, to go to work on *Matters of Religion*. In the following Years the *Convocation* of this *Province*, sate three Times Successively, and did business every One of them. But they did it All at the *King's direction*, declared to them by the *Archbishop*; and therefore, to be sure, must have had his *Assent* and *License* for the doing of it. The *Command* given was to *Deliberate* among themselves about the *Reformation of Errors*; which accordingly they did: And still, whatsoever was *Deliberated* by them, was laid before the *King* for his *Approbation*. This was, in fact, the *Ground* upon which these *Convocations*, both *Confer'd* and *Agreed*: Let the *Reader Judge*, what *Conclusion* will the most naturally follow from it.

### King EDWARD the VIth.

Sect. 81.  
1547.

On the 5th of November 1547. the first *Convocation* of King Edward the 6th, began. The *Prolocutor* being Chosen, and presented in the *Second Session*, in the third Carried up the four following *Petitions*, in the Name of the *Lower House*, to the *President*, and *Prelates* of the *Upper*.

MS. D. Stil-  
glinfleet.

" First that *Ecclesiastical Laws* may be Made and Establish'd in this Realm by  
" Thirty two persons, or so many as shall please the *King's Majesty* to Name  
" and Appoint, according to the Effect of a late *Statute* made in the 35th Year  
" of the most Noble King, and of most famous Memory, King Henry the Eighth:  
" So that all Judges *Ecclesiastical* proceeding after those *Laws*, may be without  
" danger and Peril

" Also: That according to the antient Custom of this Realm, and the tenor  
" of the *King's Writs*, for the Summoning of the *Parliament*, which be now,  
" and ever have been, directed to the *Bishops* of every *Diocess*, the *Clergy* of the  
" Lower house of the *Convocation* may be Adjoyn'd and Associate with the Lower  
" house of *Parliament*: Or else that all such *Statutes* and *Ordinances* as shall be  
" made concerning all matters of Religion, and Causes *Ecclesiastical*, may not  
" pass without the Sight and Assent of the said *Clergy*.

" Also: That whereas by the Commandment of King Henry, certain *Prelates*  
" and other *Learned Men*, were appointed to Alter the *Service* in the Church, and  
" to devise other Convenient and Uniform Order therein, who according to  
" the same Appointment, did make certain *Books*, as they be Inform'd; Their  
" Request is, that the said *Books* may be seen and perused by them, for a better Ex-  
" pedition of *Divine Service* to be set forth accordingly.

" Also: That Men being Call'd to *Spiritual Promotions*, or *Benefices*, may  
" have some Allowance for their necessary living, and other charges to be su-  
" stain'd and born concerning the said *Benefices*, in the first Year wherein They  
" pay their first fruits.

In the Fifth and Sixth Sessions, the *Prolocutor* Exhibited in the *Lower House* the form of a Certain Order delivered to Him by the *Archbishop*, for *Communicating in both Kinds*; to which Himself, and some Others *Subscribed*, in the Fifth; and the whole House *Agreed*, in the Sixth Session. At the beginning of the *Parliament*, a Bill had been very early Introduced into the *House of Lords*, against *Irreverent speaking of the Sacrament of the Altar*. While this Bill was depending, another was brought in November the 26th for *Receiving the Sacrament of the Lord's Supper in both Kinds*. To Expedite this Second Bill, which would otherwise have gone



gone on but heavily in the *Upper House*, it was thought adviseable not only to annex it to the other, concerning the *Sacrament of the Altar*, but to obtain the Approbation of the *Clergy in Convocation* to it. This the *Archbishop* therefore procured, in the *Session* of the last of *November*, (which he seems to have anticipated on purpose for this End) and in the next following, *December* the 2d. By this Management, the Bill pass'd both the Houses, and was made a *Statute* of the *Realm*.

At the Latter of these *Sessions*, a Committee of the *Lower House* was appointed to draw up a project for a *Statute* for *Paying* of *Tythes* in *Cities*; but what they did farther it in we are not told.

In the next *Session*, *December* the 9th, the *Lower House* chose four of their Body to solicit on their behalf, these two things: " That the *Petition* made to have " this house adjoyn'd to the *Lower House* of the *Parliament* may be obtain'd. " Item; That a Mitigation of the *Sore* penalty express'd in the *Statute* against " the *Recusants* for *Non Payment* of the *Perpetual Tenths*, may also be obtain'd.

The same day, were likewise appointed two Others to Associate with the *Prolocutor* to my Lord of *Canterbury*, to know a determinate Answer; what *Indemnity* and *Immunity* this House shall have to TREAT of *Matters* of *Religion*, in *Cases* forbidden by the *Statutes* of the *Realm* to TREAT in.

Sect. 82.

What this *Petition* referr'd to, is a Point that will much concern us to know. The Difficulty will not be great, if we consider that there was but One *Statute* that did forbid the *Clergy* to Treat in *Matters* of *Religion*; viz. the 25th of *Henry* the VIIIth. This was Renew'd in the 27th of the same King: And the very *Original Petition*, Presented to the *Archbishop* at this time, which still remains among some other *Papers* of that *Great Prelate*, shews Us at once, both that this was what they meant; and that they understood the *Clause* of the *Statute* under Consideration, in the same Sense that I have before given of it. Their *Petition* runs thus.

" Where in a *Statute*, Ordeyn'd and Establish'd by Authority of *Parliament* " at *Westminster* in the 25th Year of the Reigne of the most Excellent Prince " King *Henry* the VIIIth, the *Clergie* of this *Realme* submitting Themselfe to " the *Kinges* Highnesse did Knowledge and Confess, according to the Truth, " that the *Convocations* of the same *Clergie* hath ben, and ought to be Assembled " by the *Kinges* Writ; and did promise further in *Verbo Sacerdotii* that they " never from thenceforth wolde presume to Attempt, Allege, Claime, or Put in " Ure or Enact, Promulge or Execute any New-Canons Constitutions Ordi- " nances Provincial or Other or by whatsoever other Name they shall be called " in the *Convocation* onelesse the *Kinges* most Royall Assent and Lisenfse may to " Them be had to Make Promulge and Execute the same, and his Majeste to " give his most Royall Assent and Authoritie in that behalfe, upon Peyne of " every one of the *Clergie* Doeyng the Contrary and being thereof Convict " to suffre Emprisonment and Make Fine at the King's Will. And that no Ca- " nons, Constitutions, or Ordinances shall be made or put in Execution within " this *Realme* by Auctorite of the *Convocation* of the *Clergie* which shall be " repugnant to the *Kinges* Prerogative Royall, or to the *Customes Lawes*, or *Sta-* " *tutes* of this *Realme*; Which *Statute* is Eftsoons Renew'd and Establish'd in the " 27th Year of the Reigne of the saide most noble Kinge, as by the Tenor of " Both *Statutes* more at large will appere: The saide *Clergie* being presently " Assembled in *Convocation* by Auctorite of the *Kinges* Writ, do desire that the " *Kinges* Majesties Lisenfse in Writing may be for them Obtain'd and Granted, " according to the Effect of the said *Statutes*, Auctoriseing Them to ATTEMPT " ENTREAT and COMMUNE of such *Matters*, and therein freely to Give " their Consents, which Otherwise they may not do upon Peine and Peril " Premised.

Such was the *Busines* of that *Session*: The next, and last of which we have any Account, was held *December* the 17th. A *Proposition* was exhibited there- in to the *Lower House*, " That all such *Canons*, *Laws*, *Statutes*, *Decrees*, *Usages*, " and *Customs* heretofore Made, Had, or Used, that forbad any Person to " Contract *Matrimony*, or Condemn *Matrimony* Contracted by any Person, for " any Vow or Promise of *Priesthood*, *Chastity*, or *Widowhood*, shall from hence- " forth Cease, be utterly Void, and of none Effect. The Majority approving it, a Committee was chosen to draw up the Plan of a *Statute*, for the Marriage of

Priests,



*Priests.* Whether they drew up such a *Statute* or no, I cannot tell. But within three days after, a Bill for the *Marriage of Priests* pass'd the *House of Commons*, and was sent up to the *Lords* for their Concurrence. The *Lords* read it the next day, *December* the 21<sup>st</sup>. But the *Parliament* was so nigh rising that it fail'd this *Session*, and was not made into a *Statute* till the next following.

And thus have I given a full account of all the Proceedings that are Recorded of this *Convocation*: In which no *Canons* or *Constitutions* were either *Made*, or *Attempted*; only some *Petitions* were Agreed to by the *Lower*, and presented to the *President*, and *Prelates* of the *Upper House*; and their *Opinions* delivered in two *Points*, in Order to an *Act of Parliament* to be framed upon each of them; viz. of *Communion in both Kinds*; and of the *Marriage of Priests*. A *Committee* was indeed appointed for a third End, to draw the Project of a *Statute* for *Tithes in Cities*, but nothing, that appears, was done by it. For all this, as no *License* was necessary, so we do not find that any was Granted to them; tho' they expressly desir'd it, and declar'd their *Opinion* of the Incapacity they Lay under for want of it.

Sect. 83.  
Rights, &c.  
p. 368.

But against this account of that *Convocation* Dr. A. excepts: <sup>1</sup> For. 1<sup>st</sup>, He tells Us they had as much *License* to *Treat* as they needed, or as ever any *Convocation* before had had; *Reverendissimus exposuit iis fuisse, &c. de mandato Regio & Procerum, quod Pralati & Clerus inter se consulerent, de vera Christi Religione probe instituenda*: The *Archbishop* declared to them that it was the *Command* of the *King* and the *Lords*, that the *Prelates* and *Clergy* should *Consult* among themselves about *Matters of Religion*. Does Dr. A's *Minutes* say this? Nay, Or did he himself *Understand* them So?

Ibid. p. 70.

As for the *Minutes* of the *Upper House*, from whence he takes this Note; That which they say is plainly This: That at the Opening of this *Convocation*, the *Archbishop* in his *Speech* told them, among other things; That it was the *Custom* in this *Realm* to *Summon a Parliament* the first Year of every *Prince*, and also to *Call a Synod* of the *Bishops* and *Clergy*; and that so it was at present done by the *Command* of the *King* and his *Nobles*. That the *Prelates* and *Clergy* should *Consult* together about the *true Religion* of *Christ*, &c. And that they should withdraw to the *Lower House*, there to choose a *Prolocutor* to be presented to him the *Fryday* following. And that <sup>2</sup> Dr. A. himself understood this to be the *Sense* of them, we have his own right *Construction* of this very Passage, in another part of his *Book*, to *Assure* Us: Where he thus joyns the *King's Command* to what went before, not (as now) to what follows; and tells us, that *Archbishop Cranmer* affirm'd it to have been, "*De more Regni Angliæ primo quoque Anno Regni cujuslibet Regis citare Parliamentum, nec non & Convocare Synodum Episcoporum & Cleri; sicq; fieri in presenti de mandato Regis, &c.*"

What therefore Dr. A. here *Asserts*, and again repeats p. 371, He must give me leave to say in this Instance is not yet shewn; "That the *Custom* still Continued, for the *President* to declare the *King's Good Pleasure* to the *Houses Orally*, without producing any *License* under the *Broad Seal*. How far this had been the *Custom*, upon Other the like Occasions, I shall not dispute; this I affirm, that it does not appear that the *President* Declared any such thing to the *Convocation*, in the *King's Name*, Now. Let me add, that it is not Probable he had any *Authority* to declare any such thing to them at the Opening of a *Convocation*, which, as the Event shew'd, was not designed to *Deliberate* upon, or *Establish* any thing, in *Matters of Religion*.

But the Great Point which Dr. A. is here concern'd to get off, is, 2<sup>dly</sup>, the *Petition* of the *Clergy* for a *License*; nay, and for a *License in Writing*: A thing so clear, in fact, that 'tis not easie to raise any *Doubts* against it; but withal so fatal in its Consequence, that he must say any thing rather than Allow of it. And accordingly, he do's say so many, and such Contradictory, things to it, that their very Number alone shews how little weight is to be laid upon any of them. For,

<sup>3</sup> Ibid. p. 399, 400. (1<sup>st</sup>.) 'Tis probable (he says) that the *Petition* is not <sup>3</sup> Authentick; Because (for that must be his Reason, or he gives none at all for it) it seems never to have been *Approv'd* or *Presented* by the *Lower Clergy*. Now that he thus shews:

<sup>4</sup> Ibid. p. 400, 401. "4 1. The short *Acts* of this *Convocation*, preserv'd in the *Synodalia*, short as they are, do yet mention the *First Paper*, (publish'd by *Bishop Stillingfleet*, from the same *MS*) and the four several *Articles* of it; but give not the least



“least Hint of this *Second*. Nor do’s Archbishop Parker, in *Antiquit. Brittanica*, where he speaks largely of Matters agitated in this Convocation, say a Syllable of it.

To begin first with Archbishop Parker: Do’s he speak of those first four Petitions which Dr. A. himself allows to be Authentick? No, he mentions only One of them; that the Clergy might be United to the Lower House of Parliament, and consult of Ecclesiastical Matters together with it. In the 5th and 6th Sessions, they debated about the Communion in both kinds; and of paying of Tythes in Cities: In the 7th, of the Mitigation of the Statute of Non-Payment of Tenths: In the 9th, of the Marriage of the Clergy. All these are taken Notice of in the Minutes, once that great Prelates; and approv’d of by Dr. A. as giving a true, tho’ short Account, of the Acts of this Synod. Can he shew us where the *Antiquitates* make mention of Any of these Things? If not, then let him in Conscience consider what Prejudice can be justly derived against an Original Paper, still remaining, from the meer Silence of an History, in which so many Other Matters relating to the same Convocation, and of such considerable Moment, are plainly Omitted.

<sup>1</sup> Antiq. Brittan. p. 339.

As for the Minutes, which Dr. A. is pleas’d to call the short Acts of this Convocation; I do affirm, that they have taken notice of this very Petition, in the 7th Session; and that Dr. A. perversly Applies what was plainly meant of this Matter, to another which had been long before both Considered and Answer’d. At the Opening of this Convocation, the *Antiquities* tells us, that Archbishop Cranmer exhorting the Clergy to a Reformation of Religion according to the Word of God; the Severity of the Law of the six Articles affrighted the most of them, that they durst not freely speak their Sense in such Matters. That the Archbishop thereupon obtain’d of the King, that in the mean time, till those Laws should be abrogated, the severe and rigid Penalties of them should be relax’d to the Clergy, as to their Debates in Convocation; which accordingly was done.

If I may be allow’d to conjecture when the Clergy applied to the Archbishop, to this Purpose, I should not doubt to fix it to the third Session of the Convocation; the very next after the Prolocutor was Presented. For so I understand that Question which was added to the four Petitions of that Day; “<sup>2</sup> Whether the Clergy of the Convocation may FREELY SPEAK THEIR MIND without Danger of Statute, or Law? This is evident, that it was done soon after the Opening of the Convocation; and the first Session after they were put into a Posture of Debate, and their first Address to the Archbishop, seems naturally to lead to such an Application.

<sup>2</sup> This Question is added to the IV Petitions, then presented by the Clergy, in Archbishop Cranmer’s Pa-

per. And that this refers to the Law of the VI Articles, besides the Reason of the thing its self, the Words of the *Ant. Brit.* which are a plain Translation of this Question, shew: *Sed legum — de VI Articulis Latarum Severitas plerosque terruit quo minus S U A S de Religione Reformanda SENTENTIAS LIBERE DICERENT.*

But this Dr. A. will not allow of: He refers us to the 7th Session, Dec. 9th for this Address. Till which time, that is to say, for almost five Weeks after their Assembling, he leaves the Convocation under an utter Insensibility of their Danger; or I am sure, under an Unaccountable Negligence of their own Safety. To shew the Improbability of this, I shall need only to observe, that in the two foregoing Sessions, they had actually Incurr’d the Penalties of that Act; by Deliberating, and Concluding, in the Article of Communion in both kinds: Concerning which that Statute thus Enacts; “<sup>3</sup> That if any Person, or Persons, should by Word, Writing, Printing, Cyphering, &c. publish, declare, or hold Opinion, that the Communion of the Blessed Sacrament in both kinds is necessary for the Health of Mans Soul to be given or ministred in both kinds, or so ought or should be given and ministred, &c. He shall forfeit, &c. as in that Act is contain’d. And therefore supposing this Request not to have been made till after they had not only Agreed to, but Subscribed an Order for Communicating in both kinds, which they generally did in their fifth, and sixth Sessions, (as Dr. A. contends it was not) they ought to have Enlarged their Petition, and to have desir’d as well a Pardon for what they had already done contrary to that Act, as an Indemnity for the time to come, But Fear, especially where it is just and great, is a more cautious Principle, than to have suffer’d so wise a Body to Act after such a Dilatory Mannner, in an Affair of such mighty Importance to them. They

<sup>3</sup> 31 Hen. viii. c. 14.



were well aware of their Danger; and careful to be secured against it: And therefore we may be sure they Obtain'd the *Suspension* of the *Penalties* of this *Act*, before they adventur'd thus openly to Offend against it.

However, let us see how he endeavours to apply that *Minute* to this Purpose: The *Clergy* directed their *Prolocutor*, with two others of their *Body*, to the *Archbishop*, to know what *Indemnities* and *Immunities* they should have to *Treat* in *Matters of Religion*, in *Cases* forbidden by the *Statutes* of this *Realm* to *Treat* in. <sup>1</sup> "They are concern'd, says he, to be Indemnified to *Treat* of *Matters* of *Religion* in some *Particular Cases* forbidden by the *Statutes* of the *Realm*. He is in the Right, and I will tell him what those *Cases* were: They were forbidden to *Treat* of any *Matters of Religion*, in order to the *Making* of any *Canons*, *Constitutions*, or *Ordinances Provincial* or *Synodal*, without the *King's Assent* and *License* first granted to them to that Purpose; but were not forbidden to *Treat* of them in any other *Way*, or in *Order* to any other *End*; and for this therefore they desired to be Indemnified.

<sup>1</sup> Rights, &c.  
p. 402.

Would Dr. A. have some farther Reasons for this Conjecture; I will give him two, from the very *Petition* under *Debate*: In which first they take Notice, that their Restraint in this Case was lay'd upon them by two *Statutes*, of the 25th and 27th of *Henry the 8th*. And in the next Place, actually Put into their *Petition* the very *Word* of the *Minutes*, to *Entreat*, and *Desire* the *King's License* in *Writing* may be for them Obtain'd, and *Granted*, according to the *Effect* of the said *Statutes*, Authorizing them to *Attempt*, *Entreat*, and *Commune* of such *Matters*, which otherwise they may not do. The *Petition*, and the *Minute* agree so near, not only in *Substance*, but in *Expression* too, that I think even that alone might suffice to justify the Application which I have made of the *One* to the *Other*.

But can Dr. A. now tell us, where there is any thing in the *Act* of the *six Articles*, to *Restrain* the *Clergy* from *Treating* in *Matters of Religion*? Let us suppose them to have *Deliberated* on some *One* of those *Articles*; or, if he will, upon *All* of them; and either *acknowledging*, or at least not *denying*, the *Truth* of *Them*, yet to have *Agreed*, for some *Other* Reasons, (and *Other* Reasons enough they might have found out) to *Petition* the *King* for the *Abrogation* of that *Act*, or for the *Mitigation* of its *Severity*: I do not see wherein they would have fallen thereby under the *Danger* of it. To *Treat* even in those *six Articles*, was not forbidden, nor would it have been *Criminal* by that *Statute*. To have freely *spoken* their *Sense* upon them, as to the *Truth* of the *Doctrine* contained in them, might indeed have been so; and for that therefore we see they applied betimes to the *King* at their *third Session*; and by the *Interest* of the *Archbishop* obtain'd what they desir'd; "that they might freely speak their *Mind* without *Danger* of *Statute*, or *Law*. But as for *Treating* in *Matters of Religion*, there was no *Statute* that forbade that, but *This* only of the 25th, *H. 8. c. 19*: And to this therefore alone we can justly refer their *Address* for the *King's License* so to do.

There is nothing then in this first Exception of Dr. A. to overthrow the *Authenticallness* of a *Paper*, which so evidently speaks its self to be an *Original*, and will not be *Cavill'd* out of its *Authority* by such little *Objections* as these. <sup>2</sup> His next Pretence is yet weaker: That it ought to have been sooner presented; and lies much harder against his own Application of that *Minute* to the *Act* of the *Six Articles*, than against mine which refers it to this *Statute*. For against that *Statute* they had already Offended, in a very high degree; whereas against this, they had, as yet, committed no Fault.

<sup>2</sup> Ibid. p. 402.

<sup>3</sup> Ibid. p. 403.

His Third<sup>3</sup> Exception against the *Draught* of their *Petition*, is as frivolous. They Recite the *Submission* of the *Clergy*, as it lies in that *Statute*: They take notice of the *Peynes* by which their *Submission* was *Confirm'd*, and against which they desir'd to be *Defended*. They add the *Limitations* too with which they were to act, when a *License* should be Obtain'd: And this is *All* of that *Act*, which relates to *Canons* hereafter to be *Made* in *Convocation*. And having summarily put all this together, and refer'd themselves to the *Statute* its self for the more full Declaration of it; they pray for such a *License* as might secure them against the *Danger* of it. The *Draught*, I think, is *Compleat* enough to Answer their *End*; and to shew both what it was that they desir'd, and upon what *Ground* they suppos'd themselves to have need of what they *Petition'd* for.



In short, Here is an *Original Paper*, found among Others of the same Archbishop, with All the Marks of *Authenticity* that such a *Writing* can have. If this be not sufficient to Answer all such *Doubts*, as Dr. A. is pleas'd to raise against it, I much question whether any Evidence, that is not expressly upon Record, will be able to stand secure. For surely he must have a very slender Talent in this way of raising *Dust*, who cannot make as good *Exceptions* as these, against any Other *Paper* of the like Nature.

Dr. A. saw it was in vain to think to destroy the *Credit* of this *Petition*; and therefore, having try'd the utmost of his Skill on that side, he comes (2dly) to SUPPOSE (what he knew would be taken for Granted, whether he Suppos'd it or no) that the *Paper* was *Authentic*; and upon that Ground assures us, "that nothing can be more to the Advantage of the Clergies Freedom of Debate, than this *Petition*, supposing it *Authentic*. Do's Dr. A. indeed believe this? And was it the meer Love of Truth that prompted him, in Opposition to his own Interest, to endeavour so heartily, as he has before done, to destroy the Credit of it. — Sic Notus Ulysses? However, let us pursue this New Adventure, and see how expert a Man he is, that can take the Matter either way, and yet still be in the Right, still be Victorious: "For as the Preferring it (says he) shews that the Clergy doubted at first, whether a Commission might not be necessary to enable them to Attempt, Entreat, and Commune; so their Acting without such a Commission afterwards, (for Act they did) is a clear Evidence that those Doubts were over-ru'd as soon as started, and does in effect amount to a Determination of the Point in Question. For the Judges, to be sure, or King's Council, (and it may be Both) were consulted in the Case; and did therefore (as the Event shews) give their Opinion against the Necessity of such a License. Sect. 85.1 P. 405, 406.

How happy a thing is a good Invention, at a dead Lift! The Lower House of Convocation doubted indeed whether they might lawfully Treat without a License. But Treat they did, and that without One; and therefore we must conclude, that they were satisfied they needed none. May I ask Dr. A. in the first place; How does he know that they had no License? Why he Concludes it from the Silence of the short Minutes of the Lower House, and the yet Shorter Ones of the Upper: And how fallacious a way that is, I will leave him, upon this One Remark within the same Reign, to Consider.

In the Convocation of 1552, The Articles of Religion were pass'd; and for that he himself must Allow a License to have been necessary. Mr. Fuller saw the Acts of that Convocation, and found no Mention either of License, or Articles, in them; and from thence concluded, that no such Articles were pass'd by that Synod. To this Dr. Heylin replies, That he had seen those Acts too: That they were very short; and therefore it was no wonder, that they made no mention of these Things. But that however, the King putting forth those Articles, as pass'd in that Synod; we cannot doubt but that they were Agreed to there: And that Mr. Fuller might as well infer, that his Mother had no such Son as himself, because his Name was not enter'd upon the Parish Register; as that That Convocation made no such Articles, because there was no Notice taken of Them in those Acts.

But what if at last they did not Act; nor so much as Attempt to do any thing, for which any License at all was Needful? Act they Did, says Dr. A. with his usual Assurance. But how did they Act? They neither Conferr'd upon, nor Constituted, any Canons: And therefore Act they Did Not within the Purport of the 25th H. 8. c. 19. They sate but Once more, that we know of, to any Purpose after they made this Order: And then they only deliver'd their Opinion in the Case of Marriage; which, by the Liberty before obtain'd for them, they had Authority to Do, without Danger of the 31st H. 8: And of any other Statute they had no Cause to be Afraid.

And now what will become of all Dr. A's other Imaginary Suppositions, which are built upon this fundamental Error, or Equivocation? \* They Acted: \* They Acted without a License: \* Therefore their Doubts were Over-ruled: \* And this amounts to a Determination of the Point: \* For, to be sure, the Judges, and the King's Council, were consulted in the Case; and we must suppose, that they gave their Opinion against the Necessity of such a License, because otherwise they would have had One. What a Glorious Scheme hath this new Historian Erected in the Air; without so much as a Probability of Truth to support it? But the best



best of it is, such visionary Determinations will do us no *Great Harm*. I shall therefore leave Dr. A. to continue in his *Dream* of *Judges*, and *Council*, that were never advised with; and of *Sentences* and *Opinions* that were never given: And, in Reverse of his Assertions, take the Liberty to Conclude, that seeing they neither *Attempted*, nor *Made*, any *Canons* or *Constitutions*, therefore they had no need of any *License*; nor any Occasion either for *Over-ruling* their *Doubts*, or for Consulting of *Judges*, or *Council*, to determine any thing in this Particular.

But Dr. A. has not yet done with his Conjectures. He proceeds from the Circumstances of those times to shew why, Possibly, the *Clergy* might then have desir'd such a *License*, tho' it was not *Necessary*. But why then did not the *Clergy* frame their *Petition* accordingly? Why did they not desire it in *Majorem Cautelam* only; and not found their need of it upon the *Authority* of an *Act* of *Parliament*, which (according to their own Opinion) expressly *Required* such a *License*? This, 'tis plain, they ought to have done, had they proceeded upon these *Principles*. They should have ask'd the *King's License* only as a Matter of *Countenance*, and *Security*, to them in their Proceedings; but should by no means have *Petitioned* for it as a thing which they were oblig'd by *Law* to have, and which the *King* therefore, was to grant to them according to the effect of the said *Statutes*. But of this *Reflection* Dr. A. himself makes no great account; and therefore he will the more easily excuse me, if I insist not any longer upon it.

Sect. 86.

From this time forward we have so little knowledge of what was done in the following *Sessions* of this *Convocation*, that were it not for the *Subsidy* granted the next Year by the *Clergy*; and a *Provision* made by the *Lords* the Year following for *Fryday* to be allow'd to the *Bishops* for their *Attendance* at *St. Pauls*; we should hardly have known any thing at all of them, more than the days of their *Assembly* and *Prorogation*. Indeed in one of the following *Sessions* of this *Convocation*, a *Debate* was held in the *Upper House*, of certain *Doubts* which had been rais'd concerning some things contain'd in the *Common Prayer Book*: And more particular, touching such *Feasts* as were Retain'd, and such as had been *Abrogated* by the *Rules* thereof; concerning the *Form* of *Words* used at the giving of the *Bread*, and the different manner of *Administring* the *Holy Sacrament*. This was signified to the *Prolocutor* and the rest of the *Clergy*, who had Received somewhat in Charge about it the Day before. Their Answer was, that they had not yet sufficiently considered the *Points* propos'd, but would give their Lordships some Account thereof, in the following *Session*. But what Account was given, appear'd not upon the *Acts* of the *Convocation*; of which there was nothing left upon Record but this very Passage.

Sect. 87.  
1552.

The first Parliament of this *King* being Dissolv'd, *April* the 15th; and the *Convocation* the Day after; Another was Called to Meet at *Westminster* the 18th of *March* following, and the *Convocations* order'd to sit at *London* and *York* the next Day. Great have been the Contests of our *Learned Writers* concerning the Proceedings of this *Convocation*; the *Acts* of which were either very carelessly taken, or They were soon destroy'd, by those who had no mind they should be known to Posterity. <sup>2</sup> Mr. Fuller thus spake of them in his Time: "The Records

<sup>1</sup> Fuller's Ch. Hist. Book vii. p. 420, 421.

"of this *Convocation* are but One Degree above *Blanks*, scarce affording the Names of the Clerks Assembled therein. They had no *Commission* from the *King* to meddle with *Church-Business*: However, this barren *Convocation* is intituled the Parent of those *Articles* of *Religion*, (Forty two in Number) which are printed with this Preface, *Articuli*, &c. With these was bound a *Catechism*, younger in Age, as bearing Date the next Year, but of the same Extraction, relating to this *Convocation*, as *Author* thereof. For this,

<sup>3</sup> Fuller's Appeal, Part ii. p. 78.

Dr. Heylin falls very severely upon him: <sup>3</sup> He charges him as "Guilty of a greater Crime than that of *Scandalum Magnatum*; making *Edward* the VIth, of Pious Memory, no better than an *Impious* and *Lewd Impostor*. For if the *Convocation* of this Year were barren (as he saith it was) it could neither be the Parent of those *Articles*, nor of the short *Catechism* which was printed with them. <sup>4</sup> Mr. Fuller rejoins in these Words: "The *Journals* of the *Convoca-*

<sup>4</sup> Ibid.

"tion, in this *King's* Reign, I have carefully perused, which are no better than *Blank Paper*; containing only the Names of the *Members* therein daily meeting, without any Matter of Moment (yea any Matter at all) Registered to be perform'd by them.

To



To this Dr. Heylin himself agrees; <sup>1</sup> He complains that the *Acts* of this Convocation were so ill kept, that there remain'd nothing upon *Record* touching their Proceedings, except it were the *Names* of such of the *Bishops* as came thither to *Adjourn* to the House. But how then shall we settle this Point of the *Articles*? <sup>2</sup> Dr. Heylin tells us that the Year before, Archbishop *Cranmer*, with the Assistance of other learned Men, Prepared them for the Convocation. <sup>3</sup> That being thus prepared, They were now presented to the "Consideration of the rest of the Clergy: Who devolved their Power on some Grand Committee, sufficiently Authorised, to Debate, Conclude, and Publish what they had Concluded, in the Name of the Rest. This he gathers from the *Inscription* of the *Articles*; wherein it is not said, as in the *Articles* published in Queen Elizabeth's time, Anno 1562, That they were Agreed upon by the *Archbishops* and *Bishops* of both Provinces, and the whole Clergy in the Convocation holden at London; but that they were Agreed upon in the Synod of London by the *Bishops*, and certain Other Learned Men, inter *Episcopos & alios Eruditos Viros*, as the *Latin* hath it. Which (says he) seems to make it plain enough, that the Debating and Concluding of the *Articles* contain'd in the said Book, was the Work only of some *Bishops*, and certain other Learned Men, sufficiently Empowered for that End and Purpose. And being so Empower'd to that End and Purpose, the *Articles* by Them Concluded, and Agreed upon, may warrantably be Affirm'd to be *Acts* and *Products* of that Convocation, Confirm'd, and Published for such, by the King's Authority.

<sup>1</sup> Hist. of the Reform. p. 121.

<sup>2</sup> Ibid. p. 108.

<sup>3</sup> Ibid. p. 121.

Such was Dr. Heylin's Conjecture of this matter: But a late very diligent Writer of the Life of Archbishop *Cranmer*, will help us to a more Exact Account of it; and being carried a little farther, may, possibly, settle it upon its true bottom. <sup>4</sup> In 1551: The King and the Privy Council order'd the Archbishop to frame a Book of *Articles* of Religion, for preserving and maintaining Peace and Unity of Doctrine in the Church, to be set forth by Publick Authority. He drew them, and Committed them to certain *Bishops* to be inspected and approved of by them. By a Letter of Council, Dated May the 2d, 1552. the Archbishop was commanded to send them the *Articles*, delivered the last Year to the *Bishops*, and to signify whether the same were set forth by any Publick Authority, according to the Minutes. The *Articles* were accordingly sent by the Archbishop; and return'd again in a little time to him. For in September, they were again in his Hands; when being put into a better Order, and *Titles* added to each of the *Articles*, and a supply made of what was thought Defective; They were on the 19th of the same Month, remitted by the Archbishop, to Sir William *Cecyl*, and Sir Jo. *Cheeke*, for their Inspection and Advice upon them. They Agreed that the Archbishop should Offer them to the King; which, accordingly, he did, not long after. They were then Communicated to some Other *Divines*, by the King's Order, about the beginning of October; and upon the 20th of November, were sent back again, by the Council, to the Archbishop. The Archbishop made his last Remarks upon Them, and so return'd them again in three days, to the Council; beseeching them, to prevail with the King, to give Authority to the *Bishops*, to Cause their respective Clergy to Subscribe the same.

<sup>4</sup> Mr. Strype. Life of AB. Cranmer: Book ii. c. 27.

On the 2d of March following, the Convocation Met; and then this Book of *Articles* was finally laid before it. How the Convocation proceeded in the Discussion and Examination of them, I cannot tell. This I know, that the Result was, that the whole Body Agreed upon Them, and Subscribed to them. For at the beginning of Queen Elizabeth's Reign, when the London Ministers set out their Declaration against the Apparel prescribed; the Examiner of it pressed them with the Subscription which many of themselves had made to these very *Articles* in this Convocation: And having told them that they ought not to disturb Political Order lawfully taken, went on in these Words. "Which Disturbance of Publick Quiet in Rites and Ordinances (which may be for Variety of Places divers, and yet to be straitly Observ'd) what a great Offence it is, not only the Scriptures may teach You, and the Usage of Christ's True Church, but also the Determination of this Church in England, both Agreed upon in King Edwards Days, and also Testified and Subscribed by Themselves, who now would gainsay their Own Doings Then. The Words which the Whole Synod were well pleas'd withal, and wherunto All the Clergies hands are set to, be these (as in the 23d Article of that Book.) To this Charge, the Answerer of

<sup>5</sup> In the Convocation of 1562, when these Articles were Revised, the Acts call them, *Articuli in Synodo Londinensi tempore nuper Regis Ed. vi. Editi. Sess.*

<sup>6</sup> An Answer for the Time, &c. An. 1566. p. 151, 152.



<sup>1</sup> Ibid p. 153. of the Examination makes but a short Reply. ' He owns the Truth of the Allegation, that they had *Subscribed that Article*; but justifies it by the Qualification of that Clause in it, of *such Traditions and Ceremonies as be not Repugnant to the Word of God*; in which Case he owns it to be their Duty to Obey Orders. " *The Articles of the Synod ( 1552 ) have such Considerations annexed to Them,* " *that we need not fear to Subscribe to them again, &c.*

These Articles thus pass'd in Convocation, were soon set forth by the King's Authority. The Convocation Rose April the 1<sup>st</sup>, 1553: And the Printed Copy which was published, with the Catechism, by the Royal Command; was dated from Greenwich the very next Month after, May the 20<sup>th</sup>. From all which it is plain, that these Articles were not Compiled by any Grand Committee, Empowered by Convocation, either before or after, as Dr. Heylin suppos'd; but being prepar'd, as we have seen, by the Authority of the King and Council, were Agreed to in Convocation; and there Subscribed by both Houses; and so presently Promulg'd by the King's Authority, according to Law.

As for the Catechism, That was neither pass'd by the Synod, nor was it publish'd as theirs. The Title bears only *Catechismus, &c. Omnibus Ludi Magistris Auctoritate Regia Commendatus*. And All that the King says of it in his Confirmatory Patent, is but this; " That it being written by a certain pious and learned Man; ( Dr. A. says Bishop Poinet; but the Archbishop took it upon himself ) " He " had Committed the Examination, and diligent Inspection of it to certain Bishops and Other Learned Men, whose Judgment had great Authority with him; " and that being found to be Agreeable both to the Holy Scriptures, and to the " Laws of the Realm, he thought fit to Publish it, and to require such Use, as he " there directs, to be made of it.

Sect. 88.  
Rights, &c.  
p. 371, 372.

Having said thus much to give some little Light to this Obscure part of our Convocational History, let us now see what Use <sup>2</sup> Dr. A. makes of this Transaction, in the Case under Debate. " In the 6<sup>th</sup> ( he should have said the 7<sup>th</sup> ) " of the same Prince ( King Edward the VI<sup>th</sup> ) 1552, the Convocation Met, in " which the first forty two Articles pass'd; whose Title is, *Articuli, &c.* And " here again, the Omission of a License in Form ought to satisfy Us, that there " was no such thing; because, where we know it was Granted, as in 1603, " and 1640, there the Titles of the Canons then Fram'd, carry an Express " Mention of it. Does Dr. A. consider what he Writes? He Argues from the Title of these Articles, that the Convocation had no License to Treat, because it is not Mention'd there. Now the Title tells Us, that they were Articles Agreed upon by the Convocation. &c. Did that Convocation not only Treat about them, but Agree upon, and Pass All these Articles, without any License? Or does Dr. A. himself allow that they might have done so? But this is the Misfortune of a bad Cause: He cannot assert their Liberty of Debate without a License, by any Arguments but what will carry the matter farther than he himself would have it; as not only here, but in several other Instances before mentioned, he accordingly has done. In short therefore; Either let Dr. A. roundly affirm, that the Clergy in these Times, did not only Confer, but did Enact too, without any License; Or let him shew, that they had the King's Authority to Agree, but not to Debate; Or, by the Third Rule I at first laid down, he must allow me to Conclude, That tho' no License be Recorded ( as indeed, there was nothing at all Recorded of this Convocation ) yet they certainly had One to Enact; and together with that, what was by Law no less required, to Deliberate also in Order to their Enacting.

### Queen M A R Y.

Sect. 89.  
1553.  
Rights &c.  
p. 372.

It was not long after this, that that Pious Prince, King Edward the VI<sup>th</sup> died. Queen Mary succeeding, held her first Parliament at Westminster, October the 5<sup>th</sup>; and Assembled the two Convocations the day after. Of this Dr. A. writes thus: " <sup>3</sup> *Primo Maria.* " The Prolocutor certified the Lower House upon their First Meeting, ( or rather upon the First Day appointed for the Disputation, which was Order'd at the same time with the Convocation, ( for so it was ) October the " 18<sup>th</sup>, ) that it was the Queens Pleasure that the Company of the same House, being Learned Men, Assembled, should Debate of Matters of Religion, and Constitute Laws thereof, which her Grace and the Parliament would Ratifie.

" The



" The Business of this Convocation was very Extensive we see, and yet no Other License, but what was Verbal, was either Given or Requir'd. But still Dr. A. must permit me to observe, that here was both a License granted to them by the Queen, to Debate; and that the same License was given for That, which was given for them to Constitute too. So that either here was, at last, somewhat more than a Verbal License to Debate: Or if there was not, then we must conclude, (which to me is all One) that a Verbal License was, in those Days, thought sufficient to Answer All the Ends of the Act 25 H. 8. c. 19. and to Authorize the Clergy to proceed both to Attempt and Enact, according to the Purport of it.

It is to the same effect that Dr. Heylin reports this Matter in his History of this Convocation. " On Wednesday the 18th of October, it was signified by the Prolocutor, that it was the Queen's Pleasure, that They of the House should Debate of Matters of Religion, and proceed to the Making of such Constitutions, as should be found necessary in that Case. And Mr. Fuller relating Mr. Philpot's Defence of himself, for what he said in this Disputation, thus delivers the Prolocutor's Declaration to Them; " That Weston the Prolocutor, once and again, Assured them, that the Queen had given them Leave and Liberty fully and freely to Debate of Matters of Religion. And when they had Debated as much as they thought good; the Prolocutor clos'd all with this Remarkable Speech: " It is not the Queen's Pleasure that we should spend any longer time in these Debates, and yet we are well enough already; for (says he, applying himself to the Reformed there) You have the WORD, and we have the SWORD. From All which I may now presume to conclude, that the Clergy at this Time did not Debate without Authority from the Queen; but (as far as I can find) had the same License both to Confer about, and to Make Constitutions. Rights, &c. p. 377.

The beginning of the next Year, a Convocation was Summon'd to meet at Oxford, but sate at London. The great and only Business of it, was to Agree upon certain Points to be Disputed on at Oxford with Archbishop Cranmer, and his two Companions, Bishop Ridley, and Bishop Latimer; which they accordingly reduc'd to Three Conclusions. That this was entirely done by the Queen's Authority, the Removal of the Prisoners from the Tower thither, by her Majesty's Command, in order thereunto, shews; and the Professions made that this Disputation was held by her Order, will not suffer us to doubt of it. But not to insist upon this Assembly; let us go on with Dr. A. to the next, which met in November the same Year. And here again Dr. A. either means nothing at all, or he carries his Point a great deal too far. They " Debated, says he, and " Acted, tho' Unlicensed. If within the Purport of this Act, then his Assertion must be thus understood, that they Conferr'd and Made Canons without any Assent of, or License from, the Queen so to Do. But if their Debating and Acting were about some Other Matters, in which the Clergy have had no Restraint laid upon them by the Statute of Submission, 'tis a meer Fallacy, and imports no more than this, that they did such Business without a License, for which no body pretends that they needed any. Sect. 90.

But he proceeds: " Twenty eight Articles of Reformation the Lower House " preferr'd; and the Preface to those Articles Asserts the Power by which they did it: Accounting our selves (say they) to be Call'd hither to Treat with your Lordships, as well concerning the Restitution of this Noble Church of England to the Pristine State and Unity of Christ's Church, as of Other things touching the State and Quietness of the same Church in Doctrine and Manners; We have, for the Furtherance of your godly doing therein, Devis'd these Articles following. Do's Dr. A. know of any one who denies this Liberty to the Clergy? They are Called by their Mandate to Treat with the Bishops there: To Treat of Matters concerning the Church of England, and the State and Quietness of the same: And they may Devise what Articles they please, to be presented to their Lordships, for the Furtherance of all this. But were those Articles intended to be made Canons, Constitutions, Orders, or Ordinances Provincial or Synodal? Did the Clergy present them to the Bishops for this End, that being Assented to by them, they might thereby become Authoritative Acts of the Convocation? Let Dr. A's own Instance answer for it; " that among other things, which they desir'd, One was, the Repeal of this Statute Ibid. p. 373.



25 H. 8. c. 19. In which, as they bespoke their *Lordships* Interest with the *King* and *Queen*; so were the other *Articles* generally of the same kind. They contain'd a Representation of such Matters as they thought might properly be mov'd at this Juncture to the *Queen*, the *Parliament*, the *Legate*, or their *Lordships*; and either be Redress'd by their Own *Authority*, or be Obtain'd by their *Mediation* with *Those* who had Power to Redress the same. And what need there was of a *License* for this, or what this signifies to the *Business* of *Conferring* to *Constitute Canons*, (the only thing in which I affirm them to be restrain'd by that *Statute*) I shall leave it to Dr. A. himself, upon second Thoughts, to consider.

While this Convocation was sitting, the *Act of Submission* was Repeal'd, according to their Desire, and not Revived till the first of *Queen Elizabeth*. Let us see how the *Convocations* proceeded in her Reign, upon the Revival of it.

### Queen ELIZABETH.

Sect. 91.  
1562.  
Right, &c.  
p. 377.

The first *Convocation* that met after this, was that of 1562: "Where Matters of great moment were transacted; the *Articles of the Church*, and the *Catechism*, were Review'd; and several *Canons* relating to *Discipline* framed, tho' some of these were not at that time Publish'd. And the DEBATES on these Occasions (they are Dr. A's Words) were *Entred* upon, and *Managed*, without any *Commission* from the *Queen*; as is manifest, beyond a Doubt, from the *Acts* of that *Synod*, &c. These *Acts* are very particular and minute in giving an Account of the Proceedings of every Day, and do orderly specify All the Publick *Instruments* that any way concern the *Synod*: But as to a COMMISSION TO TREAT, they are perfectly silent. He is in the Right; the *Acts* of this *Convocation* are very particular: They mention the doing of all these things, and yet speak not of any *Commission to Treat* about them. But will Dr. A. be pleased to tell us; Can he find in those *Acts* (Particular, and Minute, as they are) any *Commission to Conclude, Enact, or Make Articles*, any more than to *Treat and Confer* upon them? If not, he must then allow me to Observe, that they had the same *Authority to Debate* of these *Articles*, that they had to *Agree* upon them. And therefore he must either resolve to go on, and Affirm that they had no need of a *License* for *Either*; Or he must shew that they had some *Commission* for the *One*, which they had not for the *Other*.

Hist. of the  
Reform.  
p. 330, 331.  
Rights, &c.  
p. 380.

But by what *Authority*, then did they proceed in all this? Dr. Heylin gives a short Answer to it: "He tells us" it was thought Expedient that the Book of *Articles*, Agreed upon in *Convocation Anno. 1552*. should be Revis'd and Accommodated to the Use of the Church, the *Queens Leave* being first Obtained for their *Warrant* in it. "Dr. A. is positive that All this was done without any *Previous License*, except what was contain'd in that *General Message* which the *Archbishop* delivered in his Speech at the Opening of this *Convocation*. What that *Message* was, or in what *Precise Terms* the *Archbishop* did deliver it, we cannot certainly tell. The *Acts* give only this *General Account* of it; "That he declared to the *Prelates* and *Clergy*, that an Opportunity was now offer'd to them, to *Reform* things in the *Church of England*; and how the minds both of the *Queen*, and her *Nobles*, were favourably disposed to such a *Reformation*. Whether he said any thing more expressly, as to the *Queen's Authorizing* of them to *Review* the *Articles of Religion*; or to *Make Canons* for the *Discipline* of the *Church*; or to Do such other things as they should think necessary to be done for the *Reformation* of it, we can only *Conjecture*; and that is by no means sufficient to warrant any *Conclusion* in a Matter of such Moment as that which we are now upon. Be it how it will, this I conceive is plain; that either they had a *Commission to Confer*, or they had None at all to *Agree*: For it is certain these *Acts* mention no other *License*, or *Authority*, but what is contain'd in those *General Words* of the *Archbishop*, the Substance of which I have before given from thence.

How far such a *Declaration* of the *Queen's Pleasure* to the *Convocation*, will be allow'd by those who are the proper *Judges* of this Matter, to answer the Ends of the *Statute* under debate, I must submit it to their *Lordships* to consider. But I confess, I do incline thus far to Agree with Dr. A. that they had no Other *Commission* at this time; and were therefore doubtful *Themselves* how far they might securely venture to *subscribe* to the *Articles* which they had Agreed



Agreed to. For in their *Original Subscriptions*, which still remain among the Archbishop's Papers in *Bennet-College Library*, we find this Note added at the bottom of them; That they made their *Subscription*, with this *Protestation*;  
 " That they do not *Establiſh* any thing in Prejudice of any *Statute*, but only  
 " humbly Offer therein a *Supplicatory Book*, containing their *Petitions*.

*Iſta Subſcrip-  
tio facta eſt ab  
Omnibus ſub*

*hac proteſtatione, quod nihil Statuunt in Præjudicium cujuſcunque Senatus-Conſultri; ſed tantum Supplicem Libellum, Petitiones ſuas continentem, humiliter Offerunt.*

If the *Statute* to which they here refer, was that of the 25 *H. 8. c. 19.* as I conceive it was; then it is probable that they made this *Proteſtation* to ſecure themſelves in what they had done, in *Conferring*, and *Agreeing* upon the *Articles* which they had made, as well as in what they then did, in *ſubſcribing* to them. As for the *Book of Diſcipline*, of what Nature it was, or how far it came within the preſent *Statute*, it is not eaſie to determine. The Account which the *Prolocutor* gave of it in his firſt Report of that Matter to the Upper Houſe, was this: " That certain of the Lower Houſe had exhibited ſeveral diſtinct *Schedules* conceived by them, and put in writing, of ſuch things as  
 " Needed to be Reform'd: Which ſeveral Papers had been delivered to ſome of  
 " the more Grave and Learned Men of the ſaid Houſe, to be Examined, Con-  
 " ſidered, and Reduced to proper Heads againſt the next *Session*. This they afterwards call a *Book of Diſcipline*; and on Friday, February the 26th, the *Prolocutor* coming up with ten others of the Houſe, delivered it to the *Archbishops* and *Bishops* in Paper, as a *Book* that had been unanimouſly Agreed to by Themſelves and the Whole Houſe. The next *Session*, the *Prolocutor* acquainting the *Archbishop*, " that they had thought of ſome farther Heads to be added to it. The  
 " moſt Reverend gave it back to him for that purpoſe; and order'd the ſame  
 " *Book*, with their *Additional Chapters*, to be again brought back to himſelf and  
 " the other *Bishops*, the next *Session*. It was brought up accordingly, March the 5th, and lodg'd in their hands: But whether for their *Examination*, in order to give it a *Synodical Sanction*; Or whether it were for them to *Communi- cate* it to the *Queen* and her *Council*, for any *Civil Laws* to be made, or any other *Remedy* to be provided by them therein, we cannot tell; nor do we, after this, meet with any farther mention of it. If they *Conferr'd* of theſe things in Order to the *Enacting* of any *Provincial Canons* or *Conſtitutions*, their *Conference* was doubtleſs within the *Statute* 25 *H. 8. c. 19*; and if done without *License*, will therefore be an unqueſtionable Evidence on Dr. A's ſide. But if they *Conferr'd* of theſe things only to have them *Examined* by the *Bishops*, and for ſome *Redreſs* to be obtain'd otherwiſe therein; the *Conference* is nothing to the purpoſe; and how to determine in this Caſe, whether of the two it was, I cannot tell.

On Friday, February the 19th, the *Archbishop* delivered to the *Prolocutor* certain *Articles* in writing, and commanded that they of the Lower Houſe ſhould diligently enquire concerning the *Contents* of them, and put in writing what they ſhould diſcover thereupon, and preſent it to him. But yet their *Treating* on this Occaſion, as it was not with any *Design* to *Make* any *Canons*, or *Conſtitutions*, but for Other *Ends*, ſo neither did it come within the *Statute* 25 *H. 8. c. 19.* nor had the *Clergy* any need of a *License* from the *Queen* for it.

All that we can be ſure of therefore in this *Convocation*, are the *Articles of Religion*; which being not only *Treated* of, but *Agreed* to, *Made*, and *Subſcribed* by Them, either Dr. A. muſt ſhew that They had a *License* for the One, but not for the Other; Or he muſt give me leave to conclude, that they were *Authorized* alike for Both.

And now I have again mentioned the *Subscription* of this *Synod* to theſe *Articles*, I will beg Dr. A's Patience ſo far, as briefly to conſider the manner of it. He is pleas'd to fall with ſome Severity upon me, for alledging ſome of our *Western Councils* under the Character of *Provincial Councils*, which he will by no means allow to have been ſuch. The Ground on which he builds his Censure, is this; that more than One *Metropolitan* is found to have *Subſcribed* in ſeveral of them: " But the Doctor (he ſays) found them Stil'd *Provincial* in the *Tomes* of the *Councils*, and he look'd no farther. Were it now a time to diſpute this Matter with Dr. A. I could, I believe, give him ſome *Reasons* to ſhew, that neither Dr. W. nor his *Guides*, *Loaiſa*, *Sirmond*, *Labbe*, &c. the *Editors* of

Sect. 92.

Rights, &c.  
P. 138.



those *Councils*, (Men of no Common Learning and Judgment in such Matters) were so much mistaken in this Particular, as he thinks they were. Greater *Writers* than either Dr. A. or my self, and that in Disputes of the highest Moment, have Alledg'd them under the same *Character*; without the Offence of those who were no less concern'd, had they thought it proper, to have made the same Exception against them. I will trouble him with but one Instance hereof, and that in a Dispute concerning the *Right of Princes to Sit* by their *Commissioners*, and *Vote in such Synods*: A *Privilege* which the *Court of Rome* stily deny'd; and the *Church of Spain* no less stoutly Asserted, as the *Right of their Kings*. The *Authorities* alledged by the latter are, many of them, the very same that I have made use of. They are Alledg'd for the *Right of the Prince in Provincial Councils*; and the *Roman Canonists*, who replied to them, did not at all except against them upon this Ground, that they were not such *Synods* as those who insisted upon them pretended that they were. Dr. A. may, if he pleases, peruse their *Letters* in the *Appendix*, as not altogether foreign to the present Subject, and never publish'd, but in the *last Edition* of the *Spanish Councils*, which are not in every body's hand. But not to enlarge upon this Particular: The *Articles of Religion* being Agreed to by this *Convocation*, the *Archbishop of York*, with his *Suffragans*, subscribed to them on the behalf of that *Province*; and yet in that very *Subscription*, they nevertheless call, and account their *Assembly* a *Provincial Synod*, tho' more than *One Metropolitan* was present at it, and subscribed to it. The Words of their *Subscription* are these:

<sup>1</sup> Append. ad  
Ann. 1584.

" Hos *Articulos fidei Christianæ*, &c. Nos *Archiepiscopi & Episcopi utriusque*  
" *Provincia Regni Angliæ*, in *Sacra Synodo Provinciali* legitime Congregati, Re-  
" cipimus & Profitemur; & ut Veros atque Orthodoxos manuum nostrarum  
" *Subscriptionibus* Approbamus, &c.

After which follow the Subscriptions of the *Two Archbishops*, and *Fifteen Bishops* of the *Province of Canterbury*; and of the *Bishops of Durham*, and *Chester*, of *York*. How far Dr. A. will excuse the Impropriety of this Language in a *Convocation*, which appears so *Ridiculous* to him in a *Private Writer*, I cannot tell. This I will add, that it may well be accounted greater, where all the *Metropolitans* and *Bishops* of a whole Kingdom met together, and so, in effect, made it a *National Synod*; than where the *Archbishops* of some of the *Provinces* only of a *Realm*, by free Consent, join'd their respective *Synods* together; and to which I am yet to seek what more proper *Character* to give, than that of *Provincial Synods*; tho' they did consist of the *Bishops* of several *Provinces*, voluntarily Assembled together, under their respective Independent *Metropolitans*.

Sect. 93.  
1571.

<sup>1</sup> Heyl. Hist.  
of Presbyt.  
Book vi.  
num. 39.

These *Articles*, thus Agreed to, and Subscribed by the *Bishops* and *Clergy*, in 1562, were again subscribed in *Convocation*, in the Year 1571. The *Archbishop* having Confirm'd the *Prolocutor*, gave express Command, " That all such of  
" the *Lower House* of *Convocation*, who had not formerly subscribed unto the *Ar-*  
" *ticles of Religion* Agreed on, Anno 1562, should subscribe them now, or upon  
" their absolute *Refusal*, or *Procrastination*, be Expell'd the *House*. Upon this,  
the *Articles* being publicly read, were *Universally Approv'd*, and *Personally Sub-*  
" scrib'd, by every Member of both *Houses*: And it was farther Ordered, " That  
" the *Book of Articles*, so Approved, should be put in *Print* by the *Right*  
" *Reverend Dr. John Jewel*, then *Bishop of Sarum*; and that every *Bishop*  
" should take a *Competent Number* of them, to be dispersed in their *Visita-*  
" *tions*, or *Diocesan Synods*, and to be Read four times every Year in All the  
" *Parishes* of their several and respective *Diocesses*. Besides which, it was far-  
ther Order'd, in the *Canons* of the same *Convocation*, " That no one should be  
" Admitted from thenceforth into *Holy Orders*, till he had first subscribed the  
" same, and solemnly Oblig'd himself to defend the things contain'd in them,  
" as consonant, in all Points, to the Word of God.

<sup>3</sup> Cap. de Episc.

<sup>4</sup> Rights, &c.  
p. 381.

This *Second Subscription* of these *Articles* is particularly taken notice of in the Close of them, as they were then publish'd: And because neither in that, nor yet in the *Title* of them, is there any hint of a *License* under the *Broad Seal*, tho' exprely mention'd afterwards where it was employ'd; <sup>4</sup> Dr. A. would from thence infer, that no such *License* at all was granted. We know what he means; the *Canons* of 1603: But then he must give me leave to observe, from his own  
Account



Account of the *Case* of those *Canons*, that neither is there any Mention of a *License* to *Treat* in the *English Title* of those *Canons* at all, nor in the *Latin*, otherwise than as *Treating* is join'd with *Agreeing*; and therefore, by the same Rule, I may conclude, that neither had that *Convocation* any *License* to *Treat*, but only to *Agree*. But the Matter is still plainer in the *Canons* of 1640, where there is evidently no mention in the *Title* of any *License* to *Treat*; and yet for all that, we know that *That Convocation* had such a *License*; and so, for ought can be gathered from these kind of Remarks, may the present *Convocation* have had also.

If in Answer to this, Dr. A. shall except, that here is no Hint of any *License* at all either for *Treating*, or *Agreeing*; he will give me leave to say, that this makes the *Case* more plainly against him. For since himself allows the *Royal Authority* to be needful for *Agreeing*, and yet there is no notice taken of any such *Authority* given to them; the Consequence will be, that I may as well, nay and more reasonably suppose, they had it for both, tho' neither be mention'd; than he can conclude that they had it for *One*, and not for the *Other*; seeing that where ever any such *License* is found for *Agreeing*, there a *Liberty* of *Treating* is constantly granted with it, as necessary, in order to their *Agreeing*. I know but One Instance that there ever was, of any other kind of *License*, Anno 1586, under this *Queen*. But besides that *That License* was granted on a particular Occasion, even *That* was founded upon a *Petition* of the *Convocation*, to *Devise*, as well as to *Make Constitutions*; and therefore being taken with relation thereunto, must be understood to have empower'd them to *Confer*, as well as to *Conclude*, and so will be no real Exception at all in this *Case*.

But to convince Dr. A. that this *Convocation* must have had some *License*, (of what kind I matter not) let me observe, that besides their *New Approbation* of, and *Subscription* to, the *Articles of Religion*; they pass'd a *Book of Canons* likewise. These were not only *Treated* of, but were fully *Concluded* upon, and *Agreed* to in this *Synod*, by the *Archbishop* and *Bishops*. And either he must confess, that for this they had the *Queen's Authority*, or he must Enlarge the *Terms* of his *Affertion*, and Affirm with the *Writer* who went before him, that the *Clergy* in *Convocation* have no need of any *License* to *Enact*, or *Make*, any more than to *Deliberate* of *Canons*, but only to *Promulge* and *Execute* them after they are made. In the mean time, <sup>1</sup> Dr. Heylin tells us, that they had the *Queen's* <sup>1</sup> *Tracts. p. 198* Leave for what they did; and I make no doubt, but that the Leave which they had, extended to their *Consulting* of, no less than to their *Concluding* upon, the *Canons* which were pass'd by them.

Of the next *Convocation* we have no *Remains*, besides the *Speech* of the *Archbishop* at the Opening of it. <sup>2</sup> Dr. A. observes, that in that *Speech* there is no Expression, from whence we can suspect that that Meeting was to *Treat* by *Commission* from Her Majesty. He is in the Right: For, as yet, there was nothing begun, not so much as an Intimation given to the *Clergy*, by the *Archbishop* himself what they were Called for: Only they were Order'd to Choose a *Prolocutor*, and to present him on such a Day; *Quo etiam tempore*, says the *Archbishop*, in *hujus Convocationis Negotio ulterius progrediemur*, prout locus, & tempus, vetusque *Consuetudo* postulant. But what was farther done at that time, I cannot tell, having not met with any *Printed*, or *MS Accounts*, of the *Acts* of this *Convocation*. Sect. 94.  
1572.  
9 Rights &c.  
p. 381.

Dr. A. from hence makes a large Step of twelve Years forward; but before I proceed with him to that *Synod*, I shall take the *Liberty* to give some account of Another, but little known, which began at *St. Pauls*, February the 9th, 1575. *Archbishop Parker* dying the *May* before, *Archbishop Grindall* was, about a Week after the Opening of this *Convocation*, translated from *York* to *Canterbury*, February the 15th. In this Assembly, a *Book of Articles* was *Agreed* upon, chiefly touching the *Admission* of apt and fit Persons to the *Ministry*, and the *Establishing* of *Good Orders* in the Church. These were *Publish'd* by the *Queen's Majesty's Authority*; and no more being mention'd, Dr. A. may, if he pleases, conclude that they were *Conferr'd* upon without it. But then he must remember, that they were *Concluded* upon too; and therefore he must either Allow that, for all the *Silence* of the *Title* in this Particular, they had some *License* to do this, or he must roundly profess that none is needful; at least, that it was then thought that None was.

Sect. 95.  
1575.

When



<sup>1</sup> Append. ad  
Ann. 1575.  
<sup>2</sup> Hist. of  
Presbyt. p. 245.

When these *Articles* were presented to the *Queen* for her *Confirmation*, she disliked the *last* of them, and would not suffer it to be *Publish'd*. She was the Daughter of King *Henry the 8th*, and may chance to fall under Dr. A's Censure for this her Arbitrary Procedure. The *Book* its self having never (that I know of) been printed since the Year that the *Convocation* sat, and the Copies of it being now grown very rare, I shall place it among the Other *Records* in my *Appendix*, and subjoin that *Article* which the *Queen* rejected, as <sup>2</sup> Dr. *Heylin* Copied it out of the *Register* of this *Convocation*; that so we may see what it was that she disliked, and therefore *struck out*, after the *Synod* had *Agreed* to it.

Seft. 96.  
1580.

The next *Session* of our *Convocation* began *January* the 17th, 1580. Nothing was done in it, and therefore no *License* needed by it. The *Bishops* recommended Three Persons to the *Clergy*, to choose a *Prolocutor* out of One of them; which they accordingly did. A Motion was made for putting the *late Articles* in Execution; and, as <sup>3</sup> Mr. *Fuller* adds, Another to draw up some *Articles* against Those of the *Family of Love*: But it went no farther than a Motion; so that this, with the *Subsidy*, was the whole Business of that Meeting.

<sup>3</sup> Ch. Hist.  
Book ix.  
p. 135.

1584.

<sup>4</sup> Rights, &c.  
p. 381.

To proceed now to Dr. A's next *Convocation*: All that he observes concerning it, is, that in the *Title* of the *Articles* which were pass'd by it, they are said to have been *Establish'd* by the *Archbishop*, *Bishops*, and *Clergy* in *Synod*, and only to have been *Approv'd* and *Confirm'd* by the *Queen's Authority*. <sup>4</sup> Dr. A. here again falls into his usual Error: His eagerness to Assert the *Clergies Freedom* of *Debate*, without the *Authority* of the *Crown*, in their *Convocations*; makes him advance such Proofs, as either Conclude nothing at all, or else go too far; and argue a Right in them, not only to *Conferr*, but to *Enact* too, without a *License*: A thing which himself nevertheless will not Affirm that they have the Power to Do. However, since this is what he pursues, I will furnish him with an *Instrument* that shall make good all that the *Title* suggests. It is the *Archbishop's Mandate* for *Publishing* these very *Articles*; in which he takes notice of the *Queen's Writ* for their *Sitting*, and of her *Patents* for *Confirmation* of what they had done; but it is utterly silent, as to any *Authority* granted to them, either to *Debate*, or *Agree*. In the mean time, <sup>6</sup> Dr. *Heylin* here again tells us, that they had the *Queen's Leave* to *Make* these *Articles*: How far Dr. A. will be concluded by his *Affertion*, I cannot tell.

<sup>5</sup> Append.  
ad Ann. 1584.

<sup>6</sup> Tracts,  
fol. p. 19.

Seft. 97.  
1586.

We are now come to a *Convocation*, upon which Dr. A. in the *Review* of his *Book*, very largely insists; with which (if we may believe him) the *Use* of *Licenses* under the *Great Seal of England* first began; and that not only to *Decree*, or *Enact*, but to *TREAT* too. Here therefore I must take the Liberty to be more particular, that so it may the better appear on which side the *Force* of this *President* will be found to lie.

Concerning the Circumstance of a *License* under the *Great Seal of England*, I have already declared, that I will not dispute with Dr. A. Whether the *Royal Authority* was convey'd to the *Convocation*, after that *Manner*, from the Beginning; or whether it was only taken up about this time, as Dr. A. supposes it to have been, to me it is Indifferent: The *Act of Submission* determines nothing in that Particular.

As for the other Matter which Dr. A. takes some pains to shew, that this *Convocation* did without any *License*; he again contends about that which nobody denies. The only Question between him and me is this; Whether the *Clergy* may, without the *Authority* of the *Prince*, *TREAT* and *CONFER* about such *Canons*, *Constitutions*, *Orders*, and *Ordinances* Provincial, as the *Act of Submission* speaks of; and as we are both of us, I conceive, *Agreed*, they cannot *ENACT*, *PROMULGE*, and *EXECUTE*, but by his *License* and *Authority*?

To proceed therefore with the *Matter of Fact*, as it stands in the *Acts* of both the *Convocations* of this Year; the *Records* of which, in each *Province*, do happily remain entire to us.

On *Friday*, *February* the 24th, the *Archbishop* first propos'd to the *Prolocutor* and *Clergy*, the *Granting* of a *Subsidy* to the *Queen*; and the *Prolocutor* agreed, with the *Lower House*, on the *Persons* who should be join'd with him to transact this *Affair* on their behalf.



The next Friday, March the 3<sup>d</sup>, the Prolocutor reported what they had concluded upon with the Archbishop, and Bishops, to which the House Assented. Then he farther signified to the Lower House, the Pleasure of the most Reverend, and the other Prelates, concerning a Benevolence of 3 s. in the Pound, to be granted to the Queen, beyond the Subsidy before mentioned; to which they likewise Agreed. After which, the Prolocutor, and the whole House, being sent for up to the Archbishop and Bishops, the Book of Subsidy was Read, Corrected, and Perfected there.

On the Day following, March the 4<sup>th</sup>, the Prolocutor being sent for up to the Upper House, presently return'd with a Book drawn for the Benevolence to the Queen; which being in some Places Amended and Perfected, was Approved by All that were present.

In the two next Sessions, of the 6<sup>th</sup> and 8<sup>th</sup> of March, nothing at all was done. The next following, March the 10<sup>th</sup>, the Prolocutor coming down from the Upper House, with the Consent of all that were present, <sup>Elegit venerabiles Vi-</sup> Chose the Dean of Eli, and the Archdeacons of Lincoln, and Taunton, to TREAT and COMMUNICATE, together with himself, with the Reverend Fathers, of Constitutions and Decrees, by the LICENSE and VIGOR of the Queen's Letters-Patents Granted in that behalf, to be Establish'd, for the Collection of the Benevolence Granted to Her Majesty. <sup>ros, &c. ad Transact. & Communi-</sup> cand. cum Reverendis Patribus de Con-

stitutionibus & Decretis, LICENTIA & VIGORE Literarum Patentium per Dom. nostram Regiam in ea parte Concessarum STABILIENTIS, &c.

The two next Sessions nothing was done: The Session following, March the 15<sup>th</sup>, in the Afternoon, the Prolocutor being sent for up to the Upper House, brought down from thence certain Constitutions and Ordinances, put in writing, for the faithful and just Collection and Payment of the Benevolence, before Granted by the Synod to the Queen. Which being Openly Read, the Prolocutor demanded their Assent and Consent to them. They gave their Assent; only Mr. Gilpin desir'd that the Apparitors might have some Allowance made them for their Pains. After this, we hear no more of this Affair; so that we may Conclude, that the House Agreed to the Constitutions as they were drawn, and made no Alterations in them.

Such was the Matter of Fact, as it stands Recorded in the Acts of this Convocation. The Observations which naturally arise from it, are these: (1<sup>st</sup>) Of the Dispatch with which this Benevolence went on. Upon Friday, March the 3<sup>d</sup>, the Archbishop propos'd the Granting of it: It was Agreed to the same Day by Both Houses. The Book was drawn for it, Read, Corrected, and Pass'd the next Day, March the 4<sup>th</sup>: And the very same Day was Perfected for the Queen's Acceptance.

Señ. 98.

In this <sup>2</sup> Instrument of Grant, they desire first, "the Queen's Acceptance of it; and next, that by her Letters Patents under her Great Seal, she would Assent thereunto; and would also License and Authorize them in that their Convocation and Synod, to DEVISE, MAKE, and ORDAIN, such Orders, Decrees, and Constitutions Provincial and Synodal, as they should think most Expedient for the more speedy and sure Levying and Payment of the said Benevolence or Contribution: And thereby also to Give and Testifie her Royal Assent to such Orders, Decrees, and Constitutions, as in that their Synod or Convocation they should Make, Decree, and Ordain." <sup>2</sup>Addit. p. 107.

The Queen accordingly issued out her Letters-Patents, as they desired: In which, having declared her Gracious Acceptance of their Benevolence, and Confirm'd all the Clauses of it, she adds, that "of her special Grace, certain Knowledge, and meer Motion, she had Given, Granted, and Confirm'd, and by these Presents did Give, Grant, and Confirm, to the Prelates and Clergy in Synod Asssembled, License, Power, and Authority, to DECREE, ORDAIN, and CONSTITUTE, any Decrees, Ordinances, and Constitutions Synodical, which should seem Proper and Fitting to them, for the better true, and just Collection, and Payment of the said Benevolence, and every Parcel of the same, and to put in Execution, with Effect, the same Decrees, Ordinances, and Constitutions, &c."

The presenting of this Benevolence, and the Passing the Queen's Letters-Patents, before mention'd, took up five Days time; during which, the Convocation stood still; and tho' it was twice appointed to meet, yet separated without doing

Señ. 99.



doing any thing. On the 10th of March, which is the next thing I would (2dly) observe, the Queen's Letters-Patents being now ready, the Prolocutor was sent for up to the Upper House, and made acquainted with it; and thereupon Agreed with the Clergy upon Three Persons, who, together with himself, might "Treat and Communicate with the Bishops about Making these Constitutions, and Decrees, with the Queen's License, which by her Letters-Patents she had Granted to them. What Minutes, or Draughts, the Archbishop himself, or any Others by his Order, might privately have prepared for their more speedy Conclusion when they should come together, I cannot tell. This is plain, from the Question which the Prolocutor put to the House, and their Resolution upon it, that they did not Treat, nor Confer Synodically upon this Matter, till the 10th of March, when they had the Queen's License and Authority so to Do.

That Day was spent in Treating, Conferring, and Concluding upon these Ordinances, which probably were not finish'd till some Sessions after: When the Convocation being again met in the Afternoon, March the 15th, they were finally Read in the Lower House, and Assented to by it. So that the plain Order of their Procedure, was, in the present Matter, this: The Benevolence was Voted, March the 3d; and Concluded in Convocation, March the 4th. The Queen's Patents of Ratification, with her License to Decree, Ordain, and Constitute such Orders and Constitutions as they should think needful for the Levying and Payment of it, pass'd March the 9th, and were brought to Convocation March the 10th. On that Day the Clergy, by vertue of this Commission, Treated and Communicated upon them: They spent some Days in settling of them; and so finally Agreed to them, March the 15th.

Sect. 100.

Now this suggests yet one Observation more: (3dly,) That the Convocation in their Instrument of Grant, not only ask'd the Queen's Leave to Devise, Make, and Ordain these Constitutions, March the 4th; but put a Stop to their Proceedings for Five Days, (tho' they were Order'd to Meet twice in the mean time in Expectation of it) till they had Received the Queen's Letters-Patents to this Purpose: And then they proceeded to Confer to Constitute; in their own Words, they Treated, and Communicated, to Establish their Decrees, according to the License Granted them by the Queen's Letters Patents so to Do.

If therefore this long Suspension of this Affair, for five Days, cannot be otherwise reasonably accounted for, than by acknowledging that they durst not Treat and Communicate about these Ordinances, till they had received the Queen's License so to Do: If in their Petition for her License, they desir'd leave to Devise, as well as to Make and Ordain them; I do not see what they could have done more plainly to shew, that they thought the Queen's Authority necessary for the One, as well as for the Other; and therefore, even in so favourable a Case, declin'd all Conferring and Communicating about these Decrees, till they were Empower'd by the Queen to Make them.

Sect. 101.

To pass now into the Other Province, and see how this Affair proceeded there. On Thursday, March the 9th, the Benevolence was Proposed by the Commissioners, and Agreed to by the Clergy. Before their next Session, March the 23d, the Queen's Letters-Patents were sent down to them, in the same Form that they had been Granted to our Convocation before. By the Tenor of these, She not only Accepted and Confirm'd their Benevolence, but Authorized them to proceed to Make such Decrees as they should think needful for the better Payment and Collection of it. On the Day of their Session, these Letters-Patents were publickly Read; and thereupon Constitutions were Made, Decreed, and Pronounc'd, according to the Tenor of them. The Cause of this Dispatch was plain: They had the Copies of what the other Convocation had done transmitted to them; and so had no more to do, but only to Read, Approve, and Conclude upon the same Decrees.

Sect. 102.

<sup>1</sup> Addit. &c.  
p. 110.

And here then let us stop and see what Dr. A. has to except against so plain and full an Evidence as these Convocations afford us, in Opposition to his Pretensions. First, <sup>1</sup> He observes, "that the Practise of that Time was, for the Clergy to Treat, Resolve, and Act Synodically, without any Antecedent Qualification, or License from the Crown: For thus they Treated of, and Concluded upon their Benevolence, and Reduced their Grant into Form, and Presented it to the Queen, before any such License was Ask'd, or Obtain'd. I do agree with Dr. A. as to the particular Ground of his Remark; I except only against the Generality of



of it. In the Concern of *Money*, whether they *Treated*, or *Concluded*, they did both meerly as a *Convocation*, not as a *Synod*; and in all such *Matters*, I have often said, they were not *Restrain'd* by the *Act* of *Submission*. The only Question is, Whether it was the Practice of those Times, for the *Clergy* either to *Treat*, *Resolve*, or *Conclude* upon any *Canons*, or *Constitutions*, *Provincial* or *Synodal*, without the *Queen's Assent* first had, and her *License*, some way or other, granted to them so to *Treat* and *Conclude*? Dr. A. himself will not adventure to say that it was.

He observes (2dly) "That their *Request* to the *Queen*, was, that she should in the same *Instrument*, whereby she was to *License* them to *Decree Canons*, give also and testifie her *Royal Assent* to those *Orders*, *Decrees*, and *Constitutions*. I will not quarrel with Dr. A. about Words, tho' otherwise there is not in all their *Request* any mention made of *Decreeing Canons*; no, nor yet in the *Queen's Patents* in answer to it. They call'd them by a more proper *Term*, *Orders*, *Decrees*, and *Constitutions Provincial*: And such only the *Queen* *Authorized* them to make; *Decreta*, *Ordinationes*, & *Constitutiones Synodales*. But why do's Dr. A. leave this Matter at so loose a rate, as if the *Convocation* had ask'd a *General License* to *Make Canons*, and the *Queen* had *Consented* to it, and *Engaged*, at all adventures, to *Ratifie* whatever *Canons* or *Constitutions* they should *Make*? The Case was truly this: They had *Granted* a *Benevolence* to Her Majesty; and because they would not have it pass into a *President*; and be *Confirm'd* by *Authority* of *Parliament*, they desir'd the *Queen* her self to *Ratifie* it by her Own *Royal Authority*; and by the same *Authority* to *Empower* them to enforce the *Payment* of it by *Ecclesiastical Orders* and *Constitutions*. These were the *Decrees* which alone either They desir'd, or the *Queen* gave them any *Leave* to *Make*: These only were the *Orders* and *Constitutions* which, for the better *Dispatch* of that *Affair*, they pray'd the *Queen* to *Confirm*; and the *Queen* was pleas'd by her *Patents* to *Confirm* accordingly. And what *Impeachment* it could be of her *Princely Wisdom*, to Do this, which is the *Great Thing* Dr. A. would have *Observ'd* in this *Particular*, I cannot tell.

And yet, upon this single Ground, he undertakes to argue away the plain Matter of Fact, as it stands clearly upon *Record* in the *Acts* of the *Convocations* of *Both Provinces*. The *Records* shew us, from Day to Day, how the *Clergy* proceeded: That they first *Agreed* to a *Benevolence*; then *Presented* it to the *Queen* for her *Acceptance* and *Ratification*; and at the same time, desired her *License* to *Devise* and *Make* such *Orders* and *Constitutions*, as should be necessary for the better levying and payment of it. That the *Queen* *Accepted* and *Ratified* their *Gift* accordingly; and *Granted* them the *License* which they *Requested*; and *Confirm'd* whatsoever *Decrees* they should *Make* for the *Collection* of their *Benevolence*. That the *Convocation* stopp'd their *Proceedings* while this *License* was preparing; and presumed not to propose the *Consideration* of any *Order* to this Purpose, or to *Confer* upon any, till such time as the *Patent* had pass'd the *Great Seal*, and was brought to them. That having Received the *Queen's License*, the *Clergy* went presently to work, and settled a *Committee* of both Houses, to *TREAT* and *Communicate* about such *Orders*, as should be thought fit for this Purpose, and to *Conclude* upon them. All this, and in this plain Order, the *Records* of that *Convocation* deliver to us. And yet, notwithstanding all this, Dr. A. roundly affirms that this could not be so. "That the *Draught* of these *Orders* must have been *Made* before. The *Convocation* could not be so *Unreasonable*, as to desire the *Queen* to give *Authority* to *Orders* which she had not seen; and the *Queen* was too *Wise*, and too *Jealous* of her *Honour*, to have comply'd with them, if they should. The *Convocation*, I suppose, would have done nothing *Unreasonably*, or to offend a *Wise Queen*, and One who was *Jealous* of her *Honour*, in presuming not only to *Attempt*, but to *Conclude* upon; nay, and to *Draw up*, and *Present* to her self, those very *Decrees*, *Orders*, and *Constitutions*, which yet at the same time, they pray'd her *Royal License* to *Devise*, *Make*, and *Ordain*; and (even by Dr. A's own allowance) could not have lawfully *Made*, and *Ordain'd*, without it. This was a Thing very *Reasonable* in its self, and very *Dutiful* to the *Queen*: But to desire her Majesty, not only to give them *Leave* to *Make* such *Decrees*, but, at all adventures, to *Ratifie* and *Confirm* them, was so *Unreasonable* a Request, that we must rather deny the *Authority* of the formal *Acts* of *Both Convocations*, than give Credit to it.



Let any impartial Person judge, whether of the two we ought to believe; The *Acts of the two Convocations*, which expressly tell us how this Matter pass'd; Or Dr. A's Reason, which he has here offer'd to shew, that it could not possibly have pass'd so as the *Acts* assure us that it did.

Had indeed the *Convocation* desired a *General License* to Make whatsoever *Cannons* they pleas'd, and that the *Queen* would engage her self, at all adventures, to Ratifie and Confirm them; this would have been truly, as Dr. A. says, an *unreasonable Request*, and such as so wise a *Queen* would hardly have comply'd with. But in a particular *Case*, in which the *Clergy* were not only Alone concern'd, but had always been wont to prescribe their own *Terms*; for the *Convocation* to desire the *Queen* to Ratifie such Orders as they should Agree to, for Collecting and Paying of their Own *Benevolence*; this was, in effect, no more than what both the *Queen* and *Parliament* did in the *Case* of their *Subsidy*, at the same time; in which they not only did not Alter the least *Clause* or *Title* of what the *Convocation* had Establish'd, but had no *Power*, or *Authority* at all to Alter it. The *Clergy*, as well as *Laity*, were Masters of their own *Money*, and gave it upon what *Terms* they pleas'd. The *Queen* might Accept of it, if she thought good, and Confirm it, as it was presented to her; but if that she did not like, or her *Parliament* would not do, the *Grant* was void; for there was no *Change* to be made in it.

† Addit.  
p. 112.

When therefore Dr. A. urges the *Licenses* of our following *Princes*, in which a *Reservation* is expressly made for their Seeing and Approving of what the *Clergy* shall Decree, after they had done it, before they Promise to Ratifie the same; it is altogether besides the present Purpose: Which relates solely to a *Money Case*, in which as there was no such need of an after-View, so were the *Clergy* always used to prescribe their own *Terms*; and to make their own *Conditions* and *Limitations*, as well for the Collecting, and Paying, as for the *Summe* which they Granted, and the *Persons* or *Corporations* on whom they lay'd them. And all that was more to be done now, was only to enforce those terms by *Spiritual Censures*, which the *Parliament* used to Confirm by *Civil Penalties*.

Sect. 104.

But Dr. A. proceeds, and from Reasoning against *Matter of Fact*, which at the same time he knew would not be allow'd; comes to that, which is indeed to the Purpose, to Confront *Matter of Fact* against it. I have shewn from the *Acts* of this *Convocation*, and from the *Date* of the *Constitutions* which were pass'd in it, that the *Clergy* did not proceed to Debate Synodically upon them till the 10th of *March*; at which time they had the *Queens License* so to Do. Against this Dr. A. urges, that in his *Extracts* of the Proceedings of the *Upper House* (the *Acts* of which are hitherto not Recovered) these *Constitutions* are noted to have been entred in the *Register* immediatly after the Draught of the *Grant*, which the *Clergy* made of their *Benevolence*. Then the *Queens Acceptance* and *Confirmation* follows, with which the *License* was given: And from thence he Concludes, that the *Constitutions* were not only Debated of, but were absolutely Concluded upon, and Drawn into Form, before the *Queens License* was Granted for the Making of them.

Now to suppose that in the Transcript of the *Acts* of this *Convocation* (yet if Dr. A's *Extracts* were after all taken from thence) the *Register* when He drew it out fair, did chuse to enter the *Ordinances*, by which the *Benevolence* was to be collected, immediatly after the *Instrument* by which it was Granted; that so the whole might lie the more nearly together; how does this prove that they were pass'd by the *Convocation* in the same Order that the *Register* entred them? Or how will Dr. A. perswade any Reasonable Man that the *Clergy* not only Petitioned the *Queen* for Leave to Devise *Ordinances*, already not only Devis'd, but Drawn, Pass'd, and Agreed upon; but three Sessions after, Appointed a Committee of both Houses to TREAT and CONSULT about such *Ordinances*; which they knew had been actually made and pass'd by them three Sessions before?

In the same *Acts*, Dr. A's *Extracts* say that the *Queens Letters Patents* immediatly follow these *Ordinances*, before the next Session. Will Dr. A. from thence infer, that those too were pass'd in the same Order that they were Entred upon the *Register*? Let us see what strange Work such a Supposition will make of this Affair. On Saturday, *March* the 4th, the *Convocation* Met between 3 and 5 in the Afternoon: The *Prolocutor* was sent for up, and after some time brought down the Book for the *Benevolence*, which was Read, Corrected, and Agreed to by the *Lower House*; and return'd back to the *Upper*. In this Instru-

ment.



ment the Queens Acceptance, and Ratification of their Subsidy is Desir'd; together with her Leave to Devise, and Ordain, Constitutions for the Collecting and Paying of it. At the same time, and in the same Session, these Orders and Constitutions were Devis'd and Drawn; and the Queens Letters Patents under the Great Seal were deliver'd to them according to their Request: For on Monday, the Convocation was Order'd to Meet again, and all this is Antecedent to that Session. Yet after all this Unconceivable Hurry, in one Evenings Session, the Archbishop, I know not why, Prorogues the Convocation twice together without doing of any thing; and five or six days after, the Prolocutor is Ordered to Move the Lower House for certain Persons to be appointed, to Treat and Communicate with the Lords about these same Ordinances which had been both Concluded upon, and Presented to the Queen, so long before. Dr. A. himself acknowledges these Ordinances to bear date the same day on which the Acts tells us they were begun to be Treated of, March 10, Six days after their Entry in his Extracts: And after that they took up five Days more before they were fully Perfected, and finally Pass'd in the Lower House.

But Dr. A. will confirm this same Order from the Acts of the Lower House: Addit. p. 115. On March the 10th it is said, that the Prolocutor chose three with him to "treat with the Bishops, de Constitutionibus & Decretis, Licentia & Vigore literarum patentium Stabiliendis, pro Concessione Benevolentiae. He reports it truly, what do's he infer from it? Why "the House is said to Treat, Not about Preparing, or Drawing up of Canons, BUT de Stabiliendis, about Establishing or Decreeing them. What, as Exclusive of Preparing, and Drawing them up? Let us put the Words of the Record into their proper English, and then Judge whether such an Inference can be drawn from them? "The Prolocutor returning to the House, with the Consent of all that were present, chose the Dean of Eli and the Archdeacons of Lincoln and Taunton, to TREAT and COMMUNICATE, together with himself, with the Reverend Fathers, about Constitutions and Decrees, by the License and Force of the Letters Patents Granted by the Queen in that behalf, to be Establish'd for the Collection of the Benevolence granted to our said Lady the Queen. These are the Words of the Record: The Committee was appointed to Treat and Consult of the Constitutions which, by the Authority of the Queens Patents, were to be Establish'd. And I think it is pretty plain, that if the Constitutions which were to be Establish'd for this Purpose, were to be Treated of, and Consulted about, March the 10th, we may venture to conclude, that they had not been Drawn up and Agreed to, six days before, March the 4th.

Dr. A. has not yet done; the Clergy had desir'd leave not only to Make and Ordain, but to Devise such Constitutions as they should think needful in order to this End: And Devise is a perverse Word, and carries along with it a Sense of Consulting, and Debating of something not yet form'd, but to be hereafter Invented and Fram'd. For this therefore, Dr. A. will help us to a New Notion that shall do the Business. He assures us that by Devising and Making, they could mean nothing more than putting the last hand, and Giving Synodical Authority to these Decrees. But how do's he prove this? The Notion is not only New, but altogether different from the Ordinary Signification of the word Devise. How do's it appear that the Convocation designed to use it in such a Sense? Sect. 105. Addit, &c. p. 116.

He tells us, first, that it appears, in some Measure, from those Words "Make, Decree, or Ordain, which occur in the Clergies Petition a few lines afterwards, and are used there as Expressive of those others Devise, Make, Ordain, and as Equivalent to them. That I deny: Before the Constitutions were drawn, they were to be first, Devis'd; then, Made, and Ordained. And for this therefore, they first of all desired the Queens Leave. But being once Drawn, the Business of Devising was at an End: And therefore in their next Request, when they came to desire the Queens Confirmation of them, it was more proper to lay aside that Word, and to speak of them now as Constitutions in being, and so in a Capacity of being Confirmed; and therefore they very properly Requested her Ratification of such Constitutions as they should, upon Consultation and Device, Make, Decree, or Ordain. In the former Case, they needed License to Devise, as well as to Make, and therefore they desired the Queens Authority for both. But in the Latter, they needed only the Confirmation of what they should, by her License, Make, Decree, and Ordain; and there as Devising had no place in the Intendment of their Peti-



tion, so neither did they give it any place in their Expression. But how these *Later Words* are thereby prov'd either to *have been designed*, or to *be*, fully and only, expressive of the *former*, Dr. A. must take some other Way to prove.

<sup>1</sup> Ibid. p. 116. This therefore shews us the great need there was of his *Second Remark*, which he thus delivers to us: "But it is more clearly made out by the *Tenor* of the " *License* it self which issued upon their Request, and which gave them power " only to *Decree*, *Ordain*, and *Constitute*, and yet we may presume, gave them " all the *Power* they ask'd. When they desire therefore Leave to *Devise*, *Make*, " and *Ordain*, they mean nothing more than to *Decree*, *Ordain*, and *Constitute*, " since no leave for any *Synodical Acts* antecedent to these, was given to them. I must be excus'd if I cannot agree with Dr. A. in this, any more than in his former Remark. The *Clergy* ask'd what was fit for them to ask; and the *Queen* Answered them in such a Way as was proper for her to Answer. The *Statute* concerning which we are now Debating says, that the *Clergy* should not Attempt, Alledge, Claim, or Put in Ure, or Enact, Promulge, or Execute any New Canons, unless they should have the *King's License* and Authority to Make, Promulge, or Execute the same. But in saying so, it plainly implies, that having obtained the *King's License* to Make, they might Attempt, &c. as well as Enact any such Canons. It is the very same Case here: The *Clergy*, in Pursuance of the whole Restraining Words of the *Act*, desir'd Leave to *Devise*, *Make*, and *Ordain*. The *Queen* gave them Leave, as the *Enabling Word* Requir'd to *Decree*, *Ordain*, and *Constitute*. The One Requested, and the Other Granted, exactly according to the Purport of the *Statute*. For since no *Ordinances* can be *Decreed* and *Constituted*, but what are *Made*; nor any *Made*, but what must be *Devis'd*; tho' the *Clergy* were to begin at the first Step in what they Desired, because *Canons* may be *Devis'd* and yet not be *Enacted*; and even that is contrary to the *Statute*; yet was it sufficient for the *Queen* to Mention the last only, which Included All the rest; and by Authorizing them to *Decree*, effectually to License them to *Debate*, and *Conclude* upon; to *Devise* as well as to *Make*, what she Ewpower'd them to *Ordain* and *Constitute*.

<sup>2</sup> Ibid. p. 117. But Dr. A. still insists; " that the *Letter* enter'd in the *Convocation Book* of " *York* shews, that by *Devising* and *Making*, they meant *Ordaining* and *Constituting*. " For in that, They take Notice how her Majesty had *Licens'd*, or *Authorized* " them, to *Ordain*, *Devise*, and *Make* *Decrees*, for the true Collection and Payment " of this *Benevolence*. So indeed that *Letter* is drawn; and supposing the Entry of it to have been exactly made, I think no body can doubt, but that whosoever drew it, He put these Words together in a very Improper and Unnatural Order. But for a Man to argue from the draught of a *Letter*, it may be not *Exactly Copied*, to be sure very unskilfully Indited, (which in the hurry of Business, and where an *Actuary* was probably employ'd to draw up the form, is no such wonderful thing) that *Ordaining*, *Devising*, and *Making*, are *Equivalent Terms*, and do all signifie the same thing, is so weak a Proof of an Extraordinary Assertion, as sufficiently shews there is nothing to be said for it. In the mean time Dr. A. should have observed, that in their *Instrument of Grant*, which they presented to the *Queen* as the *Publick Act* of the *Convocation*, they were more Exact; and observed the natural order of the words; and petition'd for Leave, to *Devise*, *Make*, and *Ordain*, as our *Convocation* had done before.

<sup>3</sup> Sect. 106.  
Addit. p. 118.

Dr. A. has got one Observation more, which may deserve to be consider'd. The *Convocation* having obtained the *Queens License*, as we have before seen, tells us in the Preface to their *Constitutions* which they establish'd thereupon, that she had given them thereby Leave to *Make*, *Promulge*, and *Execute* the *Orders* following: " Which (says he) are the very Words of the *Submission Act*; and are " used here to shew, the *Restraints* prescribed by that *Act* were strictly observ'd. I do Agree with him in this Remark; and from thence inferr, that since the same *Convocation* in their *Instrument of Grant*, Ask'd *License* of the *Queen* to *Devise*, *Make*, and *Ordain* first, and then to give her *Royal Assent*, to such *Orders*, *Decrees*, and *Constitutions*, as they should *Make*, *Decree*, and *Ordain*; and upon the *Queens* Authorizing them in both, express'd the whole in those words of the *Act*, *Make*, *Promulge*, and *Execute*; They did look upon the Word *Make* to Answer to all those Words of that *Statute* which are oppos'd to it; Attempt, Alledge, Claim, Put in Ure, Enact, and which themselves in other Terms, but to the very same Purpose, express'd, when they desir'd Leave of the *Queen* to *De-*  
vise,



*vise, Make, and Ordain.* But for Dr. A. after they had expressly applied to her Majesty for Leave to do all this, to tell us, that in repeating these Words of the Statute, which belong to the Queen's License, they omitted All but *Enacting*; Or did not intend to include *Devising*, as well as *Ordaining*, (for which they had so distinctly Petitioned) under the General Word of *Making*, is to persuade us, that they knew as little of their Own Meaning, as he would have us, by his Good Will, to understand of that *Act*.

The Summ of all is this: The Clergy of this Convocation were desirous to Make such Provincial Constitutions as were requisite for the levying and paying of their Benevolence; but were sensible, that by the Act of Submission they could not Make them, without the Queen's License. Upon this, they Petition her for Leave to Devise, Make, and Ordain such Constitutions, and tarry six Days in Expectation of her License to that Effect. And having received it, they presently go to work, and the same Day Treated upon them. In five days more they are put into form, and pass both Houses; and so, by vertue of the Queen's Letters Patents, were Confirm'd, for Promulgation and Execution. In the Front of their Constitutions, they take notice of the Authority upon which they had proceeded; That they had obtain'd the Queen's License to Make, Promulge, and Execute them. And in all this, both by their Words, and Actions, they have evidently shewn, that by a License to Make, they understood a License to Devise, as well as to Ordain; and by *Devising, Making, and Ordaining*, plainly meant what the Act express'd in those other Words, but to the same effect, of Attempting, Alledging, Claiming, Putting in Ure, and Enacting: All which therefore they accounted, as we now do, to belong to such New Constitutions as were hereafter to be made by the Clergy in their Convocations.

From this Convocation, Dr. A. proceeds to that of 1597; and it is indeed the next in which any Provincial Canons, or Constitutions, were Made. That this Assembly Treated without any License, he concludes from the Title of their Canons, in which they are said to have been Treated of by the Archbishop and Bishops, and afterwards to have been Approv'd, and Confirm'd, by the Queen's Majesty: "Which Title (says he) if it may be depended on, evidently shews that their desire was for Leave not to Treat, but Enact only. How Dr. A. can possibly extract such a Consequence out of that Title, I confess I am not able to Conjecture, in which there is not one Word of Enacting, any otherwise than as it may be reasonably look'd upon to be comprehended under the General Term *Treatate*; which in that Title is set to express All that was done by the Bishops and Clergy, in Synod, about them. For so the Process there stands; Constitutions Treated of by the Archbishop, Bishops, and Clergy, in their Synod; and afterwards Approv'd and Confirm'd by the Queen. In the Synod they were Treated of, and Made; for, till that was done, the Queen could not Approve and Confirm them. If therefore there be any desire of the Clergy referr'd to in that Inscription, it must be for the Queen's Approbation and Confirmation, not for her License to Enact, as Dr. A. is pleas'd to represent it. And that alone may suffice to shew the weakness of his Argument in this Particular. For if the Silence of the Queen's License in that Title, be enough to prove that they Conferr'd without Any, it will also prove that they Enacted so too; for 'tis certain, that in that Title there is no more mention made of a License for the One, than there is for the Other.

But what then shall we say to the Queen's Letters of Confirmation of these very Canons, in which she recites, "How that the Archbishop, Bishops, and Clergy Assembled by her Writ, being met together according to the Tenor of the same Writ, at the Days and Places appointed by the said Writ, had Treated by her License, of Certain Canons and Constitutions; and had Agreed of, and upon Them; and had humbly Offer'd them to Her Majesty for Confirmation. This, I think, is a decisive Proof that they not only had her License, but had her License to Treat; and that as separate from, and antecedent to, their Agreeing of and upon them. And yet, as plain as this is, Dr. A. doubts not to elude the Force of it; nay, and to turn it to his Advantage. So happy a thing it is to have a Nice Head! and to be able to draw any Conclusions from any Premises. Let us see how he proceeds on this new Adventure.

1st. He observes, That this Word License do's not necessarily imply a License in Writing: "All it can fairly be pretended to imply, is, that there was a

Sect. 107.

1597.

Rights, &amp;c. p. 382.

Ibid. p. 383.

Sect. 108.

Addit. Sect. p. 58.

Verbal



“ *Verbal Leave, or Message, from the Queen to ’em, importing her Consent to what they were about to Do.*

I have often declar’d, that I will not dispute this Circumstance with Dr. A. Let it be as it will, it is enough for me, that whatever *License* they had to *Treat*, the same *License* they had to *Agree*: And I do not pretend that the *Clergy*, by the *Act of Submission*, do stand in need of any greater or more solemn *Authority* for the One, than they do for the Other.

<sup>1</sup> Addit, &c.  
p. 62.

<sup>2</sup> Ibid. p. 63.

But Dr. A. goes on: ‘He tells us, “that the *Method*, now pitch’d upon by the *Clergy*, was first to consider among themselves what was fit to be Offer’d to the Queen, in order to have *Power* from Her to *Enact*, or *Pass* it: Which was strictly according to the *Statute* that forbade them to *Enact*, *Promulge*, or *Execute*, unless they might have the *Royal Assent*, and *License*, to *Make*, *Promulge*, and *Execute* the same: The *Royal Assent* to what they *Propos’d*; and the *Royal License* for their *Enacting*, or *Making* a *Canon*, upon it. <sup>2</sup> So that in the Course now taken, there were, on the part of the *Convocation*, two distinct *Actions*, or *Steps* of Proceeding. The first, that of *Deliberating* and *Resolving* upon what should be *propos’d* for the *Royal Assent* and *License*: The second, that of *Resuming* the *Deliberation*, concerning what had been *Propos’d*, and of *Constituting*, *Enacting*, or *Passing* it. And to these, there Answer’d, on the part of the Crown, the *Royal Assent* to their *Proposal*; together with *Leave* to *Constitute*; and the *Royal Ratification* and *Promulgation* of it afterwards, when *Constituted*.

If I take Dr. A. aright, we are now come so near to one another in our stating of this Matter, that our greatest Difference seems to consist in this; that he derives his *Hypothesis* from One part of the *Statute*, and I from Another. I do humbly conceive that the *Clergy* may, without any *License* from the Crown, *Confer* and *Treat* about such Matters as may be fit to be *Enacted* by them, provided that they do so *Confer* and *Treat*, not in order to *Constitute* any *Canons*, &c. but merely to *Apply* to the *Prince*, if they shall think fit to proceed, for *License* to *Attempt* and *Enact* thereupon. Dr. A. allows, that the *Clergy* were now wont, in the first place, to *Deliberate* and *Resolve* upon what should be *propos’d* for the *Royal Assent* and *License*: And that *Assent* and *License* being obtain’d, to *Resume* the *Deliberation* of what had been so *propos’d*; and so to *Constitute*, and *Enact*, thereupon. According to this *Method* therefore, there was first a *Proposal* to be made to the *Prince* for his *Assent* to what they desir’d to *Deliberate* upon, in order to *Enact*; and, upon this *Proposal*, the *Royal Assent* and *License* was to be Obtain’d, before they proceeded to *Deliberate*, with a Design of *Enacting* or *Passing* it.

But will Dr. A. therefore tell us from what part of that *Act* (as by him Expounded) he derives the Necessity of this *Double Assent* and *License*, of which he speaks? The *Royal Assent* to what the *Clergy* propose to *Proceed* upon; and the *Royal License* to *Deliberate* and *Enact* upon it.

The Words of the *Statute*, himself again tells us, are only these; That the *Clergy* should not *Enact*, *Promulge*, or *Execute* any *Canons*, &c. unless they might have the *Royal Assent* and *License* to *Make*, *Promulge*, and *Execute* the same. Where is there any thing in these Words that Obliges them first to Consider of what shall be *Propos’d* to the *Prince* for his *Royal Assent*; and afterwards, (the *Royal Assent* being Obtain’d) to have his *Royal License* to *Resume* their *Debates*, and upon their further *Deliberation*, to *Enact*, or *Make* a *Canon* of it? This is more than I can find to be contain’d in these Words, as separated from the Others, which he Applies to another Purpose; which evidently require the *Royal Assent* and *License* for One and the same End; to *Make*, that is, (as he has more than Once told us) to *Enact Canons* and *Constitutions*, and for nothing more.

<sup>3</sup> Ibid. p. 56,  
57. Append.

But it may be what we cannot find in the *Act*, may be discovered in the <sup>3</sup> *Letters Patents* by which the *Canons* of this *Convocation* were *Confirm’d*. “They Recite, first of all, how the Queen had *Granted* her *Writ*, and thereby *Licensed* the *Archbishop* to *Summon* his *Convocation* to *Appear* before him, at certain *Times* and *Places*, in the said *Writ* express’d; To *Treat*, *Consent*, and *Conclude* of certain Great and Urgent Affairs, mentioned in the said *Writ*. How the *Archbishop*, *Bishops*, and *Clergy*, having *Assembled* accordingly, and *Treated* by the Queen’s *License*, of certain *Constitutions*, and *Agreed* upon the same, had humbly Offer’d them to Her Majesty, desiring her *Assent* to them, according



“ cording to the *Statute 25 H. viii.* The *Tenor* of which *Constitutions* follow in these Words, &c. And lastly, having made this Recital, they add; “ That the Queen having *Heard, Read, and Diligently Consider’d* their *Constitutions, &c.* had *Given,* and by these *Presents* did *Give,* her *Royal Assent* to them; and by her *Letters-Patents,* did *Ratifie, Confirm, and Establish* them; and *Promulge* them to be *diligently observed, &c.* This is the Sum of those Letters; and according to them, the Process was plain and natural: \* The Clergy were *Authorized to Meet in Convocation* by the Queen’s *Writ.* \* They *Treated and Agreed* upon certain *Constitutions* by her *License.* Having so done, they presented them to Her Majesty for *Confirmation,* which by these *Letters-Patents* she gave to them. But where to find any Ground for Dr. A’s two distinct *Actions* of the *Convocation*; first of *Deliberating and Resolving* what should be *propos’d* for the *Royal Assent and License*; and then of *Resuming the Deliberation,* concerning what had been *Propos’d,* and of *Constituting, Enacting, or Passing* of it; and both these, as previous to the Queen’s *Confirmation and Promulgation* of their *Constitutions,* I am not Clear-sighted enough to discern: Let him find it out that can, either in the *Statute,* or in the *Patents.*

Sect. 109.

And thus are we come to the End of that *Period* which Dr. A. insists upon as most favourable to his Pretensions: In which, he tells us, the Clergy *Treated* without any *License* from the Crown to *Authorize* them so to do; and from which he would infer, that notwithstanding the latter Practice, they may now again adventure to do likewise. But in the Examination of his own Allegations, there has appear’d One of these *Defects* in every Instance; That \* either They have *Prov’d nothing at all*; \* Or they have *Proved too much*; \* Or, which has been the Case more than Once, they have proved the *direct Contrary* to what he Asserts.

The first *Convocation* of King *Edward the 6th,* neither *Treated* about, nor *Enacted* any *Canons or Constitutions*; and therefore, by the *first Rule* laid down, is (so far) no *President* on either side. But the Clergy were willing to have *Treated*: In order thereunto they *Petition’d* for a *License* to *Attempt,* as well as to *Enact*; and that a *License in Writing,* (a Circumstance which I may be allow’d to observe, tho’ I do not insist upon it) and this makes it a *direct Proof* on my side of the Question; and shews at once, both that the Clergy in *Convocation* ought to have a *License to Treat,* as well as to *Ordain*; and both by virtue of the *Act of Submission,* which they understood in the very same *Sense* that I now give of it.

The Other *Convocation* of the same Prince pass’d the *Articles of Religion*; and, in the Reverse of what we are now chiefly considering, *Agreed* upon Them, tho’ they do not seem to have much *Conserr’d* about the *Making* of Them. They were *Prepar’d* before, but *Pass’d* and *Subscribed* there. By what *Authority* this was done, the *Acts* of that *Synod* could not inform those who saw them; much less can we determine it who know not where to Recurr to them. If no *License* was needful for this, by the *Statute 25 H. 8.* this Meeting again will be no *President* either Way. If there were; then, by our *third Rule,* we are to Conclude, that they were *Empower’d* as the *Law required,* and had a sufficient *Authority to Attempt,* as well to *Agree* to, them.

In the first of Queen *Mary,* the Clergy were confessedly *Authorized* both to *Debate* and to *Constitute.* The *License,* Dr. A. observes, was *Verbal*; but whether the *Prolocutor* had not some further *Authority* for what he declar’d to the *Convocation,* is more than we can either of us tell; or shall need to enquire. They had the same *Authority to Debate,* and to *Enact*; and what was sufficient for the One, must, I am sure, have been sufficient for the Other likewise.

The same was the Case of the next *Convocation,* which met the beginning of the next Year, *Anno 1554.* As for that Other which sate in *November* following, it neither *Conserr’d* upon, nor *Constituted* any *Canons or Constitutions, Provincial, or Synodal*; and therefore, by our *first Rule,* is of no *Authority* on either side.

In the *Convocation* of 1562; the first of Queen *Elizabeth* which sate after the *Revival* of the *Act of Submission,* the nine and thirty *Articles of Religion* were *Debated,* and *Agreed* upon. No *License to Treat* appears; nor any to *Constitute.* Dr. *Heylin* tells us, they had the *Queen’s License* for what they did; and by our *third Rule* we must Conclude that they had, unless it can be shewn that they were  
Authorized



Authorized to *Enact*, but not to *Conferr*; a thing not once thought of, I am sure not once endeavour'd by Dr. A. in all his long Induction upon this Occasion.

About Nine Years after, these same Articles were again *Pas'd*, and *Subscrib'd* in the Convocation of 1571; a *Book of Canons* was *Made*; but no Authority appears by which either of these was done. We must therefore *Conclude* again by the same *Rule*, that they had a *License*: And the rather, because Dr. Heylin again tells us that they were duly empower'd in what they did; which by our fourth *Rule*, must be look'd upon as a sufficient Evidence on this side, till it can be *Refuted* by some better Authority on the Other.

Anno. 1575. a *Book of Articles* was *Treated of*, and *Concluded* upon, in Convocation. No *License* to *Treat* appears, nor any to *Conclude*. We must therefore *Resolve* as before, by our third *Rule*, that They proceeded according to *Law*; and had such a *License*, as the *Law* required for both.

The same was the Case of the Convocation in 1584: Articles were *Treated of* and *Enacted* by it. Dr. Heylin says they were *Empower'd* by the *Queen* to *Make* Them. We have no Account of any Authority by which they *Acted*; yet being sure they could not *Make* such Articles without a *License*, we must, by our third and fourth *Rules*, conclude that they had One; and that it was a *License* to *Conferr* upon, as well as to *Constitute*, what they did there.

In 1586. the Clergy, besides their *Subsidy*, Gave a *Benevolence* to the *Queen*. They desired to Provide for the *Collecting* and *Paying* of it by *Ecclesiastical Orders* and *Constitutions*; and for the Doing of this, they requested the *Queen's License* to *Devise*, *Make*, and *Ordain* them. The *Queen* gave them Leave to *Decree* such *Constitutions* as they desir'd; and in that, according to the tenor of the *Statute of Submission*, *Licens'd* them to *Attempt*, (or as they phras'd it) to *Devise*, as well as to *Enact*.

As for the last Convocation alledged in 1597; the *Queen* her self *Recites*, that it had her *License* to *Treat*, and *Agree*; that is, in the Language of the Clergy upon these very Occasions, || to *Conclude*, and *Establish*; tho' Dr. A. to *Obscure* a plain Case would put another *Notion* upon it, and distinguish between their *Agreeing*, and *Enacting*; as if the One imported somewhat less than the Other, and which was to be done by them as *Preparatory* to it.

¶ *Articuli de quibus Convenit inter Arch. &c. 1562. in the English Articles, Agreed upon, i. e. Made and Concluded.* In the *Book of Canons*, 1571, *Articuli in quos plene Consensum est, &c.* In 1575, Articles whereupon it was *Agreed* by the most Reverend Father, &c. And even in 1640, when we know the Convocation had a full *License* to *Conclude*, as well as to *Conferr*, and did both thereupon; yet the *Inscription*, under which they presented them to the *King* for *Confirmation*, was, *Constitutions, &c. Treated upon by, &c. and Agreed upon, &c.* And in his *Letters-Patents* the *King* recites, how by his *License* they had *Treated of, Concluded* and *Agreed upon* them. \* *Addit. &c. p. 61.*

Seet. 110.

Having thus pas'd thro' that *Period* which Dr. A. insists upon as most Favourable to his *Hypothesis*, I might here put an End to these Remarks, without looking farther into the *History* of our *Convocations* during the last *Century*; in which it is not deny'd but that they had a *License*; and that in *Writing under the Great Seal*, to *Treat*, *Conferr*, and *Consult*, as well as to *Conclude*, and *Establish*. But because Dr. A. has endeavour'd to take off the force even of these *Licenses*, in the first Instance, as he conceives, that there ever was of any of Them; it will be needful for me briefly to consider his Exceptions, and thereby to *Establish* both the *Meaning* and *Authority* of All such Other *Licenses* as have since been Granted upon the Model of this.

1603, 1604.

The matter of Fact was plainly this: On the 20th of *March*, Anno 1603, the Convocation of this Province met, and was opened according to *Custom*. In the Vacancy of the See of *Canterbury* the Bishop of *London*, Presided by Authority of the *King's Writ* directed to him for that Purpose; bearing Date the 9th of *March* before. At the Second Session, *March* the 23d: The *Prolocutor*, Dr. *Ravis*, Dean of *Christ Church*, *Oxon*, was presented by Dr. *Overal* Dean of *St. Pauls*; the beginning of whose *Speech* still remaining among the MSS of the Right Reverend the Lord Bishop of *Norwich*, may be worthy our Notice.

“ *Præsento hic Vobis, pro more hujusmodi temporis & Locis, Gravissimum Doctissimum-  
que hunc Virum, Communibus inferioris Domus suffragijs ad Officium Prolocutoris,  
& Communis Interpretis delectum; qui vestra ad Nos Mandata, Nostras ad Vos  
Petitiones, ceterasque Consultationes & Actus Synodicos, fideliter Referat, Exponat,  
Explicitque.* Being



' Being thus put in a Posture of doing Business ( to use Dr. A's Expression ) the Clergy met twice without entring upon any Synodical Debates. On the 13th of April the Bishop of London brought to the Convocation the King's License to Make Canons, dated April the 12th 1604.

In that the King " gave Leave to the President, and Convocation to Confer, " Treat, Debate, Consider, Consult, and Agree of, and upon, such Canons, Or- " ders, Ordinances and Constitutions as they should think fit, By vertue thereof they did accordingly Confer, and Agree upon such Canons; which being afterwards Confirm'd by the King's Authority, have made up the great Body of Canons, by which our Church is Govern'd at this Day.

This is the Matter of Fact; and our Argument from it lies thus: That the King granted to this Convocation his Royal License to Confer, as well as to Constitute. That not only this Convocation did proceed in vertue of it to Do both, but all our Other Convocations, ever since, have done likewise. That in these Licenses the Statute of Submission has constantly been Recited, to shew that the Clergy are thereby tied up from Making any Canons, or Constitutions, without such a License; which Making we look upon to Refer to the whole Process of what is done by the Clergy in their Convocations, from their first Treating to their final Enacting; and to Include the One, as well as the Other. And therefore, we do suppose that by the Tenor of that Statute, the Clergy in Convocation are restrain'd from Attempting, and Enacting, any Canons without the King's Assent and License first obtain'd; and that of right they ought not, (as we are sure in fact they have not, for these last hundred Years, presumed) either to Confer or Agree upon any Provincial Canons, or Constitutions, till they are Authorized by the King's License so to do.

Against this Dr. A. is pleas'd to Offer several Exceptions; none of which, in my apprehension, do at all weaken the Force of that Deduction which I have before made of our Argument from this, and the like Licenses; which have, confessedly, been granted by our Kings, and accepted of by our Convocations, for these hundred Years past. Sect. 111.

" First, he observes, that this License was not Granted to the Clergy imme- Rights, &c. p. 389, 390.  
diately upon their first coming together: That the Convocation had sate three p. 389, 390.  
Weeks without a Commission; and To BE SURE had, in that time, TREA-  
TED without One; and did not therefore think themselves unqualified for  
ALL MANNER of Synodical DEBATES, till they were so Commissioned. Shall I, in answer to this, tell Dr. A. that in all that time they Met but twice, after the Choice of their Prolocutor, and then contrary to his confident Assertion, (founded upon meer Conjecture, and a Secret <sup>2</sup> Presumption that all the Acts of that Synod were utterly lost) did not TREAT of any thing within the Statute of Submission? Or shall I, rather, appeal to himself, now better inform'd, to confute his own Supposition, which he made without any knowledge of the Matter? Let us then take his Own Correction of this very Remark: <sup>3</sup> " 'Tis true but little in relation to the DEBATES of this Meeting is entred antecedently to their License, Ibid. p. (276.)  
and they Seem to have Adjourn'd for the greatest part of the time, in Expectation of it. However that Something was Treated of, and Done by them, even before their License came, the particular I have mentioned manifestly proves. Addit. &c. p. 128.  
" It is but a Single Instance indeed, but it makes good their Right of Treating, as well as if there were more of them. But what was this Something that was Treated of, and Done by them? Was it Something in which our Present Argument is concerned? Did they Treat, tho' but in a Single Instance, without License, of any Other Matters than what they might have Done; nay, and, as Dr. A. himself states it, did Do, that is Conclude upon, without One? The Minute which he gives us of what he refers to shews the Impertinence of his Allegation: March 20th, 1604. The King's Letter to the Convocation to hasten a Collection for the Town of Geneva. This is that Single Instance of what Dr. A. tells us the Convocation did without a License. By the King's Command, and that press'd upon them with some kind of Importunity, they Made a Collection for the Town of Geneva, without any License under the Great Seal: Therefore they might have Treated of Canons and Constitutions Provincial if they had Pleas'd; and any Other Convocation may Treat of them, without any License from the Prince so to Do.

But Dr. A. will give us another Instance, from the same Convocation: " From the minutes of whose Acts it appears (AND IT IS EXTREAMLY REMARKABLE) That the Sect. 112. Ibid. p. 129.



" Copy of Dr. Overall's Convocation Book was brought in, and proposed to the  
 " Consideration of the Clergy, SOME DAYS before their *License* came to them.  
 Since Dr. A. thinks this Case so EXTREAMLY REMARKABLE; he will not be Offend-  
 ed if I give the Reader a more clear Account than it was for his Interest to give  
 him of it: And then I am content that the Question between us be Determined by  
 the Authority of this Remarkable Instance.

" On the 24th of January, the Archbishop deliver'd a Book, concerning the  
 " State of the Church, and desir'd both Houses to take Copies, and Consult about it.  
 The Book had been drawn up upon the Occasion of the Gun-Powder Conspiracy;  
 and seems to have been design'd to be publish'd as the General Sense of the Church  
 of England in the Points contain'd in it. That they might have time to take these  
 Copies, and to Consider of the Book as they were directed (which I suppose did  
 then consist only of the first Part of what has since been Published) he Prorogued  
 the Convocation till the 29th of January; and then (to warrant their Debating  
 about it, and Concluding upon the Matters contain'd in it) brought in the King's  
*License* to Make Canons. In the fourth Session, he deliver'd the Book, and Directed  
 the Clergy to take Copies of it, and Consult about it: In the very next, before any  
 manner of Debate was had in Convocation thereupon, He brought them the  
 King's *License*; and then they proceeded solemnly to Read it, and to give their  
 Assent to it.

But however, let us suppose that the Clergy had heard that Book quite read out  
 in Convocation, before any *License* had been granted or brought to them: Is there  
 any Clause in the Act of Submission that forbids the Archbishop to bring a Book  
 into the Convocation, drawn up by a Private Hand; or the Convocation to hear such  
 a Book Read; or to be desir'd to take Copies of it, and Consider of the Matters  
 Contain'd in it? Have not the Clergy, within our Own Memories, done a great deal  
 more than this; and yet never thought that thereby they were either Attempting  
 or Enacting any Canons, or Constitutions Provincial? But did they before they Re-  
 ceived the King's Commission, Read, Hear, or Consult of this Book, in Order to Make  
 the Canons which were drawn up upon the several Sections of it their Own Synodical  
 Acts; and to pass them into Provincial Decrees and Constitutions? The Procedure  
 of the Archbishop renders such a Supposition utterly unconceivable; Who in  
 One Session brought in this Book, and Order'd the Bishops and Clergy to take Copies  
 of it; and the very next brought in the King's *License*, to Authorize them to  
 Treat and Conclude upon it.

Sect. 113.  
 Addit. &c.  
 p. 66, 130.

As for what Dr. A. adds, " Of the Doctrine which makes the Clergy unca-  
 " pable of ALL SORT OF BUSINESS, till they are thus Licensed; and in Oppo-  
 sition to which, he elsewhere observes, that " If we consider All the Convo-  
 " cations since the 1st of K. James I. we shall find that None of them took out  
 " Licenses but when they had this very Business to do; i. e. when they were to  
 " Make Canons; He knows I am clearly of the same Opinion with himself in  
 it. I do humbly insist upon it, that no Restraint has been laid upon the Clergy  
 in Convocation, but only in the point of Attempting and Enacting, or to express  
 All in one Word, of Making Canons, Constitutions, Orders, and Ordinances Pro-  
 vincial. In all other Matters, I account them still at Liberty, not only to  
 Treat, but to Resolve too, as they did before. This I Affirm, and here it is  
 that Dr. A. must Answer, if he means to oppose my Notion; that in All such  
 Cases wherein the Clergy are Restrain'd, by the Act of Submission, from En-  
 acting, Promulging, and Executing, without the King's *License*; in the same they  
 are also Restrain'd from Attempting, that is from Treating, and Conferring, in  
 order to Enact. What those Cases are the Statute, I think, plainly enough  
 speaks; and from thence I have sufficiently before declar'd my Opinion of it.

Sect. 114.  
 Rights &c. p.  
 390.  
 See above.  
 Sect 42.

For what concerns Dr. A's Second Remark, of the Difference which is made  
 in the King's Letters-Patents, by which he Confirm'd the Canons of this Convo-  
 cation, between the Power which he has in this Case by vertue of his Preroga-  
 tive Royal, and the Particular Powers lodged in him by the 25th H. 8; I have  
 already given a full and express Answer to it. The Sum of it is this; That  
 Dr. A. either grossly mistakes, or I am sure greatly misrepresents, the Design  
 of that Statute: Which was not to Grant any Power to the King which he had not  
 before; but to Restrain the Clergy from doing some things before which they were  
 wont to do. The King always had, by his Prerogative Royal, a Right to Autho-  
 rize the Clergy to Confer, and Conclude; and by both, to Make any Provincial Ca-



Canons and Constitutions, that were not contrary either to the Laws of God, or the Realm; or to his own Prerogative Royal. On this side therefore no New Power was Given to the Crown: But the Clergy did before do this without Asking the King's Assent, or taking his License for it. They Made Canons and Constitutions, not by his Authority, but in vertue of their Own Spiritual Jurisdiction: And this that Act has Restrain'd them from doing; so that from thenceforth they might not presume to Attempt any such thing, on pain of the Dangers mentioned in that Statute.

Whether therefore the King Licenses the Clergy to Confer, and Enact Canons; or whether he Confirms them being Enacted, and Authorizes the Clergy to Promulge, and Execute them; He do's All by his Own Royal Prerogative. The Statute only ties up the Clergy, that they shall neither Attempt, Enact, Promulge, nor Execute any Canons, without his Assent, on pain of such Forfeitures as are therein determin'd against them if they do.

His Third Observation, <sup>4</sup> That the License here Granted was not a bare License to Treat, but to Treat and Agree, I have also already Consider'd, and Answer'd. The License is Granted for All; to Treat, Confer, and Consult, as well as to Agree; and refers indifferently to the One, and to the Other. 'Tis true, the Treating which is meant by it, is such a Treating as is design'd in order to Agreeing, or Enacting: Nor is any Other, as I conceive, forbidden by the Statute of Submission. But whether the Convocation do Agree, or not, if they Confer with a Design to Constitute, the License plainly extends to such a Conference; and Authorizes them no less in their Previous Debates, than in their final Resolutions. Sect. 115. Rights &c. p. 391.

<sup>2</sup> Dr. A. was sensible that these Exceptions would signifie but little, to take off from the plain Authority of the King's Letters-Patents, and the Custom of a Hundred Years Practise, confessedly consequent upon them: And therefore he advances another Exception against the plain Tenor of these Licenses. He tells us, that in those Commissions there was more Granted than the Clergy needed; and they accepted them for the sake of what they did want them for, and not for what they did not. But how do's Dr. A. prove this? Did the Clergy ever make any Protestation of their Right in One Case, tho' not in the Other? That they had Power of Themselves, without a License, to Treat, tho' not to Enact; and therefore Accepted the King's Patent for This, but in no wise for That. Sect. 117. Rights &c. p. 394-395.

No; that Dr. A. do's not pretend to: <sup>1</sup> But he will "shew, by some parallel Instances, that in such Commissions the Powers granted do not always imply that the Persons Commissioned could not have done such or such a thing, without they had been so empower'd. And what will he infer when he has done this? The most he can conclude, is, that possibly so it may be in this Case: But I hope he will not argue at so wild a rate, as to conclude, that because in some Commissions such Powers have sometimes been Granted, as the Persons to whom they were given needed no Commission to Exercise; therefore the same is done in All Commissions; Or not Concluding thus Universally, will yet at a venture, infer, that so it is in the Commissions before us. Ib. p. 395.

However let us see how he makes good his Proposition, as little as it is to the Purpose, should it be true. <sup>2</sup> "In Queen Elizabeth's Patents to her first Bishops, a Clause was inserted, by which the Queen, by her Supreme Authority in Matters Ecclesiastical, supplied, If ANY thing were wanting which the Statutes of the Realm, or the Ecclesiastical Laws Requir'd. I do allow it; and the Statute of the 8th of that Queen, Chap. 1. abundantly shews the Reason of it. But what do's Dr. A. argue from this? Why he infers, That it cannot from hence be Collected that there were any such Defects to be supply'd: And for this he refers us to Mr. Mason's Authority. He needed not any Voucher for so Obvious an Inference. The Queen, for the better securing of her Bishops against any danger of Law, added this Clause to defend them at once both against the Fear of That, and against the Malice of their Enemies; that If ANY thing were wanting which the Laws requir'd, she supply'd it by her Royal Authority. The Patent expounds it self: It is so far from Actually Supplying, or Granting any thing, that it leaves the Matter in suspence whether there were any thing wanting that needed to be supplied. If any thing were wanting, the Queen supplied it: If there were not, there was then nothing done; because there was no need of doing any thing. Ibid.

This



sect. 118.  
Rights &c. P  
395, 396.

This Instance therefore is as little to the Purpose as any could well have been; let us see whether his next be any better. In K. Charles the First's Commission for the Repair of St. Paul's Cathedral, the King "Gives full Power and Authority to the Persons named in it, to Consult, Advise, and Consider of Meet Orders, Ordinances, and Constitutions, for the better Preservation of that Church, and for preventing Annoyances; and the same Orders, Ordinances, and Constitutions, being Reduced into Writing, to present unto Himself for his Royal Approbation and Allowance. The Powers here Granted (continues he) are much the same, and in much the same Words with those in the Commission to the Convocation: But no body can be silly enough to think that Private Persons might not of their own Accord have DONE ALL THIS; have entred into such Considerations, and made such Proposals to the King, without a Commission.

Let us take a farther View of the Commission, and then we shall be able the better to judge whether a Man may not, without Hazard of his Reputation, be SILLY enough (in Dr. A's modest Phrase) to think that a Power was hereby convey'd to those Commissioners to Do that, which they could not, in the same Manner, and with the same Authority, have done of their Own Accord without it. The Cathedral Church of St. Paul's London being greatly decay'd, this Pious King, following the Example of his Royal Father, and at the Encouragement of the Generous Bishop of that See, issued out a Commission to several Persons of Honour, and Others, for the Repair of it. In that he Authorized them, among other things, to take an Exact Survey of the Particular Decays of that Church, and to Calculate the Charge of it; to Advise and Agree upon the Forms of Letters-Patents for Publick Collections, to be made for it, throughout England and Wales; To make meet Orders and Constitutions for the Preservation of that Cathedral, and the suppressing and preventing of all present and future Annoyances, Purprestures, and Encroachments, which tend to the Damage or Disgrace thereof: And farther gave them full Power and Authority, to cause All, and Every Person, whom they should think good, to bring and shew before them, either upon Oath, or without Oath, all and singular such Records, Books, Evidences, Accounts, &c. as they should think fit to be produced, for the better Execution of their Commission: And also to Charge and Command all such Surveyors, Actuaries, Registers, Officers, and Ministers whatsoever, as they should think fit and requisite, to be Attendant upon them.

This was their Commission: And the Question is, Whether any Other Persons, besides those who were thus Commissioned by the King, could of their Own Accord have lawfully done what these Persons were Empower'd to Do? I freely own I am SILLY enough to think that they could not, but would have been guilty of a great Presumption in pretending to have done it; and might have been called to account by a Quo Warranto for it. For indeed let Dr. A. say, Could any Others (the Bishop, Dean, and Chapter excepted, who by the Statutes of the Church, as well as by the King's Commission, were particularly concern'd in this Case) have legally survey'd the Decays of that Cathedral, and estimated the Charges of it? Could any Private Persons, of their Own Accord, have Consider'd of, and Drawn up the Form of Letters-Patents for a Collection to be made over all England for the Repairing of it? Or, lastly, to come to Dr. A's own Instance; Could they have Made such Meet Orders, and Constitutions for the Preservation of that Cathedral, and the suppressing and preventing of all Annoyances to it, as being tendred to the King for his Approbation, should have had the Stamp of Authority set to them, without being Guilty of a very Great Crime, in meddling with a Matter which did not belong to them, nor had they any Right, or Authority by Law, to interpose in it? I do again repeat it; I must freely own my self to be One of those SILLY Men of whom Dr. A. speaks, who think that Those who should have done this without the King's Commission would have been Guilty of a High Misdemeanour, and might have been punished by Law for such their Presumption.

In these and the like Cases, we are not to consider what Men have a Natural Ability to do, but what may Lawfully and Orderly be done by Them. If Twenty or Thirty Clergy-men should meet together, and Treat of some Rules, or Orders, that might be fit to be set forth as the Queen's Injunctions; and having without any Authority Agreed upon them, should present them to Her Majesty for Confirmation, tho' the Orders should be never so wisely Drawn, yet the Method of doing it would be Irregular; and they might justly expect to be



be Call'd to Account to shew by what Authority they presumed to Do this? But should the Queen think fit to Commission the same *Persons*, or any *Others*, whom she should please to intrust in such a Case, to Consider of, and Conclude upon, the like *Rules*, and present them to her for her Approbation; that so being Confirm'd by her Authority, they may be set forth as Her *Royal Injunctions*, the Procedure would be *Regular*; and the same thing done by such a *Commission* be *Lawful* and *Warrantable*, which being done without it, would be *Criminal* and *Unjustifiable*.

But of all Dr. A's *Instances*, that of his *Court Barber* is not only most light and unseemly, in so weighty a Case, but is withal the most contrary to his *Pre- tences*; and had not the *Ridiculousness* of the Subject too much possess'd his mind to leave his *Judgment* any Freedom of serious Consideration, he would never have made the use that he does of it. The King was offended with some of his *Chaplains* for wearing their *Hair* so long, and for taking so much Care to Curle it, as it seems they did. To Cure this *Vanity* in Men whose *Profession* should have taught them Greater Gravity, he issued out his *Letters Patents* to *W. de Perecat*, commanding him with some Severity to cut their *Hair* shorter, and to Snip off those Curles which they were so ridiculously fond of. I do not doubt but that, as Dr. A. very gravely Remarks, if the *Court Chaplains*, and the *Court Barber* had Agreed upon it, he might have done them this Piece of (real) *Service* without any *License* from the King to that Effect. But let Dr. A. tell us (for he is a nice Judge in these Matters) should the *Barber* have come to him without his *Commission*, and have made an *Attempt* upon his *Locks*, and Cut off one half of his *Hair*; would he not have taken it very much amiss of him; and have been apt to enquire by what *Authority* he made so bold with his *Favourees*? Here therefore it was that the *King's Patents* were necessary; to warrant this little Officer, whether his *Chaplains* agreed to it or no, to Cut off their *Hair* which gave him so much offence; to oblige him to do it, and to indemnifie him when he had done it, against any trouble that some of the *Beaux's* of that *Order* might otherwise have given him, for the Freedom he took with their Reverend *Heads*, in so tender a Circumstance as that might probably have been to some of them.

Sect. 119.  
Rights &c. p.  
396, 397.

The Consequence of these Remarks is briefly this, that it do's not yet appear that our *Princes* have in their *Commissions* ordinarily granted any *Powers*, which those to whom they were given might as well, as lawfully, and as fully to all intents and purposes, have exercised without any such *Commission*. But should this have sometimes been in some *Commissions* of a *Private Nature*, as for the Repair of a *Church*, or the *Encouragement* of a *Court Officer*; yet cannot Dr. A. from thence infer that it is so done in these *Licenses*, which must nevertheless be understood to *Conferr* a *Legal Right* to *Treat*, as well as to *Agree*, till it can be shewn by some plain and evident *Proof* of *Law*, that notwithstanding any *Restraint* laid upon them by the *Act* of *Submission*, the *Clergy* have a *Right* to *Conferr* without any *Leave* of the *Crown*, and therefore need not any *Royal License* or *Commission* to enable them so to do.

Such then was the Case of this *Convocation*: It had a *Commission* to *Treat*, "We Own, says Dr. A, it had. And in another Place he tells us that "It "Treated and Acted Originally by a *License*; the very thing which I affirm to be the Duty of all Other *Convocations* to Do. To pursue the History of all our following *Synods* is as Needless, as it would be Tedious. Dr. A. himself do's not pretend that any One *Convocation*, for the last hundred Years, either Attempted, or Enacted, any *Canons*, *Constitutions*, *Ordinances*, or *Orders Provincial* or *Synodal*, without being Authorized by the like previous *License* to do both: And for Other matters, I do readily allow, that they may both *Conferr*, and *Agree*, without any.

Sect. 120.  
Addit. &c. p.  
65. 112.

To Conclude therefore this whole Argument: \* If the *Natural Construction* of the *Statute* of the 25th of H. 8. supported with the concurrent Verdict both of the *Form* of *Submission* upon which it was drawn; the *Notions* of those *Times*, concerning the *Dependence* of the *Spiritual Jurisdiction* upon the *Crown*; and the *Scheme* and *Model* of *Church-Government* which was then in hand, when that *Act* was passed: \* If the *Express Opinions* of our most Learned *Writers*, concerning the *Incapacity* under which the *Clergy* were brought by that *Statute*: \* If, lastly, the *Practice* of our *Convocations* consequent thereupon, which (as far as we can discover from the short *Remains* we have of them, and the



best Accounts that have been given by our *Church-Historians* of their *Proceedings*) from thenceforth never entred upon any *Debates*, in order to *Make* any *Canons* or *Constitutions*, without the *Prince's* Assent first had, and declared to them, to Warrant them in their *Proceedings*; may suffice to shew what our *LAW* in this Case is; I may then adventure, with some degree of Assurance, to Conclude, That the *Bishops* and *Clergy* must not only be *ASSEMBLED* in *Convocation* by the *Authority* of the *Queen's Writ*; but being *Come together there*, must have Her *Majesty's* Assent and *LICENSE* before they can warrantably *ENACT* any *Ecclesiastical Canons*, or *Constitutions*; Or, without incurring the *Penalty* of the *Statute* in that Case, *ATTEMPT* to *MAKE* them; Or *ALLEDGE*, *CLAIM*, or *PUT IN URE* any *Power* of their *Own* to that *Purpose*.

## F I N I S.



# APPENDIX.

## NUM. I.

A. D. 694.  
Chron. Sax.  
MS. in Bibl.  
Cotton. DO-  
MITIANUS.  
A. 8. fol. 46.  
In the Mar-  
gin of the  
MS. is this  
Note of a la-  
ter Hand. Vi-  
de hic de Li-  
bertate Eccle-  
siae.

**S**OME Words in the MS. being scratch'd out to make room for what fol-  
lows, this Story is written on the Margin, as well as in the Lines, after these  
Words—Withredus quoque suscepit Regnum Cantiae, & rexit 33  
Annis.—

Statim autem cum potitus est Regno, præcepit congregari mag-  
num Concilium in loco ubi nominatur Baccancelde, Præsidente eodem Con-  
cilio Wihtredo Clementissimo Rege Cantuariorum, necnon Brihtwaldo Re-  
verentissimo Archiepiscopo & Patre, & Primate totius Britanniae, simulque  
Tobia Episcopo Hrofensis Ecclesiae, cum cæteris  
¹ Abbatibus, Abbatissis, Presbyteris, Diaconi-  
bus, Ducibus, Satrapis, in unum glomeratis, pa-  
riter tractantes de statu Ecclesiarum Dei, vel  
Monasteriorum intra Cantiam², quæ à fidelibus  
Regibus Prædecessoribus³ meis & Propinquis,  
Æthelberhto, posterisque ejus, Deo Omnipotenti  
in propriam hæreditatem condonata fuerunt,  
quomodo vel qualiter secundum normam æqui-  
tatis stare valeant, quidve servare oporteat, à  
modo & usque ad finem seculi⁴ constituentes.  
Ego⁵ Wihtredus Rex terrenus, à Rege Re-  
gum compunctus, zelo rectitudinis accensus,  
ex antiqua traditione Sanctorum Patrum, &  
mandatis, didici non esse licitum alicui homini  
ex laico habitu sibi ipsi usurpare, vel ad se  
trahere, quasi suam propriam possessionem, quod  
ante fuerat Domino concessum, & Cruce Christi  
firmatum atque dedicatum⁶ . . . . . Scimus⁷ &  
veraciter extat⁸ . . . . . quod semel accepe-  
rit homo de manu alterius in propriam pote-  
statem, nullatenus sine Ira & Ultione illud ite-  
rum dimittet⁹ impunitus. Ideo¹⁰ horrendum  
est hominibus expoliare Deum vivum, & scin-  
dere tunicam ejus & hæreditatem¹¹ . . . . .  
fuerit de terrenis substantiis ad hoc ut facilius  
promereri valeant æternam retributionem per-  
cipere in Cœlis, manifeste declaratur, quod  
quanto incautius applicuerit se homo secu-  
laris in hæreditatem Regis æterni, tanto di-  
strictius ab eodem Deo inextinguibili igni pu-  
nietur. Pro hac re firmiter . . . . . decerni-  
mus, & in nomine Omnipotentis Dei omniumq;  
Sanctorum præcipimus omnibus successoribus  
nostris Regibus, Principibus, & omnibus qui in  
Habitu Laico constituti sunt, ut nullus unquam  
habeat licentiam accipere alicujus Ecclesiae, id  
est, Familiae Monasteriorum Dominium, quæ à  
me, vel ab antecessoribus meis priscis tempo-  
ribus tradita erant in perpetuam hæreditatem

¹ Here the Word Episcopis is interlined.

² Here, these words are added, & de his.

³ Here the word ejus is put instead of meis.

⁴ This word is alter'd from what was at  
first written.

⁵ Here the word inquit is interlined.

⁶ The word nam seems to have been scratcht  
out.

⁷ Upon the word & is written enim.

⁸ Here quia is almost scratched out.

⁹ The word was at first otherwise written.

¹⁰ The words, que dico, are interlined.

¹¹ These words, Cum autem Deo oblatum  
aliquid, are almost scratched out, but the  
last Syllable is interlined.



A. D. 694. <sup>12</sup> Tho' many words were here  
scratched out, yet the vestigia  
of some may be discerned, as Sanctis . . .  
tri . . . sanct . . . rie Virgin . . . Mart . . .

<sup>13</sup> The word hoc is interlined.

<sup>14</sup> A Line is scratched out.

<sup>15</sup> Ser, perhaps, for Servorum is interlined.

<sup>16</sup> Episcopus vel is interlined.

<sup>17</sup> The word illo is here interlined.

<sup>18</sup> Vel eo is here interlined.

<sup>19</sup> The word autem is interlined here.

<sup>20</sup> The word Episcopos is interlined here.

<sup>21, 22</sup> The word Et is rased out in both  
places.

<sup>23</sup> Scilicet is interlined.

<sup>24</sup> Ab is interlined.

<sup>25</sup> These words are rased out, Hoc præ-  
ceptum statuimus his Monasteriis quo-  
rum nomina.

<sup>26</sup> More rased out, tho' one may yet per-  
ceive these Annotata . . . Primum . . . Apo-  
stolorum.

<sup>27</sup> The word Petri rased out.

<sup>28</sup> Sancti Augustini . . . . .

<sup>29</sup> Here was written mynster in T (enet)  
but afterwards these words were interlined,  
in insula quæ vocatur.

<sup>30</sup> Limenag . . . . .

<sup>31</sup> This rased out, æc omnia inter di.

<sup>32</sup> These words may be yet read, ad se per-  
trahat, vel suscipiat.

<sup>33</sup> Prælationem interlined.

<sup>34</sup> Some words rased out, instead of which  
are written, In primis Ecclesiæ Christi quæ  
est in Dorobernia.

<sup>35</sup> Somewhat rased out.

<sup>36</sup> Somewhat wanting.

<sup>37</sup> Somewhat wanting.

<sup>38</sup> The word unquam interlined.

<sup>39</sup> Eam interlined.

<sup>40</sup> Quæ interlined.

<sup>41</sup> Et rased out.

<sup>42</sup> Quæ in Cantia habentur rased out.

Jesu Christo & <sup>12</sup> . . . . . sed  
magis sicut decet, & in Canonibus præcipi-  
tur <sup>13</sup>, servandum est, quando <sup>14</sup> evenierit, ut ex  
numero <sup>15</sup> Dominorum migret de sæculo, <sup>16</sup> Ab-  
bas, vel Abbatisa, invitetur Archiepiscopus  
propriæ Parochiæ, & cum ejus consilio & con-  
sensu quisquis dignus invenitur, ejus vita atque  
munditia ab <sup>17</sup> Archiepiscopo examinetur, ta-  
lisq; eligatur, & ab <sup>18</sup> Archiepiscopo benedica-  
tur, & nullo modo sine consensu, & consultu,  
& licentiâ ejus, Abbas vel Abbatisa eligatur;  
si quis per insipientiam aliter fecerit, pro ni-  
chilo habeatur, citiusque abjiciatur. Neque de  
hac re aliquid pertinet ad Regis secularis im-  
perium, quia illius personæ est Principes, Præ-  
fectos, seu Judices seculares statuere, Metro-  
politani <sup>19</sup> Archiepiscopi est Ecclesias Dei re-  
gere, gubernare, atque <sup>20</sup> Abbates, Abbatissas,  
Presbyteros, Diacones eligere, statuere <sup>21</sup> . . .  
sanctificare, firmare <sup>22</sup> . . . . . admonere, ne quis  
de ovili Christi <sup>23</sup> æterni Pastoris <sup>24</sup> erret. <sup>25</sup> . .  
. . . . . hic sunt <sup>26</sup> . . .  
. . . . . Principis <sup>27</sup> . . . id est, Up-  
mynster, aliter <sup>28</sup> . . . . . Raculf.  
Suth. <sup>29</sup> . . . . . enet, Dofras, Folcanstan <sup>30</sup>,  
. . . . . Scapeag, & Hoa. H. <sup>31</sup> . . . . .  
. . . . . ximus sicut ante . . . . . <sup>32</sup> . . . . .  
. . . . . ullius Monasterii <sup>33</sup> de his prænominatis.  
Hæc lex supradicta per ævum completa per-  
maneant <sup>34</sup> . . . . . Ecclesiæ  
cum omnibus agris ad eam pertinentibus, simi-  
liter Hrophensi Ecclesiæ cum suis cæterisq; præ-  
dictis omnibus Ecclesiis Dei nostri <sup>35</sup> . . . . .  
pro salute animæ meæ, meorumque Prædecesso-  
rum, pro spe cœlestis Regni; & ex hac die & de-  
hinc <sup>36</sup> . . . . . concedimus & donamus ab  
omnibus difficultatibus secularis servitutis, à  
Pastu Regis, Principum, Comitum, necnon ab  
operibus majoribus, minoribusve gravitatibus,  
& ab omni debito, vel pulsione regalium Tri-  
butorum <sup>37</sup> . . . . . liberas eas esse perpetua li-  
bertate statuimus, nisi sua spontanea voluntate  
ex largitate beneficiorum quid facere velint;  
tamen hoc in posterum non servetur, nec ha-  
beatur in malam consuetudinem, sed magis se-  
curæ sint, ut possint pro nobis Deo Omnipoten-  
ti hostias dignas offerre, & immaculatis mu-  
neribus nostra ablueri peccata. Si quis autem  
Rex post nos <sup>38</sup> levatus in regnum, aut Episco-  
pus, aut Abbas vel Comes, seu ulla Potestas ho-  
minum contradixerit huic cartulæ, aut <sup>39</sup> in-  
fringere temptaverit, sciat se sequestratum à  
corpore & sanguine Domini nostri Jesu Christi,  
seu etiam sic excommunicatum, sicut qui non  
habet remissionem neque in hoc sæculo, neque  
in futuro, nisi ante pleniter emendaverit iudicio  
Archiepiscopi. Manente tamen hac cartula <sup>40</sup>  
irrafragibilis sua firmitate muniatur <sup>41</sup> . . . . .  
servetur, & habeatur semper in Ecclesia Salva-  
toris, quæ sita est in Civitate Dorobernia, ubi  
Metropolis habetur ad exemplum atque defen-  
sionem omnibus Ecclesiis Dei <sup>42</sup> . . . . . Hæc  
Lex



Lex inviolabilis permaneat usque ad consummationem seculi, quia nulli hominum terreno data . . . . . sed hæc omnia in manus Dei Omnipotentis Sanctorumq; ejus concedimus & donamus. Ego Wihtredus auxilio Christi Rex his legibus constitutis pro me & Warburga Regina, itemque filio nostro Alrico subscripsi. Ego Brihtwoldus Gratiâ Dei Archiepiscopus his legibus constitutis subscripsi.

A.D. 694.

NUM. II.

**T**HIS MS. is written both in Latin and Saxon, but the Saxon Paragraph is not near so large as the Latin; as may be seen in the Chron. Sax. printed at Oxford from this MS. After the Story was thus inserted into this Copy (for the Rasures and Writing shew that it was not intended to have been at first set down as it now stands, there:) the many Words put in, and again rased out, declare, that the Monks who contrived it, were not yet satisfied with their Own Forgery, but alter'd the parts of it, as it seemed requisite to serve their Designs in it.

One Use which they had to make of it, appears a little after in the same MS. fol. 48. b. Here again they scratched, or rased out, many more Lines of the Text; and instead of what had been before written, inserted this Story of the Council of Cloveshou, which follows:

Dccxlii. Her was mycel sinoth gegaderod at Cloveshou, and thar was Athelbald Myrcna Cing, and Cutbert Arcebisceop, and fela oðre wise Menn.] Hic congregatum est magnum Concilium apud Cloveshou, præsidente Adelbaldo Rege Merciorum, cum Cuthberto Archiepiscopo Cantuariensi, cæterisque Episcopis simul assidentibus diligenter examinantes circa necessaria de statu totius Religionis, & de Simbolo ex antiquis sanctorum Patrum institutionibus tradito, vel qualiter in primordio nascentis Ecclesiæ jubebatur habere, aut ubi honor Cænobiorum secundum normam equitatis servaretur. Hæc & his similia anxie inquirentes, & undique Privilegia antiqua requirentes & recitantes, tandem pervenit ad manus libertas Ecclesiarum, & Institutio vel Præceptum Wihtredi gloriosi Regis de electione Cænobiorum in Regno Cantix; quomodo vel qualiter secundum imperium & electionem Archiepiscopi Cantuariensis fieri stare præcipitur. Ex præcepto itaque Regis Adelbaldi lectum est hoc Privilegium, & hæc Libertas coram omnibus, & placuit cunctis, pariterq; condixerunt nullam aliam tam nobilem, tamque prudenter constitutam invenire potuisse secundum Ecclesiasticam disciplinam. Et hoc annuentes stare, ab omnibus firmare sanxerunt. Ego igitur Adelbaldus Rex Merciorum pro salute animæ meæ, & pro stabilitate Regni mei, necnon ex persona Ædelberhti Regis Cant. seu etiam pro reverentia Cutberhti Archiepiscopi hoc idem munifica mea propria manu subscribo; ut per omnia honor, authoritas, & securitas Christi Ecclesiæ à nulla persona denegetur; necnon omnium Cænobiorum infra Cantiam constitutis tam in libertate secularium servitiis, quamq; etiam in omnibus causis majoribus minoribusve secuta permaneat, sicut Wihtredus Rex pro se suisque constituit servandum & optinendum, ita per omnia irrefragabiliter & immutabiliter usque in finem seculi perdurare præcipimus. Si quis autem Regum successorum nostrorum, seu Episcoporum, vel Principum, hoc salubre decretum infringere temptaverit, reddet rationem Deo Omnipotenti in die tremendo. Si autem Comes, Presbyter, Diaconus, Clericus, aut Monachus, huic institutioni restiterit, sit suo gradu privatus, & à participatione Corporis & Sanguinis separatus, & alienus a Regno Dei, si ante ea satisfactione emendaverit, quod malo superbix inique gessit; quia scriptum est, Quæcunq; ligaveris super terram, erunt ligata & in cælo; & quæcunq; solveris, erunt soluta & in cælo. Ego Adelbaldus Rex divino suffragio fultus, gentis Merciorum imperium regens, signum sanctæ Crucis subscribo. Ego Cutberhtus Archiepiscopus, propria manu subscribo. Cum his etiam quatuordecim Episcopi subscripserunt, & multæ aliæ personæ diversorum ordinum.

A.D. 742.



A. D. 1164.

Goldast. Con-  
stit. Imper.  
Tom. iii. p.  
346, 347.

## NUM. III.

*Consuetudines avitæ de Juribus Regni, contra Cleri Papalis Usurpationes, apud Clarendunam promulgatæ.*

**A**NNO ab incarnatione Domini millesimo centesimo sexagesimo quarto, Papatus Alexandri Anno quarto; illustrissimi Regis Anglorum Henrici secundi Anno decimo, in præsentia ejusdem Regis facta Recordatio & Recognitio cujusdam partis Consuetudinum & Libertatum & Dignitatum Antecessorum suorum, videlicet, Regis Henrici Avi sui, & Aliorum, quæ Observari & Teneri debent in Regno. Et propter dissensiones & discordias quæ emerferant inter Clerum & Justitias Domini Regis, & Barones Regni, de Consuetudinibus & Dignitatibus, facta est ista Recognitio coram Archiepiscopis, & Episcopis, & Clero, & Comitibus, & Baronibus, & Proceribus Regni. Et easdem Consuetudines recognitas per Archiepiscopos, & Episcopos, & Comites, & Barones, & per Nobiliores & Antiquiores Regni.

Thomas Cantuariensis Archiepiscopus: Et  
 Rogerus Eboracensis Archiepiscopus: Et  
 Gileberdus Londoniensis Episcopus: Et  
 Henricus Winctoniensis Episcopus: Et  
 Nigellus Eliensis Episcopus: Et  
 Willermus Norwicensis Episcopus: Et  
 Robertus Lincolinensis Episcopus: Et  
 Hilarius Cicestrensis Episcopus: Et  
 Bartholomeus Oxoniensis Episcopus: Et  
 Robertus Herefordensis Episcopus: Et  
 David Menevensis Episcopus: Et  
 Rogerus Wigornensis Electus:

Concesserunt, & in verbo veritatis vivâ voce firmiter promiserunt tenendas & observandas Domino Regi & Hæredibus suis, bona fide, & absque malo Ingenio; præsentibus istis,

Roberto Comite Lochcestriæ.  
 Reginaldo Comite Cornubiæ.  
 Conano Comite Britannia.  
 Johanne Comite de Haugo.  
 Rogerio Comite de Clare.  
 Comite Gaufredo de Mandeville.  
 Hugone Comite Cestriæ.  
 Willermo Comite de Arundel.  
 Comite Patricio.  
 Willermo Comite de Ferrariis.  
 Ricardo de Leici.  
 Regniale de S. Waterico.  
 Rogerio Bigot.  
 Reginaldo de Warenner.  
 Richerio de Aquila.  
 Willermo de Bransa.  
 Richardo de Canivillâ.  
 Nigello de Monbray.  
 Simone de Bello Caupo.  
 Humfrido de Boun.  
 Mattheo de Herefordia.  
 Waltero de Meduana.  
 Manacer de Biseth Dapifero.  
 Willermo Maleth.  
 Willermo de Curci.

Roberto



Roberto de Dunestavilla.  
Jocelino de Baillolio.  
Willermo Lauvalis.  
Willermo de Laifneto.  
Gaufrido de Veu.  
Willermo de Hastings.  
Hugone de Moravilla.  
Alano de Neuvillis.  
Simone filio Petri.  
Willermo Malevit Camerario.  
Joanne Malevit.  
Joanne Mariscallo.  
Petro de Mara.

A. D. 1164.

Et multis aliis Proceribus & Nobilibus Regni, tam Clericis quam Laicis.

*Sequuntur Capitula numero xvi. p. 348, 349. deinde hac Nota.*

Facta est prædictarum Consuetudinum & Dignitatum Regiarum Recordatio, ab Archiepiscopis, Episcopis, Comitibus, Baronibus & Nobilioribus Terræ, & ab Antiquioribus Regni, apud Clarendoniam quarto die ante Purificationem B. Mariæ, Domino Henrico filio Regis, Patre suo ibidem præsentem.

N U M. IV.

*Claus. vi. fo. m. 2. Dors.*

**R**EX Episcopo Sarum. Mandamus Vobis Rogantes quatenus omni Occasione & Dilatione post-positis, sicut Nos & Honorem nostrum diligitis, sitis ad Nos apud London. die Dominico prox. ante Ascensionem Domini Nobiscum tractaturi de magnis & arduis Negotiis nostris pro Communi Regni nostri Utilitate, <sup>1</sup> Quin super his quæ à Rege Franciæ, per Nuncios nostros, & suos, <sup>2</sup> Quoniam, or Nobis mandata sunt, unde per Dei Gratiam bonum speramus provenire effectum, <sup>3</sup> Quia. Vestrum expedit habere Consilium, & aliorum Magnatum Terræ Nostræ, quos ad diem illum & locum fecimus Convocari. Vos etiam ex parte nostra & vestra Abbates & Priores conventualis, totius Dioceseos vestræ, citari faciatis, ut Concilio prædicto Nobiscum intersint, sicut diligunt Nos, & Communem Regni Utilitatem.

1204.

N U M. V.

*[Ex Libro MS. Collegii Corp. Christi Oxon. Num. 154.]*

**C**Oram vobis, Venerandi Patres, & Episcopi Provinciæ Cantuar. Abbates, Priores, Rectores & Vicarii, pro subsidio à Domino Rege Angliæ petito congregati, Gravamina per Regios Exactores nobis illata ante oculos cordis revolventes, & <sup>1</sup> præteritas Oppressiones de futuris metuentes; eadem <sup>2</sup> Per. Gravamina & Oppressiones, ut ad Regiam Notitiam deveniant imprimis patefacientes in scriptis, subsequenter ad petita, secundum quod Nobis æquum fuerit visum, & juri consonum, intendimus respondere.

1269.

Gravata præteritis temporibus extitit Ecclesia Anglicana, 1°. per xlm. xxxm. xxm. xvm. x<sup>m</sup>. ante tempus Guerræ Domino Regi à Clero collatam. 2°. Per Depredationes tempore Guerræ factas. 3°. Per Dominum Legatum nuper in Anglia. 4°. Intolerabiliter per decimam triennalem Domino Regi concessam tam in Capitibus quam in Membris.



A. D. 1269.

<sup>1</sup> *Ostensa.*<sup>2</sup> *Incrementis.*<sup>3</sup> *Enim.*<sup>4</sup> *Deest aliquid.*<sup>5</sup> *Ideo.*<sup>6</sup> *Quoniam.*<sup>7</sup> *Sententia.*

Gravati sunt etiam tam Archiepiscopi, quam Episcopi, Abbates, & Priores, per hoc, quod eorum Maneria, & cætera eorum temporalia, per Laicos sunt taxata, contra formam Juris Canonici. Constat enim quod aut indebite Maneria Eorum sunt taxata per Laicos; aut indebite Decimæ ab eis sunt exactæ; quia Dominus Papa solummodo de Proventibus & Redditibus Ecclesiasticis, Domino Regi Decimam concessit, & non de Laico tenemento, ut apparet in litera concessionis Sedis Apostolicæ, in literis & aliis <sup>1</sup> *ostensa*: Si vero dicta Maneria inter Proventus & Redditus Ecclesiasticos debeant connumerari, tunc indebite per Laicos sunt taxata; quia Laicis disponendi de Rebus Ecclesiasticis, nulla est attributa facultas. Et alio vero modo Archiepiscopi, Episcopi, Abbates & Priores sunt gravati, quia non solummodo de fructibus Prædiorum & <sup>2</sup> *Incrementis* <sup>2</sup> *nutrimentis* Animalium, & aliis consuetis, Decimas Domino Regi dare sunt compulsi, sed etiam de suis Redditibus annuis, & Perquisitis qualitercunque in Curiis eorundem, & aliis Commoditatibus omnibus, de quibus Dominus Rex, & cæteri Magnates Angliæ Decimas Deo dare non consueverunt.

Gravati sunt Ecclesiarum Rectores & Vicarii intolerabiliter, & modo hactenus inaudito; Ecclesiæ <sup>3</sup> *Enim* etiam eorum quæ taxatæ fuerunt per Episcopum Norwycensem ad X. Marc. (Decima ad tunc Domino Regi pro suo Voto Crucis consimili concessa) modo sunt taxatæ ad xxvi. Marc. & sic supra & infra, secundum Qualitates & Quantitates Ecclesiarum.

Compellebantur etiam pro duobus annis similiter Decimas exsolvere; & quod auditui est horridum, cum Dominus Rex Decimam cum Gratia Sedis Apostolicæ eidem concessam humiliter & devotè, & [cum] Gratiarum Actione secundum Statuta Laterani Concilii deberet recipere, Exactores Regii Gratiam in Ingratitudinem, & in Novum genus Excoriationis convertentes; si Rectores & cæteri Viri Ecclesiastici propter paupertatem, vel alio modo, primo die solutionis pecuniam paratam non habent, dicti Exactores iv. denarios non solum de qualibet Marca quæ fuerat Domino Regi nomine Decimæ de Gratia solvendâ, sed etiam de singulis Marcis ad Rectores & Viros Ecclesiasticos pertinentibus, juxta ultimam taxationem quatuor denarios extorserunt, quod antea sub Nube Dei nunquam fuit auditum, quod aliquis pro Re sua propria pecuniam alii solvere compellaretur, aut usuram; cum unusquisque suæ Rei moderator debeat esse & Arbiter.

Gravantur etiam alio modo per Magistrum Sevitiū qui semper sedens Londoniis, non solum à locis Collegiatis per Angliam, sed etiam à Rectoribus Procuraciones nititur extorquere, quanquam eadem Procuraciones, præterquam in <sup>4</sup> *Deest aliquid* Casu nunquam debeantur, nisi personaliter Visitanti: Minus attendens quam deberet sc. quod numerus Procuracionum, numerum dierum nullatenus debet excedere: Quod si à Rectoribus posset Procuraciones exigere, numerus Procuracionum, numerum dierum in tantum excederet, quod importabilem Thesaurum ab Anglicis extorqueret.

Gravantur etiam per subsidium exhæredatis concessum.

Hæc omnia proponimus, ut per Onera supradicta hiis temporibus deterioris conditionis manifeste Sacerdotium videatur, quam sub Pharaone fuerat, qui Legis divinæ Notitiam non habuit. Ille quidem Omnibus Aliis servitutibus subiectis, Sacerdotes & Possessiones eorum in pristina libertate demisit, & de Publico eis Annonam ministravit. Hiis vero temporibus Regii Exactores tot Onera & Exactiones Ecclesiis & Ecclesiasticis Viris imponunt, ut eis quod Jeremias deplorat competere videatur, Princeps Provinciarum, sc. Sacrosancta Ecclesia, facta est sub Tributo hiis diebus.

Propter prædictas Exactiones & Gravamina, vix sunt aliqui qui habent, multi vero qui non habent, unde sibi et suis necessariis Personis valeant circa Vitæ necessaria subvenire: Et <sup>5</sup> *Ideo* inde à Nobis petito subsidio ad præsens adquiescere non possumus, nec etiam de jure debemus; <sup>6</sup> *Quoniam* quam licet Voluntas nostra, Patres Reverendi, & consensus Clericorum in concedendo concurrant, tamen ne libertatis Ecclesiasticæ violetur immunitas concedendi talia subsidia, Romano Pontifice prius non consulto, Jus Canonicum (ad Cujus Observationem Venerabiles Patres Domini Episcopi specialiter Vos tenemini) Vobis & Nobis adimit facultatem; in quoscunque, qui potestatem habere videntur, Viros Ecclesiasticos ad subsidia conferenda compellentes, Excommunicationis <sup>7</sup> *Sententia* sententiam in Laterano Concilio promulgata.

Et



Et ne Vos Domini Episcopi, vel quisq; alius, præmissis Rationibus prætermis- A. D. 1169.  
 siss, contra Nos aliquid statuatis seu attemptetis, Sedem Apostolicam, *Quisquæ.*  
 in scriptis & ad ..... Sedis Cant. appellamus, Nos & Bona nostra Prote-  
 ctioni Sedis Apostolicæ, & sedis Cant. supponentes.

Appellamus etiam, ut supra, ne nomine Auri Domine Regine, aliquid a  
 Nobis extorquatur.

Dat. & Act. in Capella Novi Templi London. die Lunæ prox. ante  
 Festum S. Lucæ Evang. Anno Domini 1269. in præsentia Dominorum  
 Lincoln. Norwic. Bathon. Exon. Sarum. Wygorn. Hereford. Menev.  
 Coventr. & Offic. Cant.

Procurator' Coventr. Linc. Norwyc. Helyens. Roffens. Cant. London. Cicestr.  
 Winton. Sar. Bathon. Exon. Landav. Menev. Hereford. Wigorn. Ebor.  
 Dunelm. Carl. Abbatum, Priorum, Rectorum, & Vicariorum, earund.  
 Diocesium.

N U M. VI.

A. D. 1270.

**H**enricus Dei Gratiâ, &c. Priori Wigorn. Salutem. Cum nos & Filii no-  
 stri cum cæteris Regni nostri Cruce signatis ad Partes Transmarinas  
 in subsidium Terræ Sanctæ profecturi, & Iter nostrum in Crastino Instantis  
 Festi S. Jo. Baptist. arrepturi simus, & instante tam brevi termino Passagii no-  
 stri necesse habeamus cum omni maturitate providere de Pecuniâ & aliis ad  
 hoc Necessariis, & etiam de Pace & Securitate Regni nostri post Recessum  
 nostrum; Propter quod Vobis nuper mandavimus, quod ad Nos in Quindenâ  
 Paschæ prox. præterit. . . . ad quem diem Venerabilis Pater W. Ebor. Ar-  
 chiepiscopus, & Episcopi, & Prælati Regni nostri ad Mandatum nostrum ve-  
 nerunt pro Negotiis prædictis; & Nos pro nostris & Regni nostri Negotiis  
 arduis, de quibus cum præfatis Archiepiscopo & Episcopis, ac aliis Prælati-  
 & Magnatibus ejusdem Regni nostri tunc Tractatum habuimus specialem, de  
 Tractatu Vobiscum habend. Superfœdimus ad præsens, propter quod Vos a  
 Curia nostrâ sine Colloquio Nobiscum habito recessistis; Ac nos postmodum  
 hujusmodi Negotiis nostris arduis expeditis, prædictos Archiepiscopum & E-  
 piscopos rogavimus, ut ipsi Vicesimam Bonorum & Catallorum suorum, &  
 Villanorum suorum, Nobis concederent in subsidium Terræ prædictæ, qui Vi-  
 cesimam illam nobis sui Gratiâ liberaliter concesserunt: Nos perpendentes  
 quod Passagium nostrum prædictum, si Parliamentum, vel Tractatum aliquem  
 Vobiscum super hoc haberemus posset de facili impediri, & attendentes quod ex  
 quo Episcopi prædicti querelam Christianæ Gentis Terram Sanctam inhabi-  
 tantis Nobis delatam intuentes, nobis Curialitatem prædictam concesserint, ut  
 prædictum est, Vos, qui precibus Regiis hucusque amicabiliter annuistis, Vi-  
 cesimam hujusmodi in subsidium Terræ prædictæ velle nobis concedere libe-  
 raliter & benignè; Vos affectuosè requirimus & rogamus quatenus prædictam  
 Vicesimam Bonorum vestrorum, & Villanorum vestrorum, nobis pari Curia-  
 litate concedentes, Taxatores & Collectores nostros dictæ Vicesimæ, Bona ve-  
 stra, & Villanorum vestrorum Taxare, & hujusmodi Vicesimam Colligere,  
 permittatis, sicut Vicesima alibi Taxatur, & Colligitur, in Regno nostro; Ita  
 quod Vicesimam Vos & Villanos vestros contingentem citra dictum tempus Pas-  
 sagii nostri Modis omnibus habeamus, nobiscum deferendam ad Prædictam  
 Terram: Et hoc sicut Nos, & Honorem nostrum, & Negotium Crucis dili-  
 gitis, & sicut de Vobis confidimus, nullo modo omittatis. Mandavimus enim  
 Collectoribus & Taxatoribus nostris prædictis, quod Bona vestra & Villanorum  
 vestrorum Taxari, & Vicesimam inde Levare & Colligi faciant Manu-forti sibi  
 per nos traditâ & injunctâ. Teste Meipso apud Westm. xii<sup>o</sup> die Maij, Anno  
 Regni nostri 54<sup>o</sup>.

E Registro W.  
 Giffard. Ebor.  
 Arch. fol.  
 Lxxiv. a.

Litera consimilis ferè per Omnia mandatur Vicecom. Wigorn. Et quod si ne-  
 cesse fuerit ipsam Vicesimam levare faciat in Manu-forti.



## N U M. VII.

A. D. 1270.  
 Regist. Gif-  
 fard. Episc.  
 Wigorn. fol.  
 xxx.

**R**EX Episcopo, &c. Salutem. Licet negotium Crucifixi Omnibus & Singulis Christi Fidelibus debeat præ Omnibus esse Cordi; Illis tamen specialius & promptius, qui ad hoc ex professionis suæ debito, & possessionum suarum Titulo, sunt astricti. Cum igitur Bona virorum Religiosorum piis Usibus, & Charitatis Operibus specialiter sint ascripta, meritò tenentur Abbates, Priores, & cæteri Viri Religiosi, partem Bonorum suorum in subsidium Terræ Sanctæ, Exemplo & Imitatione Vestri, libenter & liberaliter largiri. Quocirca Paterinitatem vestram duximus cum Instantiâ requirendam, quatenus Abbates, Priores, & cæteros Viros Religiosos vestræ Dioceseos ad Vigessimam Proventuum ac Bonorum suorum Nobis in dictæ Terræ subsidium tribuendam efficaciter inducat. Ex quo enim Vos qui Majores estis, & eisdem specialiter præsidetis, Vobis ipsis non parcitis, in hac parte; multo fortius nec eis credimus esse parcendum, maxime in tanto Dei & Ecclesiæ Negotio, quod nostris Humeris tam urgenter incumbit. Teste apud Westm. xiv. Maii Anno Regni 54º.

## N U M. VIII.

1271.  
 Regist. VV.  
 Giffard. Ebor.  
 Arch. fol.  
 xcvi. a.

**W** Permiss. &c. E Burnel Archidiacono Eborum, Salutem. Viarum discrimina, & Occupationes nostras multiplices in diversis intelligere bene poteritis hiis diebus. Ideoque cum fiducia Vos rogamus, quatenus in Festo S. Edwardi, & in Parlamento sequente, Nos, sicut melius & honestius poteritis, excusetis; Quia post Pasch. absentiam nostram præsentem ibidem supplebimus, Deo dante. De negotiis quidem Domini nostri, & vestri, sicut decet solliciti, pro Vicesimâ Dominicorum nostrorum & Villanorum, licet cum difficultate, levare fecimus Centum Marcas, & Ebor. deponi, ita quod quodocunque mandaveritis, sicut decuerit, literas nostras pro eisdem liberandis sine moræ dispendio faciemus. Debetis item intelligere, quòd ad inducend. Abbates, Priores, & alios Religiosos, necnon Clerum nostræ Diocesis. ut consentirent in contributionem Vicesimæ in subsidium Domini nostri prædicti, non solum alias, sed & in proximâ Synodo nostrâ Testibus Dominis E. Extraneo, & Th. de Boulton diligentiam quam potuimus fecimus adhiberi. Unde fuit Responsum finaliter, quòd Clerum sequerentur Cant. Provinciæ, eo quòd nostrâ longe major existit: Et audito quòd ipse in subsidio faciendo consentiat, nostrates benignè facient quod providerint faciendum. Idcirco vos requirimus quatenus nobis scribatis quid sit factum communiter in Provinciâ memoratâ, & quid per nos velletis fieri in hac parte. Nos enim parati sumus, ut decet, ad omne quod possumus Consilium & Juvamen; set nolumus quòd Nobis, sicut hætenus, detrahatur, ac si essemus impeditores Negotii supradicti. Ista litera emanavit sub dat. Nottingham viº. Kal. Jan. Pont. Domini Archiepiscopi Anno quinto.

## N U M. IX.

1272.

*Responsio Archiepiscopi Cant. & Suffraganeorum ejus, super præstatione Decimæ Domino EDWARDO faciendæ.*

Regist. Gif-  
 fard. Episc.  
 Wigorn. fol.  
 xxxvi, xxxvii,  
 xxxix.

**U**Nniversis præsentis literas inspecturis R. Dei Gratiâ Cant. electus, salutem in Domino. Literis exhortatoriis ex parte SS. Patris Domini Gregorii Papæ, per Viros venerabiles Magistros Reymund. de Nogeris Domini Papæ Capellanum, & Petrum de Auxonâ Sedis Apostolicæ Nuntios, Nobis exhibitis, & quantâ possumus devotione receptis, relatione etiam ipsorum Nuntiorum diligenter intellectâ super subventionem Sereniss. Domino Edwardo, nunc Regi Angliæ illustri, & Domino Edmundo Germano Regis ejusdem, de Bonis Ecclesiasticis Regni Angliæ faciendâ, Venerabiles Fratres Suffraganeos Ecclesiæ nostræ Winton. Exon. Coventr. Eli. Lincoln. Bathon. Wigorn. Northw. Landav. A-saph. & Menevens. Episcopos pro dicto negotio curavimus congregare. Habitâ itaque



itaque cum ipsis deliberatione super hoc diligenti, in hoc nostra resedit deliberatio, quod Nos, & omnes Fratres nostri prædicti volumus, & quantum in Nobis est consentimus, quod duorum Annorum Decima, secundum Taxationem quandam Northwic. Episcopi & Collegarum suorum, de Proventibus Regni Angliæ pro subventionem hujusmodi habeatur & colligatur; Et fiat in hiis & aliis Domini Papæ beneplacitum & voluntas. Est etiam Intentionis & Voluntatis nostræ, & dictorum Suffraganeorum, Inferiores Prælatos & Subditos nostros, pro Possesse nostro, si necesse fuerit, inducere ad subventionem hujusmodi faciendam. In cujus Rei Testimonium, de Consensu & Voluntate dictorum Suffraganeorum, pro Nobis, & ipsis, Sigillum nostrum præsentibus duximus apponendum. Act. & Dat. Londin. die Jovis xix. mensis Januarii Anno Dom. 1272.

A. D. 1272.

N U M. X.

1272.

**R**everendo in Christo Patri Godefrido, Dei Gratiâ Wigorn. Episcopo, Reymundus de Nogeris Dom. Papæ Capellanus, & Petrus de Auxonâ Ecclesiæ B. Martini Turon. Canonicus, sedis Apostolicæ Nuntii, in salutis Auctore salutem. Literas SS. Patris Dom. nostri Gregorii Papæ nos recepisse noveritis in hac formâ. Gregorius Episcopus Servus Servorum Dei, dilectis Filiis Magistris, Reymundo de Nogeris Capellano nostro, & Petro de Auxonâ Ecclesiæ B. Martini Turon. Canonico, salutem, & Apostolicam Benedictionem. Labores, discrimina, & gravia onera Expensarum, quæ dilecti Filii Nobiles Viri, Edwardus Primogenitus, & Eadmundus natus Karissimi in Christo Filii nostri Regis Angliæ illustris, personaliter in Partibus Transmarinis Crucifixi prosequendo Negotium, subierint, pio pensantes Affectu, Venerabiles Fratres nostros Archiepiscopos & Episcopos, ac dilectos Filios Abbates, cæterosque Prælatos Regni Angliæ, super subventionem faciendâ ipsis Nobilibus de Redditibus Ecclesiasticis per nostras sub certâ formâ Literas, de Fratrum nostrorum consilio, duximus requirendos; ad sollicitandos & monendos Prælatos eosdem, & sub certâ formâ tam Ipsos quam Alios in eodem Regno Redditus Ecclesiasticos obtinentes etiam Compellendos, Vobis dantes per Alias varias nostras Literas potestatem. Ideoque discretionis vestræ præsentium tenore mandamus, quatenus si memoratos Archiepiscopos & Episcopos, vel majorem partem Ipsorum, in Concessione subventionis hujusmodi contigerit consentire, Vos, vel Alter vestrum, Decimam Omnium Ecclesiasticorum Reddituum, Proventuum, & Obventionum Regni ejusdem, duorum Annorum, ad quoscunque ( Templariis, Hospitalariis Cisterciens. duntaxat exceptis ) quoquo modo pertineant, ut ex eâ subveniatur eisdem Nobilibus, usque ad Quantitatem, & pro Portionibus quas duxerimus exprimendas auctoritate Apostolicâ deputantes Decimam ipsam sollicitè ac fideliter colligi faciatis, Omnia quæ de hujusmodi Decima provenire contigerit apud novum Templum London. vel alibi, prout expedire videritis, nostræ, & Ecclesiæ Romanæ nomine, donec Quantitatem & Portiones prædictas expresserimus, sub Authenticæ Scripturæ Testimonio deponentes, Scripturi nobis Quantitatem Pecuniæ quam, & apud Quos, eam duxeritis deponendam; Contradictores Auctoritate nostrâ, sublato Appellationis obstaculo compescendo; Non obstante si aliquibus Archiepiscopis, Episcopis, Abbatibus, vel Quibuscunq; Aliis cujusvis dignitatis vel conditionis existant à Sede Apostolicâ sit indultum, quod Excommunicari, Suspendi, aut Interdici nequeant per literas Sedis ipsius non facientes plenam & expressam de Indulto hujusmodi mentionem. Dat. apud Urbem veterem Non Octobr. Pontific. nostri Anno 1<sup>o</sup>. Cum igitur major pars Prælatorum Regni Angliæ, Archiepiscoporum videlicet, & Episcoporum consenserint, quod de Decima duorum Annorum juxta Taxationem Norwyc. quondam Episcopi, & Collegarum suorum, subveniatur sereno Domino Edwardo nunc Regi Angliæ illustri, & Domino Eadmundo Germano Regis ejusdem, Nos Decimam Omnium Ecclesiasticorum Reddituum, Proventuum, & Obventionum Regni ejusdem duorum Annorum ad quoscunque ( Templar. Hospitalar. & Cisterciens. duntaxat exceptis ) quoquo modo pertineant, ut ex eâ subveniatur eidem Domino Regi, & ejus Germano, juxta Mandatum Apostolicum deputantes, in Virtute Obedientiæ quâ Sedi Apostolicæ tenemini, Paternitati vestræ Eadem Auctoritate mandamus, quatenus Ab-

Ibid. fol.

xxxvii.

xxxviii.



best Accounts that have been given by our Church-Historians of their Proceedings) from thenceforth never entred upon any Debates, in order to Make any Canons or Constitutions, without the Prince's Assent first had, and declared to them, to Warrant them in their Proceedings; may suffice to shew what our Law in this Case is; I may then adventure, with some degree of Assurance, to Conclude, That the Bishops and Clergy must not only be ASSEMBLED in Convocation by the Authority of the Queen's Writ; but being Come together there, must have Her Majesty's Assent and LICENSE before they can warrantably ENACT any Ecclesiastical Canons, or Constitutions; Or, without incurring the Penalty of the Statute in that Case, ATTEMPT to MAKE them; Or ALLEDGE, CLAIM, or PUT IN URE any Power of their Own to that Purpose.

## F I N I S.



# APPENDIX.

## NUM. I.

**S**OME Words in the MS. being scratch'd out to make room for what follows, this Story is written on the Margin, as well as in the Lines, after these Words—Withredus quoque suscepit Regnum Cantia, & rexit 33 Annis.—

Statim autem cum potitus est Regno, præcepit congregari magnum Concilium in loco ubi nominatur Baccancelde, Præsidente eodem Concilio Wihredo Clementissimo Rege Cantuariorum, necnon Brihtwaldo Reverentissimo Archiepiscopo & Patre, & Primate totius Britannia, simulque Tobia Episcopo Hrofsensis Ecclesie, cum cæteris<sup>1</sup> Abbatibus, Abbatissis, Presbyteris, Diaconibus, Ducibus, Satrapis, in unum glomeratis, pariter tractantes de statu Ecclesiarum Dei, vel Monasteriorum intra Cantiam<sup>2</sup>, quæ à fidelibus Regibus Prædecessoribus<sup>3</sup> meis & Propinquis, Æthelberhto, posterisque ejus, Deo Omnipotenti in propriam hæreditatem condonata fuerunt, quomodo vel qualiter secundum normam æquitatis stare valeant, quidve servare oporteat, à modo & usque ad finem seculi<sup>4</sup> constituentes. Ego<sup>5</sup> Wihstredus Rex terrenus, à Rege Regum compunctus, zelo rectitudinis accensus, ex antiqua traditione Sanctorum Patrum, & mandatis, didici non esse licitum alicui homini ex laico habitu sibi ipsi usurpare, vel ad se trahere, quasi suam propriam possessionem, quod ante fuerat Domino concessum, & Cruce Christi firmatum atque dedicatum<sup>6</sup>. . . . . Scimus<sup>7</sup> & veraciter extat<sup>8</sup>. . . . . quod semel acceperit homo de manu alterius in propriam potestatem, nullatenus sine Ira & Ultione illud iterum dimittet<sup>9</sup> impunitus. Ideo<sup>10</sup> horrendum est hominibus expoliare Deum vivum, & scindere tunicam ejus & hæreditatem<sup>11</sup>. . . . . fuerit de terrenis substantiis ad hoc ut facilius promereri valeant æternam retributionem percipere in Coelis, manifeste declaratur, quod quanto incautius applicuerit se homo secularis in hæreditatem Regis æterni, tanto districtius ab eodem Deo inextinguibili igni punietur. Pro hac re firmiter . . . . . decernimus, & in nomine Omnipotentis Dei omniumq; Sanctorum præcipimus omnibus successoribus nostris Regibus, Principibus, & omnibus qui in Habitu Laico constituti sunt, ut nullus unquam habeat licentiam accipere alicujus Ecclesie, id est, Familie Monasteriorum Dominium, quæ à me, vel ab antecessoribus meis priscis temporibus tradita erant in perpetuam hæreditatem

A. D. 694.  
Chron. Sax.  
MS. in Bibl.  
Cotton. DO-  
MITIANUS.  
A. 8. fol. 46.  
In the Mar-  
gin of the  
MS. is this  
Note of a la-  
ter Hand. Vi-  
de hic de Li-  
bertate Eccle-  
sæ.

<sup>1</sup> Here the Word Episcopis is interlined.

<sup>2</sup> Here, these words are added, & de his.

<sup>3</sup> Here the word ejus is put instead of meis.

<sup>4</sup> This word is alter'd from what was at first written.

<sup>5</sup> Here the word inquit is interlined.

<sup>6</sup> The word nam seems to have been scratcht out.

<sup>7</sup> Upon the word & is written enim.

<sup>8</sup> Here quia is almost scratcht out.

<sup>9</sup> The word was at first otherwise written.

<sup>10</sup> The words, que dico, are interlined.

<sup>11</sup> These words, Cum autem Deo oblatum aliquid, are almost scratcht out, but the last Syllable is interlined.



A. D. 694. <sup>12</sup> Tho' many words were here scratched out, yet the vestigia of some may be discerned, as Sanctis . . . tri . . . sanct . . . rie Virgin . . . Mart . . .

<sup>13</sup> The word hoc is interlined.

<sup>14</sup> A Line is scratched out.

<sup>15</sup> Ser, perhaps, for Servorum is interlined.

<sup>16</sup> Episcopus vel is interlined.

<sup>17</sup> The word illo is here interlined.

<sup>18</sup> Vel eo is here interlined.

<sup>19</sup> The word autem is interlined here.

<sup>20</sup> The word Episcopos is interlined here.

<sup>21, 22</sup> The word Et is rased out in both places.

<sup>23</sup> Scilicet is interlined.

<sup>24</sup> Ab is interlined.

<sup>25</sup> These words are rased out, Hoc præceptum statuimus his Monasteriis quorum nomina.

<sup>26</sup> More rased out, tho' one may yet perceive these Annotata . . . Primum . . . Apostolorum.

<sup>27</sup> The word Petri rased out.

<sup>28</sup> Sancti Augustini . . . . .

<sup>29</sup> Here was written mynster in T (enet) but afterwards these words were interlined, in insula quæ vocatur.

<sup>30</sup> Limenag . . . . .

<sup>31</sup> This rased out, æc omnia inter di.

<sup>32</sup> These words may be yet read, ad se pertrahat, vel suscipiat.

<sup>33</sup> Prælationem interlined.

<sup>34</sup> Some words rased out, instead of which are written, In primis Ecclesiæ Christi quæ est in Dorobernia.

<sup>35</sup> Somewhat rased out.

<sup>36</sup> Somewhat wanting.

<sup>37</sup> Somewhat wanting.

<sup>38</sup> The word unquam interlined.

<sup>39</sup> Eam interlined.

<sup>40</sup> Quæ interlined.

<sup>41</sup> Et rased out.

<sup>42</sup> Quæ in Cantia habentur rased out.

Jesu Christo & <sup>12</sup> . . . . . fed magis sicut decet, & in Canonibus præcipitur <sup>13</sup>, servandum est, quando <sup>14</sup> evenerit, ut ex numero <sup>15</sup> Dominorum migret de sæculo, <sup>16</sup> Abbas, vel Abbatisa, invitetur Archiepiscopus propriæ Parochiæ, & cum ejus consilio & consensu quisquis dignus invenitur, ejus vita atque munditia ab <sup>17</sup> Archiepiscopo examinetur, talisq; eligatur, & ab <sup>18</sup> Archiepiscopo benedicatur, & nullo modo sine consensu, & consultu, & licentiâ ejus, Abbas vel Abbatisa eligatur; si quis per insipientiam aliter fecerit, pro nichilo habeatur, citiusque abjiciatur. Neque de hac re aliquid pertinet ad Regis secularis imperium, quia illius personæ est Principes, Præfectos, seu Judices seculares statuere, Metropolitan <sup>19</sup> Archiepiscopi est Ecclesias Dei regere, gubernare, atque <sup>20</sup> Abbates, Abbatisas, Presbyteros, Diacones eligere, statuere <sup>21</sup> . . . sanctificare, firmare <sup>22</sup> . . . admonere, ne quis de ovili Christi <sup>23</sup> æterni Pastoris <sup>24</sup> erret. <sup>25</sup> . . . . . hic sunt <sup>26</sup> . . . . . Principis <sup>27</sup> . . . id est, Upmynster, aliter <sup>28</sup> . . . . . Raculf. Suth. <sup>29</sup> . . . . . enet, Dofras, Folcanstan <sup>30</sup>, . . . . . Scapeag, & Hoa. H. <sup>31</sup> . . . . . ximus sicut ante . . . . . <sup>32</sup> . . . . . ullius Monasterii <sup>33</sup> de his prænominatis. Hæc lex supradicta per ævum completa permaneat <sup>34</sup> . . . . . Ecclesiæ cum omnibus agris ad eam pertinentibus, similiter Hrophensi Ecclesiæ cum suis cæterisq; prædictis omnibus Ecclesiis Dei nostri <sup>35</sup> . . . . . pro salute animæ meæ, meorumque Prædecessorum, pro spe cœlestis Regni; & ex hac die & dehinc <sup>36</sup> . . . . . concedimus & donamus ab omnibus difficultatibus secularis servitutis, à Pastu Regis, Principum, Comitum, necnon ab operibus majoribus, minoribusve gravitatibus, & ab omni debito, vel pulsione regalium Tributorum <sup>37</sup> . . . . . liberas eas esse perpetua libertate statuimus, nisi sua spontanea voluntate ex largitate beneficiorum quid facere velint; tamen hoc in posterum non servetur, nec habeatur in malam consuetudinem, sed magis securæ sint, ut possint pro nobis Deo Omnipotenti hostias dignas offerre, & immaculatis muneribus nostra ablueri peccata. Si quis autem Rex post nos <sup>38</sup> levatus in regnum, aut Episcopus, aut Abbas vel Comes, seu ulla Potestas hominum contradixerit huic cartulæ, aut <sup>39</sup> infringere temptaverit, sciat se sequestratum à corpore & sanguine Domini nostri Jesu Christi, seu etiam sic excommunicatum, sicut qui non habet remissionem neque in hoc sæculo, neque in futuro, nisi ante pleniter emendaverit iudicio Archiepiscopi. Manente tamen hac cartula <sup>40</sup> irrafragibilis sua firmitate muniatur <sup>41</sup> . . . . . fervetur, & habeatur semper in Ecclesia Salvatoris, quæ sita est in Civitate Dorobernia, ubi Metropolis habetur ad exemplum atque defensionem omnibus Ecclesiis Dei <sup>42</sup> . . . . . Hæc Lex



Lex inviolabilis permaneat usque ad consummationem seculi, quia nulli hominum terreno data . . . . . fed hæc omnia in manus Dei Omnipotentis Sanctorumq; ejus concedimus & donamus. Ego Wihtredus auxilio Christi Rex his legibus constitutis pro me & Warburga Regina, itemque filio nostro Alrico subscripsi. Ego Brihtwoldus Gratiâ Dei Archiepiscopus his legibus constitutis subscripsi.

A. D. 694.

## N U M. II.

**T**HIS MS. is written both in Latin and Saxon, but the Saxon Paragraph is not near so large as the Latin; as may be seen in the Chron. Sax. printed at Oxford from this MS. After the Story was thus inserted into this Copy (for the Rasures and Writing shew that it was not intended to have been at first set down as it now stands, there:) the many Words put in, and again rased out, declare, that the Monks who contrived it, were not yet satisfied with their Own Forgery, but alter'd the parts of it, as it seemed requisite to serve their Designs in it.

One Use which they had to make of it, appears a little after in the same MS. fol. 48. b. Here again they scratched, or rased out, many more Lines of the Text; and instead of what had been before written, inserted this Story of the Council of Cloveshou, which follows:

Dccxlii. Her was mycel sinoth gegaderod at Cloveshou, and thar was Athelbald Myrcna Cing, and Cutbert Archebiscop, and fela othre wise Menn.] Hic congregatum est magnum Concilium apud Cloveshou, præsidente Adelbaldo Rege Merciorum, cum Cuthberto Archiepiscopo Cantuariensi, cæterisque Episcopis simul assidentibus diligenter examinantes circa necessaria de statu totius Religionis, & de Simbolo ex antiquis sanctorum Patrum institutionibus tradito, vel qualiter in primordio nascentis Ecclesiæ jubebatur habere, aut ubi honor Cænobiorum secundum normam equitatis servaretur. Hæc & his similia anxie inquirentes, & undique Privilegia antiqua requirentes & recitantes, tandem pervenit ad manus libertas Ecclesiarum, & Institutio vel Præceptum Wihtredi gloriosi Regis de electione Cænobiorum in Regno Cantia; quomodo vel qualiter secundum imperium & electionem Archiepiscopi Cantuariensis fieri stare præcipitur. Ex præcepto itaque Regis Adelbaldi lectum est hoc Privilegium, & hæc Libertas coram omnibus, & placuit cunctis, pariterq; condixerunt nullam aliam tam nobilem, tamque prudenter constitutam invenire potuisse secundum Ecclesiasticam disciplinam. Et hoc annuentes stare, ab omnibus firmare sanxerunt. Ego igitur Adelbaldus Rex Merciorum pro salute animæ meæ, & pro stabilitate Regni mei, necnon ex persona Ædelberhti Regis Cant. seu etiam pro reverentia Cutberhti Archiepiscopi hoc idem munifica mea propria manu subscribo; ut per omnia honor, autoritas, & securitas Christi Ecclesiæ à nulla persona denegetur; necnon omnium Cænobiorum infra Cantiam constitutis tam in libertate secularium servitiis, quamq; etiam in omnibus causis majoribus minoribusve secunda permaneat, sicut Wihtredus Rex pro se suisque constituit servandum & optinendum, ita per omnia irrefragabiliter & immutabiliter usque in finem seculi perdurare præcipimus. Si quis autem Regum successorum nostrorum, seu Episcoporum, vel Principum, hoc salubre decretum infringere temptaverit, reddet rationem Deo Omnipotenti in die tremendo. Si autem Comes, Presbyter, Diaconus, Clericus, aut Monachus, huic institutioni resisterit, sit suo gradu privatus, & à participatione Corporis & Sanguinis separatus, & alienus a Regno Dei, si ante ea satisfactione emendaverit, quod malo superbiæ iniquè gessit; quia scriptum est, Quæcunq; ligaveris super terram, erunt ligata & in cælo; & quæcunq; solveris, erunt soluta & in cælo. Ego Adelbaldus Rex divino suffragio fultus, gentis Merciorum imperium regens, signum sanctæ Crucis subscribo. Ego Cutberhtus Archiepiscopus, propria manu subscribo. Cum his etiam quatuordecim Episcopi subscripserunt, & multæ aliæ personæ diversorum ordinum.

A. D. 742.



A. D. 1164.

Goldast. Con-  
stit. Imper.  
Tom. iii. p.  
346, 347.

NUM. III.

*Consuetudines avitæ de Juribus Regni, contra Cleri Papalis Usurpationes, apud Clarendunam promulgatæ.*

**A**NNO ab incarnatione Domini millesimo centesimo sexagesimo quarto, Papatus Alexandri Anno quarto; illustrissimi Regis Anglorum Henrici secundi Anno decimo, in præsentia ejusdem Regis facta Recordatio & Recognitio cujusdam partis Consuetudinum & Libertatum & Dignitatum Antecessorum suorum, videlicet, Regis Henrici Avi sui, & Aliorum, quæ Observari & Teneri debent in Regno. Et propter dissensiones & discordias quæ emerferant inter Clerum & Justitias Domini Regis, & Barones Regni, de Consuetudinibus & Dignitatibus, facta est ista Recognitio coram Archiepiscopis, & Episcopis, & Clero, & Comitibus, & Baronibus, & Proceribus Regni. Et easdem Consuetudines recognitas per Archiepiscopos, & Episcopos, & Comites, & Barones, & per Nobiliores & Antiquiores Regni.

Thomas Cantuariensis Archiepiscopus: Et  
 Rogerus Eboracensis Archiepiscopus: Et  
 Gileberdus Londoniensis Episcopus: Et  
 Henricus Wintoniensis Episcopus: Et  
 Nigellus Eliensis Episcopus: Et  
 Willermus Norwicensis Episcopus: Et  
 Robertus Lincolinensis Episcopus: Et  
 Hilarius Cicestrensis Episcopus: Et  
 Bartholomeus Oxoniensis Episcopus: Et  
 Robertus Herefordensis Episcopus: Et  
 David Menevensis Episcopus: Et  
 Rogerus Wigornensis Electus:

Concesserunt, & in verbo veritatis vivâ voce firmiter promiserunt tenendas & observandas Domino Regi & Hæredibus suis, bona fide, & absque malo Ingenio; præsentibus istis,

Roberto Comite Lochcestriæ.  
 Reginaldo Comite Cornubiæ.  
 Conano Comite Britannia.  
 Johanne Comite de Haugo.  
 Rogerio Comite de Clare.  
 Comite Gaufredo de Mandeville.  
 Hugone Comite Cestriæ.  
 Willermo Comite de Arundel.  
 Comite Patricio.  
 Willermo Comite de Ferrariis.  
 Ricardo de Leici.  
 Regniale de S. Walerico.  
 Rogerio Bigot.  
 Reginaldo de Warenner.  
 Richerio de Aquila.  
 Willermo de Bransa.  
 Richardo de Canivilla.  
 Nigello de Monbray.  
 Simone de Bello Caupo.  
 Humfrido de Boun.  
 Mattheo de Herefordia.  
 Waltero de Meduana.  
 Manacer de Biseth Dapifero.  
 Willermo Maleth.  
 Willermo de Curci.

Roberto



A. D. 1164.

Roberto de Dunestavilla.  
Jocelino de Baillolio.  
Willermo Lauvalis.  
Willermo de Laifneto.  
Gaufrido de Veu.  
Willermo de Hastings.  
Hugone de Moravilla.  
Alano de Neuvillis.  
Simone filio Petri.  
Willermo Malevit Camerario.  
Joanne Malevit.  
Joanne Mariscallo.  
Petro de Mara.

Et multis aliis Proceribus & Nobilibus Regni, tam Clericis quam Laicis.

*Sequuntur Capitula numero xvi. p. 348, 349. deinde hac Nota.*

Facta est prædictarum Consuetudinum & Dignitatum Regiarum Recordatio, ab Archiepiscopis, Episcopis, Comitibus, Baronibus & Nobilioribus Terræ, & ab Antiquioribus Regni, apud Clarendoniam quarto die ante Purificationem B. Mariæ, Domino Henrico filio Regis, Patre suo ibidem præfente.

N U M. IV.

*Claus. vi. Jo. m. 2. Dorf.*

**R**EX Episcopo Sarum. Mandamus Vobis Rogantes quatenus omni Occasione & Dilatione post-positis, sicut Nos & Honorem nostrum diligitis, sitis ad Nos apud London. die Dominico prox. ante Ascensionem Domini Nobiscum tractaturi de magnis & arduis Negotiis nostris pro Communi Regni nostri Utilitate, <sup>1</sup> Quin super his quæ à Rege Franciæ, per Nuncios nostros, & suos, <sup>2</sup> Quoniam, or Nobis mandata sunt, unde per Dei Gratiam bonum speramus provenire effectum, <sup>3</sup> Quia. Vestrum expedit habere Consilium, & aliorum Magnatum Terræ Nostræ, quos ad diem illum & locum fecimus Convocari. Vos etiam ex parte nostra & vestra Abbates & Priores conventualis, totius Dioceseos vestræ, citari faciatis, ut Concilio prædicto Nobiscum intersint, sicut diligunt Nos, & Communem Regni Utilitatem.

N U M. V.

[*Ex Libro MS. Collegii Corp. Christi Oxon. Num. 154.*]

**C**Oram vobis, Venerandi Patres, & Episcopi Provinciæ Cantuar. Abbates, Priores, Rectores & Vicarii, pro subsidio à Domino Rege Angliæ petito congregati, Gravamina per Regios Exactores nobis illata ante oculos cordis revolventes, & <sup>2</sup> præteritas Oppressiones de futuris metuentes; eadem <sup>1</sup> Per. Gravamina & Oppressiones, ut ad Regiam Notitiam deveniant imprimis patefacientes in scriptis, subsequenter ad petita, secundum quod Nobis æquum fuerit visum, & juri consonum, intendimus respondere.

Gravata præteritis temporibus extitit Ecclesia Anglicana, 1°. per xl<sup>m</sup>. xxx<sup>m</sup>. xx<sup>m</sup>. xv<sup>m</sup>. x<sup>m</sup>. ante tempus Guerræ Domino Regi à Clero collatam. 2°. Per Depredationes tempore Guerræ factas. 3°. Per Dominum Legatum nuper in Anglia. 4°. Intolerabiliter per decimam triennalem Domino Regi concessam tam in Capitibus quam in Membris.

Gravati



A. D. 1269.

<sup>1</sup> *Ostenſa.*<sup>2</sup> *Incrementis.*<sup>3</sup> *Enim.*<sup>4</sup> *Deest aliquid.*<sup>5</sup> *Ideo.*<sup>6</sup> *Quoniam.*<sup>7</sup> *Sententia.*

Gravati sunt etiam tam Archiepiscopi, quam Episcopi, Abbates, & Priores, per hoc, quod eorum Maneria, & cætera eorum temporalia, per Laicos sunt taxata, contra formam Juris Canonici. Constat enim quod aut indebite Maneria Eorum sunt taxata per Laicos; aut indebite Decimæ ab eis sunt exactæ; quia Dominus Papa solummodo de Proventibus & Redditibus Ecclesiasticis, Domino Regi Decimam concessit, & non de Laico tenemento, ut apparet in litera concessionis Sedis Apostolicæ, in literis & aliis <sup>1</sup> *offensa*: Si vero dicta Maneria inter Proventus & Redditus Ecclesiasticos debeant connumerari, tunc indebite per Laicos sunt taxata; quia Laicis disponendi de Rebus Ecclesiasticis nulla est attributa facultas. Et alio vero modo Archiepiscopi, Episcopi, Abbates & Priores sunt gravati, quia non solummodo de fructibus Prædiorum & <sup>2</sup> *nutrimentis* Animalium, & aliis consuetis, Decimas Domino Regi dare sunt compulsi, sed etiam de suis Redditibus annuis, & Perquisitis qualitercunque in Curiis eorundem, & aliis Commoditatibus omnibus, de quibus Dominus Rex, & cæteri Magnates Angliæ Decimas Deo dare non consueverunt.

Gravati sunt Ecclesiarum Rectores & Vicarii intolerabiliter, & modo hætenus inaudito; Ecclesiæ <sup>3</sup> *enim* etiam eorum quæ taxatæ fuerunt per Episcopum Norwycensem ad X. Marc. (Decima ad tunc Domino Regi pro suo Voto Crucis consimili concessa) modo sunt taxatæ ad xxvi. Marc. & sic supra & infra, secundum Qualitates & Quantitates Ecclesiarum.

Compellebantur etiam pro duobus annis similiter Decimas exsolvere; & quod auditui est horridum, cum Dominus Rex Decimam cum Gratia Sedis Apostolicæ eidem concessam humiliter & devotè, & [cum] Gratiarum Actione secundum Statuta Laterani Concilii deberet recipere, Exactores Regii Gratiam in Ingratitudinem, & in Novum genus Excoriationis convertentes; si Rectores & cæteri Viri Ecclesiastici propter paupertatem, vel alio modo, primo die solutionis pecuniam paratam non habent, dicti Exactores iv. denarios non solum de qualibet Marca quæ fuerat Domino Regi nomine Decimæ de Gratia solvendâ, sed etiam de singulis Marcis ad Rectores & Viros Ecclesiasticos pertinentibus, juxta ultimam taxationem quatuor denarios extorserunt, quod antea sub Nube Dei nunquam fuit auditum, quod aliquis pro Re sua propria pecuniam alii solvere compellaretur, aut usuram; cum unusquisque suæ Rei moderator debeat esse & Arbiter.

Gravantur etiam alio modo per Magistrum Sevitiū qui semper sedens Londoniis, non solum à locis Collegiatis per Angliam, sed etiam à Rectoribus Procurationes nititur extorquere, quanquam eadem Procurationes, præterquam in <sup>4</sup> *casu* nunquam debeantur, nisi personaliter Visitanti: Minus attendens quam deberet sc. quod numerus Procurationum, numerum dierum nullatenus debet excedere: Quod si à Rectoribus posset Procurationes exigere, numerus Procurationum, numerum dierum in tantum excederet, quod importabilem Thesaurum ab Anglicis extorqueret.

Gravantur etiam per subsidium exhæredatis concessum.

Hæc omnia proponimus, ut per Onera supradicta hiis temporibus deterioris conditionis manifeste Sacerdotium videatur, quam sub Pharaone fuerat, qui Legis divinæ Notitiam non habuit. Ille quidem Omnibus Aliis servitutibus subiectis, Sacerdotes & Possessiones eorum in pristina libertate demisit, & de Publico eis Annonam ministravit. Hiis vero temporibus Regii Exactores tot Onera & Exactiones Ecclesiis & Ecclesiasticis Viris imponunt, ut eis quod Jeremias deplorat competere videatur, Princeps Provinciarum, sc. Sacrosancta Ecclesia, facta est sub Tributo hiis diebus.

Propter prædictas Exactiones & Gravamina, vix sunt aliqui qui habent, multi vero qui non habent, unde sibi met & suis necessariis Personis valeant circa Vitæ necessaria subvenire: Et <sup>5</sup> *ideo* inde à Nobis petito subsidio ad præsens adquiescere non possumus, nec etiam de jure debemus; <sup>6</sup> *quoniam* quam licet Voluntas nostra, Patres Reverendi, & consensus Clericorum in concedendo concurrant, tamen ne libertatis Ecclesiasticæ violetur immunitas concedendi talia subsidia, Romano Pontifice prius non consulto, Jus Canonicum (ad Cujus Observationem Venerabiles Patres Domini Episcopi specialiter Vos tenemini) Vobis & Nobis adimit facultatem; in quoscunque, qui potestatem habere videntur, Viros Ecclesiasticos ad subsidia conferenda compellentes, Excommunicationis <sup>7</sup> *sententiam* in Laterano Concilio promulgata.

Et



Et ne Vos Domini Episcopi, vel quisq; alius, præmissis Rationibus prætermis- A. D. 1169.  
 in scriptis & ad ..... Sedis Cant. appellamus, Nos & Bona nostra Prote- *Quisquam.*  
 ctioni Sedis Apostolicæ, & sedis Cant. supponentes.

Appellamus etiam, ut supra, ne nomine Auri Domine Regine, aliquid a Nobis extorquatur.

Dat. & Act. in Capella Novi Templi London. die Lunæ prox. ante Festum S. Lucæ Evang. Anno Domini 1269. in præsentia Dominorum Lincoln. Norwic. Bathon. Exon. Sarum. Wygorn. Hereford. Menev. Coventr. & Offic. Cant.

Procurator' Coventr. Linc. Norwyc. Helyens. Roffens. Cant. London. Cicestr. Winton. Sar. Bathon. Exon. Landav. Menev. Hereford. Wigorn. Ebor. Dunelm. Carl. Abbatum, Priorum, Rectorum, & Vicariorum, earund. Diocesum.

N U M. VI.

A. D. 1270.

**H**enricus Dei Gratiâ, &c. Priori Wigorn. Salutem. Cum nos & Filii nostri cum cæteris Regni nostri Cruce signatis ad Partes Transmarinas in subsidium Terræ Sanctæ profecturi, & Iter nostrum in Crastino Instantis Festi S. Jo. Baptist. arrepturi simus, & instante tam brevi termino Passagii nostri necesse habeamus cum omni maturitate providere de Pecuniâ & aliis ad hoc Necessariis, & etiam de Pace & Securitate Regni nostri post Recessum nostrum; Propter quod Vobis nuper mandavimus, quod ad Nos in Quindenâ Paschæ prox. præterit. . . . ad quem diem Venerabilis Pater W. Ebor. Archiepiscopus, & Episcopi, & Prælati Regni nostri ad Mandatum nostrum venerunt pro Negotiis prædictis; & Nos pro nostris & Regni nostri Negotiis arduis, de quibus cum præfatis Archiepiscopo & Episcopis, ac aliis Prælatibus & Magnatibus ejusdem Regni nostri tunc Tractatum habuimus specialem, de Tractatu Vobiscum habend. Superfœdimus ad præsens, propter quod Vos à Curia nostrâ sine Colloquio Nobiscum habito recessistis; Ac nos postmodum hujusmodi Negotiis nostris arduis expeditis, prædictos Archiepiscopum & Episcopos rogavimus, ut ipsi Vicesimam Bonorum & Catallorum suorum, & Villanorum suorum, Nobis concederent in subsidium Terræ prædictæ, qui Vicesimam illam nobis sui Gratiâ liberaliter concesserunt: Nos perpendentes quod Passagium nostrum prædictum, si Parliamentum, vel Tractatum aliquem Vobiscum super hoc haberemus posset de facili impediri, & attendentes quod ex quo Episcopi prædicti querelam Christianæ Gentis Terram Sanctam inhabitantis Nobis delatam intuentes, nobis Curialitatem prædictam concesserint, ut prædictum est, Vos, qui precibus Regiis hucusque amicabiliter annuistis, Vicesimam hujusmodi in subsidium Terræ prædictæ velle nobis concedere liberaliter & benignè; Vos affectuosè requirimus & rogamus quatenus prædictam Vicesimam Bonorum vestrorum, & Villanorum vestrorum, nobis pari Curialitate concedentes, Taxatores & Collectores nostros dictæ Vicesimæ, Bona vestra, & Villanorum vestrorum Taxare, & hujusmodi Vicesimam Colligere, permittatis, sicut Vicesima alibi Taxatur, & Colligitur, in Regno nostro; Ita quod Vicesimam Vos & Villanos vestros contingentem citra dictum tempus Passagii nostri Modis omnibus habeamus, nobiscum deferendam ad Prædictam Terram: Et hoc sicut Nos, & Honorem nostrum, & Negotium Crucis diligitis, & sicut de Vobis confidimus, nullo modo omittatis. Mandavimus enim Collectoribus & Taxatoribus nostris prædictis, quod Bona vestra & Villanorum vestrorum Taxari, & Vicesimam inde Levare & Colligi faciant Manu-forti sibi per nos traditâ & injunctâ. Teste Meipso apud Westm. xii<sup>o</sup> die Maij, Anno Regni nostri 54<sup>o</sup>.

E Registro W. Giffard. Ebor. Arch. fol. Lxxiv. a.

Litera consimilis ferè per Omnia mandatur Vicecom. Wigorn. Et quod si necesse fuerit ipsam Vicesimam levare faciat in Manu-forti.



## N U M. VII.

A. D. 1270.

Regist. Giffard. Episc. Wigorn. fol. xxx.

**R**EX Episcopo, &c. Salutem. Licet negotium Crucifixi Omnibus & Singulis Christi Fidelibus debeat præ Omnibus esse Cordi; Illis tamen specialius & promptius, qui ad hoc ex professionis suæ debito, & possessionum suarum Titulo, sunt astricti. Cum igitur Bona virorum Religiosorum piis Usibus, & Charitatis Operibus specialiter sint ascripta, meritò tenentur Abbates, Priores, & cæteri Viri Religiosi, partem Bonorum suorum in subsidium Terræ Sanctæ, Exemplo & Imitatione Vestri, libenter & liberaliter elargiri. Quocirca Paterinitatem vestram duximus cum Instantiâ requirendam, quatenus Abbates, Priores, & cæteros Viros Religiosos vestræ Dioceseos ad Vigessimam Proventuum ac Bonorum suorum Nobis in dictæ Terræ subsidium tribuendam efficaciter inducatis. Ex quo enim Vos qui Majores estis, & eisdem specialiter præsidetis, Vobis ipsis non parcitis, in hac parte; multo fortius nec eis credimus esse parcendum, maxime in tanto Dei & Ecclesiæ Negotio, quod nostris Humeris tam urgenter incumbit. Teste apud Westm. xiv. Maii Anno Regni 54º.

## N U M. VIII.

1271.

Regist. VV. Giffard. Ebor. Arch. fol. xcviij. a.

**W** Permiss. &c. E Burnel Archidiacono Eborum, Salutem. Viarum discrimina, & Occupationes nostras multiplices in diversis intelligere benè poteritis hiis diebus. Ideoque cum fiducia Vos rogamus, quatenus in Festo S. Edwardi, & in Parlamento sequente, Nos, sicut melius & honestius poteritis, excusetis; Quia post Pasch. absentiam nostram præsentem ibidem supplebimus, Deo dante. De negotiis quidem Domini nostri, & vestri, sicut decet solliciti, pro Vicesimâ Dominicorum nostrorum & Villanorum, licet cum difficultate, levare fecimus Centum Marcas, & Ebor. deponi, ita quod quandocunque mandaveritis, sicut decuerit, literas nostras pro eisdem liberandis sine moræ dispendio faciemus. Debetis item intelligere, quòd ad inducend. Abbates, Priores, & alios Religiosos, necnon Clerum nostræ Diocesis. ut consentirent in contributionem Vicesimæ in subsidium Domini nostri prædicti, non solum alias, sed & in proximâ Synodo nostrâ Testibus Dominis E. Extraneo, & Th. de Boulton diligentiam quam potuimus fecimus adhiberi. Unde fuit Responsum finaliter, quòd Clerum sequerentur Cant. Provinciæ, eo quòd nostrâ longe major existit: Et audito quòd ipse in subsidio faciendo consentiat, nostrates benignè facient quod providerint faciendum. Idcirco vos requirimus quatenus nobis scribatis quid sit factum communiter in Provinciâ memoratâ, & quid per nos velletis fieri in hac parte. Nos enim parati sumus, ut decet, ad omne quod possumus Consilium & Juvamen; set nolumus quòd Nobis, sicut hætenus, detrahatur, ac si essemus impeditores Negotii supradicti. Ista litera emanavit sub dat. Nottingham viº. Kal. Jan. Pont. Domini Archiepiscopi Anno quinto.

## N U M. IX.

1272.

Regist. Giffard. Episc. Wigorn. fol. xxxvi, xxxvii, xxxix.

*Responsio Archiepiscopi Cant. & Suffraganeorum ejus, super præstatione Decimæ Domino EDWARDO faciendæ.*

**U**Nniversis præsentis literas inspecturis R. Dei Gratiâ Cant. electus, salutem in Domino. Literis exhortatoriis ex parte SS. Patris Domini Gregorii Papæ, per Viros venerabiles Magistros Reymund. de Nogeris Domini Papæ Capellanum, & Petrum de Auxonâ Sedis Apostolicæ Nuntios, Nobis exhibitis, & quantâ possumus devotione receptis, relatione etiam ipsorum Nuntiorum diligenter intellectâ super subventionem Sereniss. Domino Edwardo, nunc Regi Angliæ illustri, & Domino Edmundo Germano Regis ejusdem, de Bonis Ecclesiasticis Regni Angliæ faciendâ, Venerabiles Fratres Suffraganeos Ecclesiæ nostræ Winton. Exon. Coventr. Eli. Lincoln. Bathon. Wigorn. Northw. Landav. A-faph. & Menevens. Episcopos pro dicto negotio curavimus congregare. Habitâ

itaque



itaque cum ipsis deliberatione super hoc diligenti, in hoc nostra resedit deliberatio, quod Nos, & omnes Fratres nostri prædicti volumus, & quantum in Nobis est consentimus, quod duorum Annorum Decima, secundum Taxationem quandam Northwic. Episcopi & Collegarum suorum, de Proventibus Regni Angliæ pro subventionem hujusmodi habeatur & colligatur; Et fiat in hiis & aliis Domini Papæ beneplacitum & voluntas. Est etiam Intentionis & Voluntatis nostræ, & dictorum Suffraganeorum, Inferiores Prælatos & Subditos nostros, pro Possè nostro, si necesse fuerit, inducere ad subventionem hujusmodi faciendam. In cujus Rei Testimonium, de Consensu & Voluntate dictorum Suffraganeorum, pro Nobis, & ipsis, Sigillum nostrum præsentibus duximus apponendum. Act. & Dat. Londin. die Jovis xix. mensis Januarii Anno Dom. 1272.

A. D. 1272.

N U M. X.

1272.

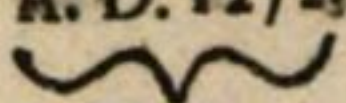
**R**everendo in Christo Patri Godefrido, Dei Gratiâ Wigorn. Episcopo, Reymundus de Nogeriiis Dom. Papæ Capellanus, & Petrus de Auxonâ Ecclesiæ B. Martini Turon. Canonicus, sedis Apostolicæ Nuntii, in salutis Auctore salutem. Literas SS. Patris Dom. nostri Gregorii Papæ nos recepisse noveritis in hac formâ. Gregorius Episcopus Servus Servorum Dei, dilectis Filiis Magistris, Reymundo de Nogeriiis Capellano nostro, & Petro de Auxonâ Ecclesiæ B. Martini Turon. Canonico, salutem, & Apostolicam Benedictionem. Labores, discrimina, & gravia onera Expensarum, quæ dilecti Filii Nobiles Viri, Edwardus Primogenitus, & Eadmundus natus Karissimi in Christo Filii nostri Regis Angliæ illustris, personaliter in Partibus Transmarinis Crucifixi prosequendo Negotium, subierint, pio pensantes Affectu, Venerabiles Fratres nostros Archiepiscopos & Episcopos, ac dilectos Filios Abbates, cæterosque Prælatos Regni Angliæ, super subventionem faciendâ ipsis Nobilibus de Redditibus Ecclesiasticis per nostras sub certâ formâ Literas, de Fratrum nostrorum consilio, duximus requirendos; ad sollicitandos & monendos Prælatos eosdem, & sub certâ formâ tam Ipsos quam Alios in eodem Regno Redditus Ecclesiasticos obtinentes etiam Compellendos, Vobis dantes per Alias varias nostras Literas potestatem. Ideoque discretionis vestræ præsentium tenore mandamus, quatenus si memoratos Archiepiscopos & Episcopos, vel majorem partem Ipsorum, in Concessione subventionis hujusmodi contigerit consentire, Vos, vel Alter vestrum, Decimam Omnium Ecclesiasticorum Reddituum, Proventuum, & Obventionum Regni ejusdem, duorum Annorum, ad quoscunque ( Templariis, Hospitalariis Cisterciens. duntaxat exceptis ) quoquo modo pertineant, ut ex eâ subveniatur eisdem Nobilibus, usque ad Quantitatem, & pro Portionibus quas duxerimus exprimendas auctoritate Apostolicâ deputantes Decimam ipsam sollicitè ac fideliter colligi faciatis, Omnia quæ de hujusmodi Decima provenire contigerit apud novum Templum London. vel alibi, prout expedire videritis, nostræ, & Ecclesiæ Romanæ nomine, donec Quantitatem & Portiones prædictas expresserimus, sub Authenticæ Scripturæ Testimonio deponentes, Scripturi nobis Quantitatem Pecuniæ quam, & apud Quos, eam duxeritis deponendam; Contradictores Auctoritate nostrâ, sublato Appellationis obstaculo compescendo; Non obstante si aliquibus Archiepiscopis, Episcopis, Abbatibus, vel Quibuscunq; Aliis cujusvis dignitatis vel conditionis existant à Sede Apostolicâ sit indultum, quod Excommunicari, Suspendi, aut Interdici nequeant per literas Sedis ipsius non facientes plenam & expressam de Indulto hujusmodi mentionem. Dat. apud Urbem veterem Non Octobr. Pontific. nostri Anno 1<sup>o</sup>. Cum igitur major pars Prælatorum Regni Angliæ, Archiepiscoporum videlicet, & Episcoporum consenserint, quod de Decima duorum Annorum juxta Taxationem Norwyc. quondam Episcopi, & Collegarum suorum, subveniatur sereno Domino Edwardo nunc Regi Angliæ illustri, & Domino Eadmundo Germano Regis ejusdem, Nos Decimam Omnium Ecclesiasticorum Reddituum, Proventuum, & Obventionum Regni ejusdem duorum Annorum ad quoscunque ( Templar. Hospitalar. & Cisterciens. duntaxat exceptis ) quoquo modo pertineant, ut ex eâ subveniatur eidem Domino Regi, & ejus Germano, juxta Mandatum Apostolicum deputantes, in Virtute Obedientiæ quâ Sedi Apostolicæ tenemini, Paternitati vestræ Eadem Auctoritate mandamus, quatenus Ab-

Ibid. fol.

xxxvii.

xxxviii.



A. D. 1272.  bates, Priores, Decanos, Archidiaconos, & alios quoscunque Exemptos, & non Exemptos, in vestra Diocesi Redditus Ecclesiasticos obtinentes (Templar. Hospitalar. & Cisterciens. duntaxat exceptis) peremptoriè moneatis, vel moneri faciatis, ut presentis Anni Decimæ Medietatem secundum præfatam Taxationem ob dictæ sedis Reverentiam, & prædictorum Regis & Fratris sui necessitatem urgentem, in quam propter Crucifixi servitium inciderint, pro primo Terminò in Octab. instantis Festi Pasch. Aliam verò Medietatem in Festo B. Johannis Baptistæ prox. subsequenti, apud Wygorn. nobis solvant, vel illis quos ad hoc duxerimus deputandos. Quod si non fecerint Excommunicationis sententiâ, quam in Non-solventes, & fraudem circa hoc committentes, proferimus, noverint se ligatos. Quicquid verò inde feceritis, Nobis per vestras Literas harum seriem continentes, quantocyus poteritis significare curetis. In cujus Rei Testimonium, sigilla nostra presentibus duximus apponenda. Dat. London. die Mercur. in Festo Purificat. B. Mariæ, Anno Dom. 1272.

1273.

## NUM. XI.

Registr. Gif.  
fard. Episc.  
Wigorn. fol.  
xli.

**F**RATER Robertus miseratione divinâ Cantuariensis Archiepiscopus, totius Angliæ Primas, Venerabili in Christo Patri Godefrido Dei Gratiâ Episcopo Wygorn. Salutem in Salutis Auctore. Mandatum Domini Regis nuper recepimus in hæc Verba: "Edwardus, &c. Venerabili in Christo Patri Roberto eadem Gratiâ Cantuariensi Archiepiscopo, &c. Salutem, & sinceræ dilectionis affectum. Paci & Tranquilitati Scholarium providere salubriter cupientes, ut per hoc in Regno nostro prudentum Virorum Numerus augeatur, Volumus, & Paternitati vestræ mandamus, quatenus à Majoribus & Capitaneis Scholaribus vestræ Provinciæ nuper Oxon. studentibus; Quorumurbationibus affectu Regio compatimur, ac etiam condolemus; per Vos, vel per Eos, quibus duxeritis committendum, sufficientem securitatem recipere studeatis, ut Scholares illuc ad studendum de quibuscunque partibus accedentes securè veniant sine Armis, & ad invicem morentur ibidem; ita quòd nulla eis à quocquam inferatur injuria, molestia, seu gravamen. Receptâ verò securitate hujusmodi, eisdem Scholaribus nuntietis, ut ad idem Municipium securè veniant ad studendum; scientes quòd qui sine justâ Causâ se absentaverint, Eos contumaces reputabimus & suspectos. Et si qui Contradictores inventi fuerint vel Rebelles, Nobis Eorum Nomina nuntietis. Valete. Dat. xii. die Augusti Anno Regni nostri primo." Cum igitur Dominus Rex pro studio Oxon. conservando sit sollicitus, Episcopi debent id ipsum multò ardentius adoptare. Propter quod Vobis mandamus firmiter injungentes, ac devotè rogantes, quatenus per Capitula vestræ Dioceseos denuntiari celeriter faciatis, quòd Scholares confidenter accedant Oxon. non ad pugnandum Armati, sed præparati potius ad studendum; quia credimus quòd Ordinante dispositione Divinâ per Regiam sollicitudinem, & Coepiscoporum nostrorum Auxilium, adeo tranquillabitur & securabitur status Scholarium Oxon. quòd auferetur Malevolorum impetus, & cessabit solita molestia Turbatina. Valete. Dat. apud Aldinton. xi. Kal. Septembr. Anno Dom. 1273.

## NUM. XII.

*Mandatum pro Convocatione.*

1273.

Ibid. fol. xli.

Semper.

**F**R. Rob. miseratione Divinâ Cant. Archiepiscopus, totius Angliæ Primas, Venerabili in Christo Fratri Domino J. Dei Gratiâ London. Episcopo, Salutem; & fraternæ Dilectionis in Domino sempiternum Augmentum. Postquam Cura sollicitudinis Pastoralis Officii nobis fuit divinâ permissione commissâ & injuncta, ad statum Ecclesiarum & Ecclesiasticarum Personarum ac Libertatum, quoad potuimus, nostræ mentis intuitum dirigentes, multa circa ea Corrigenda & Reformanda comperimus, quòd de Fratrum & Coepiscoporum nostrorum salubri Consilio necesse est sine moræ dispendio, per Dei Adjutorium dignè Corrigere, & in melius Reformare. Hinc est quòd Venerandæ Paternitati



tati vestræ tenore præsentium Mandamus, quatenus Omnes Ecclesiæ nostræ Cantuar. Suffraganeos Autoritate nostrâ Vocetis quod convenient apud Novum Templum Lond. die Mercurii prox. post initium Festi S. Dionysii, super Statu Ecclesiarum, & Ecclesiasticarum Libertatum, ac Aliis quibusdam Articulis necessariis Nobiscum Tractaturi, Provisuri & Ordinaturi, quod ad Dei honorem, & Ecclesiæ suæ sanctæ, visum fuerit conveniens expedire. Et ut negotium hujusmodi saniori Consilio fulciatur, injungatis ex parte nostrâ singulis Episcopis Ecclesiæ nostræ Suffraganeis, ut Quilibet Eorum vocet & ducat secum ad prædictam Congregationem Tres vel Quatuor Personas de Majoribus Discretioribus, & Prudentioribus suæ Ecclesiæ & Dioceseos, ut Eorum mediante Consilio tantum Ecclesiæ Dei negotium, ipsius misericordiâ suffragante, felicem sortiatur Effectum. Vos etiam sub formâ consimili dictis die & loco compareatis & faciatis; Nos per Literas vestras Patentes, præsentium tenorem continentes, de hujus Mandati nostri executione diligenter certificantes. Dat. apud Aldington vii. Idus Septembr. Consecrationis nostræ Anno I<sup>o</sup>.

A. D. 1273.

Hujus.

## N U M. XIII.

*Breve Reg. pro Parlamento Prorogando.*

1274.

**E**Dwardus Dei Gratiâ Rex Angliæ, Dominus Hybernæ, & Dux Aquitanæ, Venerabili in Christo Patri Godefrido, eadem Gratiâ Wygorn. Episcopo, Salutem. Quia Generale Parliamentum nostrum quod cum Prælati, & Magnatibus Regni nostri proposuimus habere London. ad Quindenam Festi Purificat. B. Mariæ prox. futuram, quibusdam certis de Causis Prorogavimus usque ad Crast. Claus. Pasch. prox. sequent. Vobis Mandamus rogantes quatenus eidem Parlamento in eodem Crastino Claus. Pasch. intersitis ad Tractandum & Ordinandum unâ cum aliis Prælati & Magnatibus Regni nostri de Negotiis ejusdem Regni; Et hoc nullatenus Omittatis. Teste Meipso apud Wodestock xxvii. die Decembr. Anno Regni nostri tertio.

Regist. Giffard. Episc. Wygorn. fol. 1. a.

## N U M. XIV.

1275.

**E**Xcellentissimo Domino suo Edwardo Dei Gratiâ illustri Regi Angliæ, &c. W. permissione Divinâ, &c. In Negotiis quæ vestra Dominatio in instanti Parlamento cum Regni vestri Proceribus & Prælati decreverit Ordinanda, & etiam pertractanda dilectum nobis Magistrum W. Officiale nostrum præsentium Portitorem Attornatum nostrum, seu Procuratorem Constituimus per Præsentes: Ea quæ in hac parte Nomine nostro duxerit facienda Rata habituri pariter & Accepta, &c. Dat. apud Boulton in Craven, Non. Octobr. Anno Dom. 1275.

Regist. Giffard. Arch. Ebor. fol. cxxxiii. a.

## N U M. XV.

*Mandatum pro Convocatione.*

1277.

**F**R. R. permissione Divinâ Cant. Archiepiscopus, totius Angliæ Primas, Venerabili in Christo Fratri Domino J. Dei Gratiâ London. Episcopo, Salutem, & sinceram in Domino Charitatem. Meminimus in Congregatione nostrâ Communi dudum habitâ Northampton. Negotia varia, Utilitatem pariter & Honorem totius Ecclesiæ Anglicanæ tangentia, in medio fuisse proposita. In Quorum Executione licet Viæ de Communi Consilio excogitatæ fuissent, & Executores Viarum ipsarum Varii deputati, quia tamen in quibusdam Negotiis seu Executionibus Eorundem, Nobis adhuc exitus est incertus; Quædam etiam penitus inconsummata existunt, emerferunt autem quædam Nova, quæ ad Eversionem Jurium, Consuetudinum, Libertatum, & grave Periculum Ecclesiæ Anglicanæ redundant, Fraternitati vestræ per præsentia scripta mandamus, quatenus omnes Fratres & Coepiscopos, seu Suffraganeos nostros faciatis Autoritate nostrâ peremptoriè, per vestras Literas, evocari, quatenus Nobiscum

Regist. Giffard. Wygorn. fol. lxxi.



A. D. 1277. in Civitate London. in Crastino B. Hilarii in propriis Personis conveniant, unâ cum aliquibus Personis Majoribus de suis Capitulis, & locorum Archidiaconis, & Procuratoribus totius Cleri Diœcesium singularum, Nobiscum super Negotiis memoratis, tam præteritis quam instantibus, efficaciter tractaturi, ut Eisdem, Eorundem mediante Consilio, finis imponatur laudabilis: Ut & incerta Certitudinem, & Inconsummata Consummationem, & Emergentia Novum Auxilium, Consilium debitum sortiantur. Qualiter autem hoc nostrum Mandatum fueritis executi, Nos per Vestras Literas Patentes, harum seriem continentes, Certificare curetis die & loco prædictis. Dat. apud <sup>1</sup> Mechlindon. xvi. Kal. Decemb. Anno 1277.

<sup>1</sup> Sechlindon.

1279.

N U M. XVI.

Registr. Pec-  
ham. fol. x. a.

**F**R. Jo. permissione divinâ Cant. Ecclesiæ Minister Humilis, totius Angliæ Primas, Venerabili in Christo Fratri J. eâdem Gratiâ Episcopo London. Salutem in veræ Salutis Autore. Cupientes, & Zelo nimio affectantes, Fratrum & Coepiscoporum nostrorum Suffraganeorum facies desideratas videre, & Eorum personali frui Colloquio, super quibusdam Articulis totius Cant. Provinciæ, quæ & necessitatem important, & celeritatem desiderant; Vobis in Virtute Obedientiæ firmiter injungendo Mandamus, quatenus Omnes præfatos Coepiscopos & Suffraganeos nostros Citari, seu Evocari, peremptoriè faciatis, ut iv<sup>o</sup>. Kal. Augusti prox. ventur. apud Redyng se coram Nobis personaliter representent, tractaturi Nobiscum, atque Mandatum nostrum super ipsis Articulis recepturi. Vos quoque ipsi dictis die & loco, unâ cum Aliis, personaliter accedatis: Et quid super isto Mandato nostro feceritis, Nobis per vestras Patentes Literas rescribendo Certificare nullatenus omittatis. Dat. Dover. ii. Non. Junii Anno Dom. 1279, & Consecrationis nostræ primo.

N U M. XVII.

*Quædam Tuitio Libertatum Scholarium Oxon. per Archiepiscopum Cantuariens.*

1279.

Registr. Gif-  
fard. Wygorn.  
fol. xcii. Col-  
lat. cum Ori-  
gin. in Turr.  
Schol. Oxon.  
paxid. JJ. num.  
2.

**F**Rater Johannes miseratione divinâ Cantuariensis Archiepiscopus, totius Angliæ Primas, dilectis sibi in Christo, Cancellario ac Universitati Magistrorum & Scholarium Oxoniæ, Lincoln. Diœces. Salutem, Gratiam, & Benedictionem. Quærentes in Agro Scholasticæ Disciplinæ Scientiæ Margaritam, non immeritò quo possumus favore prosequimur, Eaque libenter Eis concedimus, per quæ materiâ submotâ Gravaminis ipsorum status tranquillitas Prosperetur. ¶ Hinc Bonis ad Vos communiter pertinentibus, quæ in præsentiarum rationabiliter possidetis, aut in futurum justis modis, præstante Domino, poteritis adipisci, sub Nostrâ Protectione suscipimus: Specialiter autem Libertates & Immunitates ab Episcopis, Regibus, Magnatibus, & Aliis Christi Fidelibus Vobis ritè concessas; sicut ea omnia justè & rationabiliter Obtinetis, Vobis & per Vos vestris Successoribus, de Fratrum nostrorum unanimi & expresso consensu, auctoritate præsentium Confirmamus, & præsentis scripti patrocinio Commu-  
nimus. ¶ Ad hæc, quia intelleximus quòd nonnulli propriæ Salutis immemores, cum propter delicta in Universitate Oxon. perpetrata, Suspensionis vel Excommunicationis sententiis per Cancellarium Universitatis ipsius, vel Judices inferiores deputatos ab Eo, vel per ipsum Cancellarium, unâ cum totâ Universitate, quandoque solum Regentium, quandoque Regentium & non Re-  
ves Ecclesiæ temerè contemnendo; ut dictæ sententiæ Robur obtineant firmitatis, quotiens Nos, vel Fratres nostri super hoc à Vobis legitimè fuerimus requisiti, quòd per Nos, vel Fratres nostros, vel Eorum Officiales, in nostrâ Provinciâ Executioni demandentur, de expresso & unanimi Consensu Fratrum nostrorum Vobis tenore præsentium indulgemus. ¶ Volentes insuper tranquillitati vestræ uberius providere, ut vestra Communitas in futurum in statu pro-



prospero & tranquillo valeat gubernari, Vobis concedimus, & de expresse & unanimi consensu Fratrum nostrorum Ordinamus & Statuimus, ut siqui Clerici in nostrâ Provinciâ Beneficiati, die aut nocte inventi fuerint in pacis perturbationem Arma deferentes, vel tranquillitatem ipsius Universitatis per modum alium perturbantes, & super hoc convicti fuerint legitimè aut ritè, seu per Eorum fugam præsumptivè confessi, quòd Eorum Beneficia in manibus Prælatorum suorum, ad denuntiationem Cancellarii faciendam ipsis Episcopis sub ipsius Universitatis Sigillo Communi, per Triennium sequestrentur; & de fructibus Beneficiorum hujusmodi percipiendis interim vel perceptis læso vel læsis per convictos, vel confessos, aut fugitivos hujusmodi, legitimè satisfiat. Quòd si Beneficium Ecclesiasticum non habuerint per quinquennium ad receptionem Beneficiorum Ecclesiasticorum inhabiles habeantur, nisi læsis ab eisdem interim satisfecerint competenter, & Gratiam Universitatis meruerint obtinere; famâ Eorum nihilominus post satisfactionem integrâ conservatâ. In quorum omnium Testimonium Sigillum nostrum, unâ cum Sigillis Fratrum nostrorum præsentium, huic scripto est appensum. Dat. in Concilio nostro apud Rading pridie Kal. Augusti Anno Gratiae millesimo ducentesimo septuagesimo nono.

Cantuar. Lincoln. Sarum. Winton. Exon. Cicestren. Wygorn. Bathon  
Landaven. Herfordens. Norwycen. Bangoren. Roffens.

N U M. XVIII.

**V**enerabili in Christo Fratri— Episcopo Londin.— Frater J. &c. Salutem. Quam sit decens, quamque expediens, Clerum Nobis commissum Regiis favore & Gratiâ consolari docet experientia Contrarii nuper præteriti in Ecclesiarum spoliis, & Gravaminibus prophanis, quorum recens memoria perseverat. Docet idem Evidentia periculi in januis imminentis, si, quod avertat Deus, dissimularet Majestas Regia quorundam Laicorum proterviam in Bona Ecclesiastica manum mittere; quorum audaciam Illustrissimus, Dei Gratiâ, Rex Edwardus, Clementiæ suæ Legibus contra hujusmodi editis, refrænavit. Cujus circa Nos sollicitudini si ingrati fuerimus, non solum Ipsum ad Indignationem provocabimus, verum etiam Regem Regum pro Ingratitudinis Vitio offendemus. Sacro enim testante Eloquio, Majestatem Regiam tenentur Omnes Subditi gratâ Honorificentia prævenire; Et illi præcipuè qui Regali munificentia concessis olim Ecclesiæ Christi honoribus confoventur; Cum etiam Villissimi censeantur, qui cæteris honore præcellunt, nisi insuper Eosdem transcendant in Obsequiis Charitatis, ac per Nobiles & Plebeios Regni Angliæ dicto Domino Regi fuerit in quodam Temporalium Subsidio ministratum, sub cujus Regimine Nos Omnes vivere oportet, & Gratiâ communiri, expedit non solum per Orationum Suffragia dictum Dominum ad Protectionis jocundæ Beneficia excitare, verum etiam corporalibus impendiis & muneribus ejus sumptus immensos, quantum poterimus, relevare. Cujus liberalitatis Exemplum Archiepiscopos & Episcopos Angliæ recolitis cæteris in Clero Minoribus præstitisse: Et certè satis est Canonicum, Ecclesias dotatas Patronibus indigentibus subvenire. Quapropter vestram imploramus, & exhortamur in Domino Charitatem, in meritum Obedientiæ firmiter injungendo, quatenus Convocato quàm citius fieri poterit, per Vos, aut Vestros, Clero vestræ Diœceseos, eidem studeatis ad Dei Honorem, & Pacem Ecclesiæ, suadere, ut dicto Regi, hoc pro Gratitude indicio postulanti, studeant elapso tempore Decimæ sic affluenter pro viribus subvenire, ut ipse de devotione Clericali merito gaudeat, & ad Ipsos excitetur favorabilis in posterum gubernandos: Caventes insuper, ne Obsequii exilitas Indignationem magis provocet, quàm excitet Clementiæ lenitatem. Hujus autem servitii vel subsidii Quantitatem per Vos, aut Procuratores vestros, vel certe per Procuratores ipsos ad hoc, si expedire videritis, destinandos, Nobis intimare studeant in Congregatione nostrâ Londin. in Octav. S. Hilarii imminente. Et quia modus iste in Congregatione istâ prævisus extitit prox. præteritâ, de Consilio Episcoporum ibidem præsentium, & Procuratorum Episcoporum absentium, Mandamus Vobis quatenus hanc deliberationem Paci Ecclesiæ, ut præfagimus non fallaciter, per-necessariam, studeatis cæteris Coepiscopis nostris cum celeritate debitâ punitiare. Quid autem super hiis facere

E Registro  
Peckham. fol.  
clxv. a.



A. D. 1279. cere decreveritis, & sub quâ formâ præmissâ duxeritis exequenda, Nobis cum quâ poteritis celeritate per Literas vestras Patentes harum continentes seriem, rescribatis. Valete. Dat. apud Mortlake viii. Id. Novembr. Consecrat. nostræ Anno primo.

## NUM. XIX.

Regist. Giffard.  
Wygorn. fol.  
ci.

**E**Dvardus, Dei Gratiâ, &c. Venerabili in Christo Patri Godefrido, eâdem Gratiâ, Wygorn. Episcopo, Salutem. Veraci experimento scimus, & memoriter retinemus, quod Vos semper hætenus Zelo affectionis gratissimæ nostrum voluistis & desiderio desiderastis Commodum & Honorem, & Tranquillitatem concupivistis, & adhuc cupitis, Regni nostri. Super quo vestræ Benevolentiae Gratitude non immerito commendantes, Vobis alitricos nos esse reputamus ad exsolvenda specialia Munera Gratiarum. Hinc est quod nos pro eo quod Paternitatem vestram scimus non latere qualiter huc usque Aliorum labores in Nos libenter assumpsimus, ut Reipublicæ pacem procurare possemus; Qualiter etiam nuper in Expeditione nostrâ Walliæ in Nostri & Nostrorum Congressibus, & in diversis Castrorum & Municipiorum Ædificationibus ibidem, ad Pacis firmitatem, & perpetuationem Incolarum Regni nostri, & postmodum in Confæderatione dilectionis perpetuæ inter Nos & Dominum Regem Franciæ procurandâ & firmandâ, immensos sumptus fecimus, & Theauri nostri partem non modicam exposuimus; Quorum Omnium recens memoria adhuc habetur apud Omnes. Propter quæ justius & rationabilius esse Censetur, quod Cleri Communitas, quæ non minus quàm tota Plebs reliqua sub nostro Regimine vivit, & nostrâ defensione & protectione in Temporalibus, & plerumque in Spiritualibus, protegitur & munitur, in tantâ Curialitate Nobis interdum, cum Res postulat, subministret, ut eo melius & potentius Regnum nostro Regimini commissum Gubernemus, & Importunitates Malorum congruis Remediis refrænemus. Paternitatem [ igitur ] vestram affectuose requirimus & rogamus, ut die statuto, seu statuendo à Vobis, Clero vestræ Dioceseos convocato, Ipsi aded efficaciter suadere, & Eisdem diligenter, secundum quod Venerabilis Patr. Jo. Cant. Archiepiscopus totius Angliæ Primas per suas Literas Vobis supplicat & injungit, inducere studeatis; quod talem Curialitatem suâ Liberalitate Nobis ad præsens faciant, ut de ipsorum Affectione & Devotione gavisi, ad Ipsorum Defensionem & Tuitionem, ad Dei laudem, & Aliorum Regni nostri publicam Utilitatem favorabilius excitemur in futurum. Quid autem die prædicto fieri contigerit in præmissis, Nobis indilate postmodum rescribatis. Teste Meipso apud Westm. 15 Novembr. Anno Regni vii.

## NUM. XX.

*Conventus Cleri pro Subsidio.*

Regist. Wick-  
waine Arch.  
Ebor. fol. xi. b.

**W**ILL. permissione, &c. dilecto in Christo Filio Archidiacono Clyveland, Salutem, &c. Quia Communi deliberatione nostrâ, & Capituli nostri Ebor. conformiter habit. provisum est, quod quilibet Archidiaconus pro subsidio Domino Regi faciendo, suos Subditos convocabit, Vota, & Liberalitates Ipsorum super hoc, attentis & votivis inductionibus, scrutaturus; Ita quod die Veneris prox. ante Festum S. Scholasticæ Virginis quilibet Archidiaconus cum duobus dignæ Eminentiae Viris, & unico ipsius Archidiaconatus Decano, Nobis apud Pontemfract. ubi personaliter erimus, Deo dante, Responsum pro Communitate totius Archidiaconatus faciat; Vobis denuntiamus, ut modis omnibus in Archidiaconatu vestro cum . . . . . celeritate similiter idem fiat: Ita quod apud Pontemfract. Responsum in formâ supradict. super Quanto & Quantitatis Modo plenius habeamus; quod nullatenus omitatis. Val. Dat. apud Ebor. vi. Kal. Januarii Pont. nostri Anno primo.



## N U M. XXI.

A. D. 1279.

*Concessio facta Domino Regi de Decima duorum Annorum.*

**C**Oram Vobis Reverendo Patre Domino W. Dei Gratiâ Eborum Archiepiscopo, &c. Proponunt & dicunt Clerici Diœces. Eborum, excepto Archid. Rychemond, quod in Contributione faciendâ Domino nostro Regi Angliæ illustri, unanimiter Concedunt eidem Decimam Beneficiorum suorum Ecclesiasticorum secundum Taxationem Norwycensem prius factam, & non de novo faciendam, per duos Annos duntaxat; Ita quod dicta Decima per Ordinarios locorum, vel ab iisdem deputatos, & non per Alios Colligatur: Et quod dicta decima solvatur ad duos terminos Anni, incipiente primo Termino, in Festo Natalis Domini Anno Gratiæ 1280. Et alio Termino in Festo Natalis B. Johannis Baptistæ prox. secuturo; & sic Terminatim usque ad ultimam Solutionem: Hoc adjecto, quod Viri Ecclesiastici tam Majores quam Minores Possessiones Temporales habentes pro quibus prius unâ cum Laicis solverunt Domino Regi xv<sup>m</sup>. in hac Contributione Domino Regi faciendâ eidem solvant Decimam pro mere Spiritualibus tantum, & non pro Temporalibus. Ista erant facta & concessa per Clerum coram Domino, quinto Id. Febr. in Vigiliâ S. Scholasticæ Virginis apud Pontemfract. Anno Domini supradicto.

Ibid. fol.  
xxxix. a. &  
fol. lxxxiii. b.

## N U M. XXII.

1281.

**J**O. Permissione divinâ Cant. Ecclesiæ Minister humilis, totius Angliæ primas, Venerabili Fratri Domino R. Dei Gratiâ Londin. Episcopo, Salutem, & fraternæ Charitatis continuum Incrementum. Quia pro Necessitate Ecclesiæ manifestâ intendimus, Dei Ope & Gratiâ, juxta sanctorum Canonum Sanctiones, instanti mense Octobri apud Lambeth Concilium celebrare; Fraternitati vestræ committimus, & in virtute Obedientiæ firmiter injungendo mandamus, quatenus Venerabiles Fratres, Coepiscopos & Suffraganeos nostros universos, nec non Abbates, Priores Electivos, Exemptos & non Exemptos, Decanos Cathedralium, & Collegiatarum Ecclesiarum, Archidiaconos, & Capitulorum Procuratores, citetis peremptoriè, per Vos, & per Alios, quod septimâ die dicti mensis coram Nobis apud Lambeth personaliter sint præsentes, Concilium ibidem, secundum sacros Canones, celebraturi Nobiscum, facturi & recepturi quod ipsum sacrum Concilium duxerit \* Ordinandum; denuntiantes eisdem, quod contra Absentes in formâ Canonicâ procedemus. Nec debilitatis Excusationem sufficere reputamus Illorum, qui per Maneria sua intra Diœceses suas, & extra, & ad alia loca per Cantuariensem Provinciam, se faciunt pro familiaribus Negotiis in quibuscunque Vehiculis deportari. Mandantes insuper singulis Episcopis quod secum deferant in scriptis Nomina Omnium in formâ prædictâ de suis Diœcesibus ad Concilium vocatorum. Denuntietis etiam cæteris Omnibus qui sentiunt se gravatos, quod in Casibus illis, quorum Correctio ad Concilium noscitur pertinere, Audientia, per Dei Gratiâ, eis in formâ debitâ concedetur. Vos autem prædictis die & loco, in formâ prædictâ, comparaturi, comite sanitate, certificetis Nos per Patentes vestras Literas quid feceritis in præmissis. Valete in Christo, & Virgine gloriosâ. Dat. apud Slyndon, iii. Kal. Augusti, Anno Consecrationis nostræ tertio.

Registr. Peckham, fol. clxxv, clxxvi. collat. cum Registr. Giffard. fol. cxviii. b.

\* Approbandum.

## N U M. XXIII.

*The Archbishop's Mandate against the Prelates who refused to come to this Council, is in Mat. Westm. ad Ann. 1281. adding only what follows.*

**N**omina verò Ecclesiarum ipsarum quarum fructus taliter sequestrastis, & qualiter hoc Mandatum nostrum fueritis executi, Nobis proximo die Juridico post Festum S. Thomæ Apostoli significare curetis per vestras Literas

Registr. Giffard. Wigorn. Episc. fol. xxxv. b.

“terras



A. Ds 1281. "terras Patentes, harum seriem continentes. Val. in Christo & Virgine glorio-  
sa. Dat. apud Merton. iii. Non. Novembr. Ann. Dom. 1281.

Ibid. fol.  
cxvii. b.

Hujus igitur ratione Mandati, Majoris Malvern. & S. Martini de Billeswyke, Bristol, per Vos, ob Eorum Contumaciam ab ingressu Ecclesiæ suspensos, publicè fecimus nunciari; & Portionum Proventus Abbatis & Conventus Evesham. in Ecclesiis de Bradewel, & Swell, & Bernynton; Item Abbatis & Conventus de Bordesleya, fructus Ecclesiæ de Terdbigge; Item Abbatis & Conventus de Hayles, fructus Ecclesiæ de Dydebroke; Item Abbatis & Conventus de Hales, fructus Ecclesiæ de eadem; Et Prioris & Canonorum S. Oswaldi Gloucester. loci ejusdem de Chirchedon, & de Norton fructus Ecclesiarum (quas tamen idem Prior de facto prætendit exemptas) nostræ Diocesis fecimus sequestrari, & sequestratas tenemus, secundum Tenorem vestri Mandati præscripti. Insuper ipsum Priorem, quem Exemptione munitum esse penitus ignoramus, ne Ecclesiæ Cant. vel nostræ Wigorn. quale-quale præjudicium inde fieri videretur, tanquam non exemptum, & propter suam contumaciam, ab ingressu Ecclesiæ per Vos suspensum fecimus publicè nunciari. In quorum Testimonium nostrum Sigillum præsentibus est appensum. Dat. apud Boyton quinto Id. Decembr. Anno Dom. supradicto.

N U M. XXIV.

*Mandatum pro Concilio Provinciali.*

Registrum  
Peckham.  
Arch. Cant.  
fol. 64. collat.  
cum Registr.  
Giffard. Wi-  
gorn. fol. 125.  
a.

FR. Jo. &c. Episcopo London. &c. Noveritis Nos Mandatum sanctissimi Patris Domini Martini Papæ IV. Cujus tenorem de verbo ad verbum Vobis sub Sigillo nostro transmittimus, recepisse. Et quia in eodem Mandato nostræ sollicitudinis studium circa liberationem Domini Almarici de Monteforti multipliciter excitatur, Paternitati vestræ tenore præsentium committimus, & firmiter injungendo mandamus, quatenus idem Mandatum venerabilibus Fratribus & Coepiscopis nostris per vestras Literas notificetis cum celeritate quâ decet; citantes eosdem nihilominus peremptorie, quòd die tertiâ post instans Festum Purificationis B. V. apud Novum Templum London. conveniant, unâ Nobiscum, juxta formam in prædicto Mandato contentam, in jam tacto Negotio processuri. Vos etiam die prædictâ ibidem unâ cum aliis interfistis. Quid autem circa hoc feceritis Nobis dictis die & loco per vestras Patentes Literas fideliter nuncietis. Valete. Dat. apud Lameth v. Kal. Januarij Ann. Dom. 1281.

1282.

N U M. XXV.

Ex MS. Epist.  
Peckham.  
Oxon.  
Et ex Registr.  
Peckham. fol.  
xcix. a.

\* Deest in Registro.

<sup>1</sup> Possumus.  
Registr.

<sup>2</sup> Deest in MS.  
Oxon.

EXcellentissimo Principi, &c. Frater Jo. &c. Cum totius Hominis salute Reverentiam in Omnibus & Honorem. Causam suborti periculi in partibus Walliæ nostram non minus quam vestræ Excellentie reputantes, scribimus in formâ Nobis Dominationis vestræ Literis insinuatâ, & rigidius, nostræ Provinciæ Episcopis universis; parati in hoc Negotio, & similibus, Opem omnem & Operam impendere, quam Vires nostræ quæcunque coram Deo & Hominibus sufficiant exhibere. Et quamvis ea quæ Communitati proficiunt per London. Episcopum nostris soleant Coepiscopis demandari, qui Episcoporum Decanus esse dinoscitur; Nos tamen celeritatis majoris Processum esse in hac parte necessarium æstimantes, Majestati vestræ potius decrevimus, ad præsens, Literas hujusmodi destinare, per Imperii vestri Nuntios Episcopis assignandas, quos jam à suis Sedibus (\* ut) credimus recessisse, juxta præfixionem quam eis fecimus, ut Nobis occurrant London. trium Ebdomadatum post Pascha periodo revolutâ, quam vagis nunciis eosdem requirere, præsertim quia indubitanter credimus ipsos ex Jussu vestro mandatis nostris expeditius parituros. Valeat igitur, & vigeat Dominatio vestra, pro quâ summa Imperatori Domino die noctuque assistimus, ei preces licet fragiles & indignas, nec dignas memoriâ, tamen quas <sup>1</sup> possumus in peccatoris spiritu offerentes. Dat. &c. [<sup>2</sup> apud Clyst juxta Exon. Kal. April.]

†

N U M.



## N U M. XXVI.

A. D. 1282.

**F**R. Jo. permissione divinâ Cantuar. Archiepiscopus, totius Angliæ Primas, Venerabili in Christo Fratri Domino R. Dei Gratiâ, Londin. Episcopo, Salutem, & sinceram in Domino charitatem. Literas Domini Regis die Mercurii proximè post Festum S. Nicholai apud Herford. recepimus, in hæc verba: Edwardus, Dei Gratiâ, Rex Angliæ, Dominus Hybernæ, & Dux Aquitanæ, Venerabili in Christo Patri Jo. eadem Gratiâ, Cant. Archiepiscopo, totius Angliæ Primati, Salutem. Quia Lewelinus filius Griffini & complices sui, Inimici & Rebelles nostri, totiens temporibus nostris, & Progenitorum nostrorum Regum Angliæ, Pacem Regni turbârunt, & Rebellionem suam, & Malitiam jam resumptam continuare non desistunt, Animo indurato, propter quod Negotium quod ad ipsorum Malitiam reprimendam jam incepimus de Consilio Prælatorum, Procerum & Magnatum Regni nostri, necnon & totius Communitatis ejusdem, ad præsens proponimus ad Nostram, & totius Regni Pacem & Tranquillitatem perpetuam, Domino concedente, finaliter terminare, commodius & decentius esse perpendimus, quod Nos, & Incolæ Terræ nostræ, ad ipsorum malitiam totaliter destruendam pro Communi Utilitate Laboribus & Expensis fatigemur hac vice; licet Onus difficile videatur, quàm hujusmodi Turbatione futuris Temporibus cruciari, prout tempore nostro & Progenitorum nostrorum contigit manifestè: Vobis mandamus rogantes, quatenus Suffraganeos vestros, Abbates, Priores, ac alios singulos Domibus Religiosis Præfectos, necnon & Procuratores Decanorum & Capitulum Ecclesiarum Collegiatarum vestræ & Suffraganeorum Diocesis venire faciatis coram Nobis apud Northampton. in Octab. S. Hilarii, vel coram Fidelibus nostris, quos ad hoc duxerimus deputandos; Et Vos eisdem die & loco intersitis ad Audiendum & Faciendum ea quæ pro Republicâ, Vobis & Eis, super hiis ostendi faciemus, & ad præstandum Nobis Consilium & Juva-  
men; præsertim cum Vestra, sicut Aliorum, inter sit, per quod dictum Negotium jam inceptum, ad Laudem & Honorem Dei, & Magnificentiam nostræ famæ, ac totius Regni nostri & Populi Pacem & Tranquillitatem perpetuam valeamus hac vice, prout intendimus, feliciter consummare. Teste Meipso apud Rothelan xxii. die Novembr. Anno Regni nostri xi. Quia igitur Regiæ Majestati tenemur, quantum, secundum Deum possumus, obedire, quamvis viarum & temporum, & aliorum Gravaminum, multiplex importunitas videatur huic Negotio plurimum adversari, Vobis, hiis non obstantibus, dolentes, & inviti in Virtute Obedientiæ, districtius ut possumus præcipiendo mandamus, quatenus in formâ Mandati Regii ad præfixos diem & locum venire curetis; citantes nilominus ad hoc ipsum Abbates, Priores, & alios singulos Domibus Religiosis Præfectos, Exemptos quidem in locis non exemptis, si talia loca habeant, \* & si non habent per viam aliam efficacem; & eodem modo Decanos & Capitula, non exempta pariter & exempta, vestræ Dioceseos, ut dictis die & loco compareant, ob Reverentiam Regiæ Majestatis, de Expedientibus Republicæ tractaturi. Citetis insuper Omnes Suffraganeos nostræ Provinciæ ad hoc ipsum, quibus Omnibus districtè præcipimus, ut in eadem formâ subditos suos in eisdem die & loco faciant convenire. Quod Personis Episcoporum eò debet esse facilius, quo, ut speramus firmiter, circa idem tempus electus Herefordensis poterit in Eorum præsentia, favente Altissimo, Consecrari. Quid autem feceritis in præmissis nos dictis die & loco, per vestras Patentes Literas harum seriem continentes, curetis reddere certiores. Valete. Dat. Hereford. iv. Id. Decembr. Anno Dom. 1282. Ordinationis nostræ iv.

Registr. Peck-  
ham fol.  
lxxxii. b.  
Registr. Gif-  
ard. Wygorn.  
fol. clxvi.

\* Vela

## N U M. XXVII.

**E**Dwardus, Dei Gratiâ, Rex Angliæ, Dominus Hybernæ, & Dux Aquitanæ, Venerabilibus in Christo Patribus Jo. eadem Gratiâ Cant. Archiepiscopo, totius Angliæ Primati, Episcopis, Abbatibus, Prioribus, & aliis Domorum Religiosarum Præfectis; Decanis, Capitulis Ecclesiarum Cathedralium & Collegiatarum, de Provincia Cant. & eorum Procuratoribus apud Northampton in instantibus Octabis S. Hilarii conventuris, Salutem. Cum mittamus ad Vos dilectum Consanguineum & Fidelem nostrum Edmundum Comitem Cornubiæ,

Registr. Peck-  
ham. fol. ci. b



A. D. 1282.

Cornubiæ, & dilectos Nobis in Christo Abbatem Westmonasterii Thesaurarium nostrum; & Jo. de Kyrkeby Archidiaconum Coventr. ad quædam ardua & specialia Negotia, Nos, & Vos, & totum Regnum nostrum, tangentia, Vobis Nomine nostro exponenda, dilectiones vestras affectuosè requirimus & rogamus, quatenus eidem Comiti, Abbati, & Johanni, vel duobus eorum, quos præsentem esse contigerit, firmam fidem adhibentes, ea quæ ipsi Omnes, vel eorum, Vobis nomine nostro dicent efficaciter explere & expedire curetis Amore Nostri, prout Vobis scire facient ex parte nostrâ. In cujus Rei Testimonium, has Literas nostras fieri fecimus Patentes. Teste Meipso apud Rothelan vº. die Januarii Anno Regni nostri xiº.

## N U M. XXVIII.

*Mandatum pro Convocatione.*

1283.  
Registr. Peck-  
ham. fol.  
Lxxxiii. col.  
lat. cum Re-  
gistro Giffard.  
fol. clv.  
\* Tamen.

**F**Rater Jo. Archiepiscopus Cant. &c. Episcopo Lond. &c. Quoniam in Congregatione ad instantiam Domini Regis habitâ Northampton. in Octab. S. Hilarii Nunciis ejusdem Domini Regis super quibusdam Nobis, & Suffraganeis nostris, ac Clero præsentem ibidem ex parte ipsius exponentibus, \* tum propter absentiam maximæ partis Cleri, \* tunc temporis modo debito non vocati, tum propter alia diversa ad plenum non potuit responderi, de Communi Omnium tunc præsentium Consilio extitit ordinatum, ut nostis, quod Clerus totus Cant. Provinciæ ad certos diem & locum pro dandâ Responsione hujusmodi congregetur: Quocirca Fraternitati vestræ tenore præsentium præcipiendo mandamus, quatenus Confratres nostros Episcopos Cant. Ecclesiæ Suffraganeos omnes & singulos, necnon Abbates, Priores, ac Alios quoscunq; Domibus Religiosis Præfectos, Exemptos & non Exemptos; Decanos Ecclesiarum Cathedralium & Collegiatarum; ac Archidiaconos universos per Cant. Provinciam constitutos, citetis, vel citari faciatis peremptoriè, quod compareant coram Nobis per Se, vel per Procuratores sufficienter instructos, seu convenient apud Novum Templum Lond. à die Pasch. in tres Septimanas, super hiis quæ ex parte Domini Regis in Congregatione prædictâ exposita \* fuerant tractaturi, ac ulterius facturi quod Dominus inspirabit. Singuli insuper Episcopi, sicut in dictâ Congregatione provisum fuerat, citra diem prædictum Clerum suæ Diocesis in aliquo loco certo congregari faciant, & eidem quæ ex parte Regis Nobis proposita fuerant, diligenter exponi procurent, ita quod ad dictos diem & locum Londin. de quâlibet Diocesi duo Procuratores nomine Cleri, & de singulis Capitulis Ecclesiarum Cathedralium & Collegiatarum, singuli Procuratores sufficienter instructi, mittantur, qui plenam & expressam potestatem habeant unâ Nobiscum & Confratribus, super præmissa Tractandi, & Consentiendi hiis quæ ibidem ad Honorem Ecclesiæ, Consolationem Domini Regis, & Pacem Regni, Cleri Communitas providebit. De nominibus verò Abbatum, Priorum, & Aliorum Religiosorum, Decanorum, Archidiaconorum, Procuratorum tam Cleri cujuslibet Diocesis quam Capitulorum, singuli Episcopi pro suis Diocesibus ad dictos diem & locum per suas Literas distinctè Nos certificent & aperte. Vos autem, quos tunc præsentem adesse volumus, Nobis rescribatis per vestras Literas Patentes, harum seriem continentes, qualiter presens Mandatum nostrum fueritis executi. Val. in Christo & Virgine Gloriosa. Dat. Northampton. xii. Kal. Febr. Anno Dom. 1282. Ordinationis nostræ iv.

## N U M. XXIX.

*Mandatum pro Convocatione.*

Registr. Peck-  
ham. fol.  
Lxxxiv,  
Lxxxv.

**F**Rater Jo. &c. Venerabili Fratri Domino R. Dei Gratiâ Lond. Episcopo Salutem, Gratiâ & Benedictionem. Satis memoriam vestram credimus retinere qualiter nuper ultimâ die Congregationis nostræ apud Lameth per Procuratores Cleri Provinciæ nostræ post datam Eorum Responsionem in scriptis super Petitione Domini Regis factâ Northampton. de Decimâ Triennali, Nobis



Nobis, & Confratribus nostris extitit supplicatum, ut novas eis concederemus inducias, ad tractand. & deliberand. super secundâ Petitione Domini Regis, de concedendo sibi à Clero, pro Utilitate publicâ aliquo subsidio liberali, præsertim cum super ipsâ Petitione, quæ nova fuit, prius non tractaverant, nec se ad hoc eorum potestas, quæ limitata fuerat, extendebat; Nos autem, eorum justis & rationabilibus in hac parte Petitionibus annuentes, de Vestro, & aliorum Confratrum nostrorum ibidem præsentium Consilio, vivâ voce præcepimus & injunximus, sicut scitis, ut Vos, & singuli Fratrum eorundem, Abbates, Priores, ac alios quoscunque Domibus Religiosis Præfectos, Exemptos & non Exemptos; Decanos Ecclesiarum Cathedralium & Collegiatarum; Archidiaconos, & Omnes in suis Diocesis constitutos, citetis, & citent, vel citari faciant peremptoriè, quòd compareant seu convenient coram Nobis, per se, vel per Procuratores sufficienter instructos, apud Novum Templum London. à die S. Michaelis prox. ventur. in tres Septimanas, super dictâ Petitione ult. factâ ex parte Domini Regis responsuri, & facturi ulterius quod Altissimus inspirabit. Et ut in præmissis expeditius & commodius procedatur, Volumus & Mandamus, ut de singulis Diocesis nostræ Provinciæ, duo Procuratores nomine Cleri, & de singulis Capitulis Ecclesiarum Cathedralium & Collegiatarum singuli Procuratores sufficienter instructi, mittantur, prout aliàs extitit demandatum. Quia verò nonnulli Fratrum & Coepiscoporum nostrorum in præfatis præcepto & Injunctione nostrâ non fuere præsentis, Fraternitati vestræ committimus, & firmiter injungendo mandamus, quatenus omnibus & singulis Coepiscopis & Suffraganeis nostris, ibidem tunc absentibus, præscripta omnia & singula faciatis per vestras Patentes Literas harum continentes seriem, nuntiari, ut ea fideliter in suis Diocesis exequantur. Vos insuper, & cæteri omnes Coepiscopi nostri prædicti, dictis die & loco præsentis sitis, & conveniatis, Nobiscum super hiis & aliis, quæ Honorem Dei, & Animarum Salutem, respiciunt, tractaturi. Qualiter autem præmissa fueritis executi, Nobis dicto die, vestris Patentibus Literis, harum seriem continentibus fideliter intimetis. Valete. Dat.

*The Date is wanting, but it must have been dated between the iv. Id. Apr. and iii. Id. Maii, soon after the End of the Convocation which met after Easter, a little before.*

## N U M. XXX.

*Mandatum pro Convocatione.*

**F**Rater Jo. permissione divinâ Cant. Ecclesiæ Minister humilis, totius Angliæ Primas, Venerabili in Christo Fratri, Domino R. Dei Gratiâ, Londin. Episcopo, Salutem, & sinceram in Domino Charitatem. Quia nonnulla Nobis occurrunt pro Utilitate communi in proximâ nostrâ Congregatione Londin. pertractanda, quæ sine Fratrum, & Coepiscoporum nostrorum Præsentia personali nequeunt feliciter expediri; Fraternitati vestræ tenore præsentium committimus, & firmiter injungendo mandamus, quatenus prædictos Fratres & Coepiscopos nostros, Omnes & Singulos, citetis peremptoriè, quòd ad Tres Septimanas post Festum S. Michaelis prox. ventur. apud Novum Templum Londin. suam Nobis exhibeant præsentiam, Nobiscum super hiis quæ ad Dei, & Ecclesiæ suæ cedunt Honorem & Gloriam, tractaturi. Exequentes nihilominus quod Vobis tam de nostrorum Fratrum Convocatione, quam Cleri nostræ Provinciæ, seu Procuratorum suorum, aliàs duximus nostris Literis demandandum. Et quia prædictum Clerum, seu ipsius Procuratores, nolumus inanibus & supervacuis vexari laboribus, nec nostrum etiam in hac parte conatum inutilem reputari, præcipimus & mandamus tenore præsentium, ut interim singuli Episcopi nostræ Provinciæ Clerum sibi subjectum in aliquo certo loco convocari faciant, ad tractandum super ultimâ Petitione Domini Regis factâ London. in ultimâ Congregatione nostrâ, de liberali Subsidio sibi à Clero præstando, ut in dictâ Congregatione nostrâ futurâ inde per ipsius Cleri Procuratores certa detur Responsio, sine dilationis tædio longioris. Vos insuper eadem in vestrâ Diocesi facientes præfatæ Congregationi personaliter intersitis; Certificantes Nos per vestras Patentes Literas, harum seriem continentes, qualiter tam primum, quam præsens Mandatum nostrum, in hac parte fueritis executi: Hoc idem & cæteris

Registr. Beck-  
ham. fol.  
Lxxxvii. a.  
collat. cum  
Registr. Giffard.  
Wigorn. fol.  
clxxxvii.



A. D. 1283. cæteris Coepiscopis nostris, & Fratribus, injungentes. Valet. Dat. apud Aldington viii. Id. Augusti Anno Dom. 1283. Ordinationis nostræ vº.

## N U M. XXXI.

*Procuratorium pro Concilio Provinciali.*

1287.

Regist. Ric. de  
Swinfield. E-  
pisc. Hereford.  
fol. xl.

**R**everendo in Christo Patri Domino Jo. Dei Gratia, Cantuariensi Archiepiscopo, totius Angliæ Primati, Ricardus, ejusdem Dei miseratione, humilis Herefordensis Ecclesiæ Minister, seipsum omni Devotione, Obedientiâ, Reverentiâ & Honore. Quia adversa corporis Valetudine hiis diebus detenti graviter, & vexati, sanctæ Congregationi vestræ, & Fratrum Coepiscoporum nostrorum, hâc secundâ die Maij, ad Honorem Dei, & Utilitatem totius Ecclesiæ Anglicanæ apud Novum Templum London. celebrandæ, interesse personaliter non valemus; dilectos Nobis in Christo Magistros Jo. de Westane, & Ricardum de Herteforde, Procuratores nostros, ad nostram Absentiam coram Vobis ipsis die & loco legitime excusandam, quos simul, vel eorum alterum, quem præsentem esse contigerit, ad hoc constituimus per Præsentes, vestræ Paternitati mittimus Reverendæ; Ut & alter eorum qui præsens fuerit vestro sancto Tractatui intersit, & nostro nomine hiis consentiat, quæ in ipsa Congregatione ad Honorem Dei, & Utilitatem Ecclesiæ, per Vos, & Fratres nostros, ordinata fuerint & statuta: Ratum & Firmum habituri quicquid per dictos Procuratores nostros, seu eorum alterum pro Nobis actum fuerit in præmissis. Conserve Vos Altissimus ad Regimen Ecclesiæ sanctæ per Tempora diuturna. Dat. xº. Kal. Maii Anno Dom. 1287.

1290.

## N U M. XXXII.

Registr. Eccl.  
Cant. H. fol.  
xxvii. b.

**P**archidiaconus Cant. discreto Viro Decano Cant. Salutem in Domino, . Mand. ven. Patris Domini J. Dei Gratia Cant. Archiepiscopi, &c. recepimus in formâ quæ sequitur. Frater J. permissione divina, &c. Archidiacono Cant. Salutem, &c. Quia pro Utilitate Ecclesiæ, & totius Reipublicæ super quibusdam arduis Negotiis habemus cum Clero vestræ Diocesis. necessario pertractare, Mandamus Vobis, quatenus Abbatibus, Prioribus, & Capitulis omnibus & singulis Conventualium Ecclesiarum & Monasteriorum, ac alias etiam toto prædicto Clero ex parte nostrâ firmiter injungatis, ut duos aut tres Procuratores sufficienter instructos, cum pleno & sufficienti Mandato, coram Nobis comparere faciant in Crastino Dominicæ primæ mensis Octob. in Civitate Elyens. in Ecclesiâ parochiali Beatæ Mariæ, ubi, Domino concedente, tunc erimus cum Fratribus & Coepiscopis nostris Provinciæ Cant. ac totius Cleri ejusdem Procuratoribus, quos ad eisdem diem & locum vocari fecimus occasione præmissa, ad tractandum Nobiscum & ipsis, super hiis quæ Dei Honorem, & publicam Utilitatem respiciunt, & ad consentiendum etiam hiis, quæ ibidem ad Pacem & Consolationem Ecclesiæ, Dominique Regis & Regni, Cleri communitas, inspirante Domino, providebit; & de Executione hujusmodi Mandati nostri Nobis dictis die & loco fideliter constare faciatis per vestras Literas Patentes harum seriem continentes. Dat. apud Wyngham octavo Kal. Augusti Anno Dom. 1290. Ordinatio nostræ duodecimo. Cujus Autoritate Mandati, Vobis mandamus firmiter injungentes, quatenus Abbatibus, Prioribus & Capitulis omnibus & singulis Conventualium Ecclesiarum & Monasteriorum, ac etiam universis & singulis Rectoribus & Vicariis in Diaconatu vestro existentibus demandetis, quod compareant coram Nobis in Ecclesiâ Christi Cant. in Crastino Nativitatis Beatæ Mariæ Virginis super Articulis in Mandato dicti Domini nostri contentis, Nobiscum tractaturi; & quid inde feceritis, Nos dictis die & loco per vestras Literas Patentes, harum seriem continentes, certificetis. Dat. apud Winton. iiº. mens. Augusti Anno Domini supradicti.



A. D. 1290.

*Procuratorium pro Convocatione Eliensi.*

Venerabili in Christo Patri Domino Jo. Dei Gratiā Cant. Archiepiscopo, &c. Registr. Henr. Prior Cant. fol. xiv. b.  
devoti sui H. permissione divinā Prior Ecclesiæ Christi Cant. & ejusdem  
loci Capitulum, Salutem, Reverentiam, cum Honore tanto Patri debito. In  
omnibus Causis & Negotiis Nos & Ecclesiam nostram quocunque modo  
tangentibus, dilectos Nobis in Christo Fratres G. de Romenal Præcentorem  
nostrum; & R. de Elham, Com-monachos \* nostros conjunctim & divisim \* Procuratores  
facimus, constituimus ac ordinamus. Dantes eisdem, & eorum alteri, Potesta-  
tem & Mandatum speciale ad tractandum Vobiscum & aliis venerabilibus Pa-  
tribus Suffraganeis Provinciæ Cant. ac etiam totius Cleri ejusdem Procuratori-  
bus in Civitate Eliensi, super hiis quæ Dei Honorem, & publicam Utilitatem  
respiciunt; & ad consentiendum hiis quæ ibidem ad Pacem & Consolationem  
Ecclesiæ, Dominique Regis, & Regni Angliæ, Cleri Communitas, inspirante  
Domino, providebit. Ratum habituri & gratum quicquid per eosdem Procu-  
ratores nostros, vel eorum alterum, actum fuerit & consensum in præmissis.  
Dat. in Capitulo nostro xi. Kal. Octobr. Anno quo supra (sc. 1290.)

N U M. XXXIII.

*Breve & Mandatum pro Convocatione Cleri.*

Officiali Ebor. Salutem. Literas Serenissimi Principis Domini nostri Do- Registr. 70. Romani Arch. Ebor. fol. v.  
mini Edwardi Dei Gratiā, &c. recepimus, continentia infrascripta.  
Edwardus, Dei Gratiā, &c. Venerabili in Christo Patri, &c. Salutem. Cum  
Venerabilis Pater Johannes Cantuariensis Archiepiscopus, & ejusdem Provinciæ  
Clerus totus Decimam de Anno præsentis Nobis liberaliter concesserint, subscri-  
ptis terminis persolvendam, unam, viz. Medietatem in Festo Pasch. prox. futur. &  
aliam Medietatem in Festo S. Michael. prox. subsequens. Paternitatem ve-  
stram affectuose requirimus & rogamus, quod Nobis, si placet, Curialitatem  
consimilem, vel aliam honorabilem & decentem, concedere, & vestræ Provin-  
ciæ Clerum ad eam Nobis similiter concedendam, modis quibus melius ex-  
pedire videritis, inducat. Et hoc sicut de Vobis confidimus nullatenus omittere.  
Teste Meipso apud Kings-Clipston iv. die Novembr. Anno Regni nostri xviii.  
Devotioni vestræ igitur injungendo mandamus quatenus Clerum nostræ Dice-  
ceseos, &c. quod compareant coram Nobis in nostrâ Eborac. Ecclesiâ — in Cra-  
stino S. Nicholai prox. futur. ad tractandum nobiscum, &c. Dat. apud Thorpe  
16 Kal. Decembr.

N U M. XXXIV.

*Breve Regis pro Conventu Cleri Westmonaster.*

1294.

JO. permissione divinā, &c. Archidiacono Ebor. vel ejus Officiali, Salutem, Registrum Jo. Romani Arch. Ebor. fol. 27. a. Et Oliveri Sutton Episc. Lincoln. fol. 107. &c.  
Gratiam, & Benedictionem. Mandatum Domini nostri Regis ii. Non. Sep-  
tembr. apud Hundon in Lyndesey, recepimus in hæc Verba.  
Edwardus, Dei Gratiā, Rex Angliæ, Dominus Hybernæ, &c. Venerabili in  
Christo Patri, &c. Salutem. Qualiter Rex Franciæ Nos de terrâ nostrâ Vasco-  
niæ malitiosè decepit, & inde fraudulenter ejecit eam nequiter detinendo,  
Paternitatem vestram credimus non latere. Cum igitur ad Terram illam re-  
cuperandam à manibus dicti Regis, vestrum Consilium & Auxilium, sicut &  
cæterorum Prælatorum ac Cleri de Regno nostro, quos communiter Negoti-  
um istud tangit, Nobis per-plurimum prospeximus profutura, ob quod apud  
Westmonaster. in Festo S. Matthæi Apostoli & Evangelistæ, prox. futur. per-  
sonaliter esse disposuimus, Deo dante, ad Tractandum unâ Vobiscum, & cæ-  
teris Prælatiis, ac Clero ejusdem Regni; & ad Ordinandum tunc ibidem super  
Statu dictæ Terræ nostræ Vasconiz, & Remedio in hoc contra hujusmodi  
malitiam



A. D. 1294.

E Registro Giffard. Wigorn. fol. 381. a. Et Regist. Hen. Prior. Cant. fol. 63. a. &c.

*Vocantes prius Archidiaconos, totumq; Clerum vestre Dioceseos, facientesque quod iidem Archidiaconi in propriis personis suis, & Clerus per duos Procuratores idoneos, plenam & sufficientem Potestatem ab ipso Clero habentes, una Vobiscum intersint modis Omnibus tunc ibidem, ad Tractand. Ordinand. & Faciend. pro ipso Clero ac ejusdem Nomine, quod de vestro, & aliorum Prælatorum, Archidiaconorum, Procuratorumq; prædictorum Consilio providebitur in præmissis. Teste, &c.*

malitiam adhibendo, Vobis mandamus in Fide & Dilectione, quibus Nobis tenemini injungentes, quatenus dictis die & loco personaliter intersitis: Vocantes prius Decanum & Capitulum Ecclesiæ vestræ, Archidiaconos, totumque Clerum vestræ Diocesis. facientesque quod iidem Decanus & Archidiaconi in propriis personis suis, & dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos, plenam & sufficientem Potestatem ab ipsis Capitulo & Clero habentes, unâ Vobiscum intersint modis omnibus tunc ibidem ad Tractandum, Ordinandum, & Faciendum pro ipsis Capitulo & Clero, ac eorum Nomine, quod de vestro, & aliorum Prælatorum, Decanorum, Archidiaconorum, Procuratorumque prædictorum communi Consilio providebitur in præmissis. Teste Meipso apud Portsmouth 19 die Augusti Anno Regni nostri xxiiº.

Quia igitur Clerum nostrum ad Cathedralem Ecclesiam nostram convocare non possumus, velut deceret, propter brevitatem temporis, ut videtis; Devotioni vestræ firmiter injungimus & mandamus, quatenus convocatis cum celeritate omnimodâ toto Clero Archidiaconatus vestri, & Spiritualitatis cujuslibet, unâ cum Collegiatis Capitulis, ad certos diem & locum in Archidiaconatu eodem, coram Vobis, constituentur duo Procuratores idonei pro Clero ipso, quos, ut parcat laboribus & sumptibus Cleri prædicti, mittatis apud Blidam, ita quod tempestivè in Conventuali Ecclesiâ ibidem compareant coram Nobis die Lunæ prox. ante Festum Exaltationis S. Crucis, cum plenâ & sufficienti potestate ad Conveniendum, & Consentiendum, cum cæteris Procuratoribus totius Cleri nostræ Dioceseos, in duos Procuratores idoneos pro toto Clero ejusdem Diocesis. destinandos, qui sint unâ Nobiscum, & cæteris, in dicto Mandato contentis, apud Westm. die S. Matthæi prædicti, ut superius est expressum. In hujusmodi executione Mandati diligenter Vos habere curetis, &c. Dat. apud Hundon. 2 Non. Septembr. Pontificatus nostri Anno ixº.

## NUM. XXXV.

Registr. Hen. Prior fol. Lxiii. b.

**H**enricus, &c. discreto Viro Officiali Domini Archidiaconi Cant. Salutem in Domino. Cum nuper Clerus Cant. Diocesis. coram Nobis fuisset congregatus juxta Mandatum Regium [&] communi Assensu & Consensu duos constituisset Procuratores plenam & sufficientem potestatem habentes ad Tractand. Ordinand. & Faciend. pro ipso Clero ac ejusdem nomine quod de Prælatorum, Archidiaconorum, Procuratorumque totius Cleri Regni Angliæ, in Festo B. Matthæi Apostoli prox. præterito, apud Westmonaster. providenter fuisset legitimè constitut. Ac quædam ibidem, per Prælatos ac Cleri Procuratores sint ordinata, quæ ad notitiam dicti Cleri Cant. nondum pervenerunt, quæ cum celeritate eidem notificari oporteat, ac per eundem Clerum expediri: Vobis mandamus firmiter injungentes, quatenus peremptoriè citetis, seu citari faciatis Omnes Abbates, & Priores, & præcipuè Omnes & Singulos Ecclesias in proprios Usus habentes; Rectores etiam & Vicarios, ac alios Omnes quoscunque Beneficiatos in Archidiaconatu Cant. quod compareant coram Nobis, vel Commissariis nostris, in Ecclesiâ nostrâ Cant. prædict. die Veneris prox. post Festum S. Fidis Virg. Audituri, Recepturi, & Facturi cum effectu, quod per dictos Prælatos, Archidiaconos, & Procuratores, Ordinum extitit & factum. Vos etiam ibidem personaliter compareatis, quid super præmissis feceritis Nos, vel Commissarios nostros, dictis die & loco, per Literas vestras Patentes harum seriem continentes certificaturi; ac quatenus dictum Mandatum Regium dictum vestrum Archidiaconatum contingit, expleturi. Dat. vi. Octobr. Anno Dom. 1294.



N U M. XXXVI.

A. D. 1296.

*Consultatio Archiepiscopi Cantuariensis de præstando Subsidio per Clerum Domino Regi, vel non.*

**R**obertus, permissione divinâ Cantuariensis Archiepiscopus, totius Angliæ Primas, Venerabili Fratri Domino Godefrido, Dei Gratiâ, Episcopo Wigorn. Salutem, & Fraternali in Domino Charitatem. Quia vestra Consultatio nobis missa de Statutis Decimæ non solvendæ, super eo fundari videtur, quod nos Bullam exinde creditis recepisse; Scire vos volumus, quod nec per Bullam, aut publicum Instrumentum, vel alio modo legitimo, plenam habemus exinde Notitiâ, ut per hoc nos artatos de Juris Efficaciâ reputemus; sed sufficienti Notitiâ super hoc Nobis factâ, Statutis ipsis ad plenam parebimus, ut tenemur; & tam Vobis quam cæteris nostris præcipuis Fratribus, quatenus poterimus, efficaciter super hiis consulemus. Val. semper in Christo. Dat. apud Magfeld iii. Kal. Junii Consecrat. nostræ Anno ii°.

Registr. Giffard. Episcop. Wygorn. fol. ccccv. a.

N U M. XXXVII.

*Excerpta e Chronico Anonym. MS. inter Codd. Laud. Bibl. Bodl. Oxon. K. 84.*Fol. 74. b. *Epistola Regi a Synodo missa.*

“Habito erga Consilio cum suis Archiepiscopus, misit per quosdam Episcopos & Abbates, ad Dominum Regem Literas, hæc verba continentes.

**E**xcellentissimo Principi Domino Edwardo, Dei Gratiâ, Regi Angliæ, &c. Robertus permissione divinâ Archiepiscopus Cantuar. nec non ejusdem Episcopi Suffraganei, Abbates, Priores, Decani, Archidiaconi, Personæque aliæ in dignitate constitutæ, ac Clerus Civitatum, Dioces. & Provinciæ Cantuar. Salutem, in eo per quem Reges Regnant, & Principes Dominantur. Placet Excellentiæ vestræ, prout Literas vestras Nobis directas recepimus, ut Vobis Responsum nostrum de providendo ad defensionem Regni Subsidio per Viros discretos Dominos B. & A. vestros speciales Nuncios intimamus. Volentes igitur facere super hoc quod mandastis, Celsitudini vestræ veraciter intimamus, quod Clerus totius Cantuariensis Provinciæ nuper in Festo S. Hilarii ad præmissa London. convocato, & exponentes sæpius palam in publico coram eis tam per Nos Archiepiscopum antedictum, quam per vestros Nuntios memoratos, periculo imminentibus Regno quibus oportet per Omnes Regnicolas obviare, totus Clerus in iv. partes dividebatur; In primâ parte collocabantur Episcopi præsentis, & Procuratores Episcoporum absentium: In secundâ verò parte Religiosi, tam Exempti quam non Exempti: In tertiâ, Omnes in Dignitatibus constituti: Et in quartâ, Omnes Procuratores Cleri antedicti: Eisq; Omnibus Nos dictus Archiepiscopus sub pœnâ Excommunicationis injunximus, ut de aliquâ Viâ idoneâ mediâ inter duo pericula, viz. Constitutionis Summi Pontificis, & Subversionis totius Regni, de quâ grande periculum imminere timetur, arctissimâ collatione tractarent, & quilibet super hoc diceret quod sentiret. Unde idem gradus sæpius & per plures dies, continuo & diligenti studio, super hoc meditantes, & per disputationes arduas cum magnâ Angustiâ & Labore Negotiorum hujusmodi differentes; ac etiam ex unâ pensantes præfati Regni periculum, cui oportebit in Necessitatis Articulo fortiter obviare; ex aliâ Parte Statutum Apostolicum, quàm gravissimis Pœnis totum Clerum ne Contributiones Laicis quocunque colore concedant, & alios ne Contributiones exigant, ligat fortiter & restringit; perpauca exceptis, responderunt finaliter, quod certam Viam subveniendi ad præsens sine evidenti periculo sui status, viz. Excommunicationis, Depositionis, quoad præmissa pericula nesciebant aliququaliter invenire; ad obviandum tamen inevitabili

De Synodo London. die S. Hilarii congregat.

Intimamus.

Expositis.

Periculis.

Idem. Forte Con-  
venientes.  
Differenter.







Edwardus, Dei Gratiâ, &c. Venerabili in Christo Patri, &c. Salutem. Intellecto quoddam Venerabilis Pater, Robertus Cantuariensis Archiepiscopus, contra Ministros nostros Clericos & Laicos, & maximè contra illos quos in protectionem nostram susceperimus, quasdam Excommunicationum Sententias proponebat, promulgavit, & per suam Provinciam faceret promulgari, quæ si latæ & promulgatæ essent, in Coronæ & Dignitatis nostræ læsionem & præjudicium redundaret, eidem Archiepiscopo prohibuimus ne aliquas hujusmodi sententias promulgaret, seu faceret promulgari. Et quia nostra Exhæredatio, & totius Regni subversio possit verisimiliter ex hoc sequi, Vobis similiter prohibemus, ne aliquas sententias, quæ in Coronæ vel Dignitatis nostræ læsionem & præjudicium possint cedere quoquo modo prætextu alicujus Mandati Vobis à quocunque directi, vel dirigendi denunciare seu publicare aliquatenus præsumatis. Teste Meipso apud Clarindon xxvii<sup>o</sup>. die Februarii Anno Regni nostri xxv<sup>o</sup>.

A. D. 1296.

“Nonis igitur Martii Dominus Archiepiscopus Iter arreptum perficiens, venit Sarisburiam (&) invenit Dominum Regem Missam suam in Cathedrali Ecclesiâ audientem: Et cum per quendam de Capellanis suis requireretur per quem vellet in Missâ suâ Pacis Osculum sibi dari, dixit, quod per Archiepiscopum; quia contra ipsum guerram non habuit, sed contra Consilium minus providum quod habebat. Finitâ verò Missâ, Dominus Rex dictum Archiepiscopum secum in Missâ ipso die stare fecit. Finito prandio, præfixit Rex Archiepiscopo diem sequentem, ut eidem diceret quicquid vellet, & Causas sui Adventus exponeret publicè, vel occultè; unde in Crastino mirâ Devotione à Rege receptus, ut videbatur, audaci Constantiâ dixit Regi quicquid voluit, in privato tamen. Nec propter Suasiones seu Inductiones factas eidem aliquatenus movebatur, sed patienter audivit Omnia dicta sibi. Demum dixit Rex; Quod si Papa haberet in Angliâ Temporalia, sicuti Archiepiscopus, licenter de eisdem caperet, & capere posset pro defensione Regni sui, & Ecclesiæ Anglicanæ: Adjungens, quod in Causâ suâ quam habuit mori auderet; nec credebatur aliquod illicitum perpetrare.” Respondit Archiepiscopus; “Quod adhuc non vidit, nec videre potuit tantam Necessitatem, quæ Regem, nec ipsum, aut cæteros à Constitutionis Pœnâ posset, si contribuerent, excusare.” Unde rogavit Regem, quod placeret Ei super qualitate Necessitatis, & aliis dubiis dictam Constitutionem contingentibus, declarationem Summi Pontificis petere, ac etiam expectare.” Qui respondit, “Quod viam illam prius non audivit:” Et voluit, quod inito Communi Consilio utriusque plenius discuteretur quid tutius fieri posset. Et quia Archiepiscopo sanum non videbatur, quod ante Concilium quod <sup>2</sup> præmittitur, <sup>3</sup> provocatum, negotium hujusmodi potuit finaliter expediri, unanimiter consenserunt, quod Rex aliquos de Concilio suo addictum Concilium mitteret, circumspectos, super dictâ Viâ, vel aliâ seu aliis, prout Deus dederit, cum Prælati Ecclesiæ & Clero, quantum possent, efficacius tractaturos. Rex nihilominus per Archiepiscopum humiliter requisitus Rigorem conceptum contra Clerum voluit medio tempore temperare. Et sic <sup>4</sup> petita omnia & obtenta illâ vice ab invicem recesserunt.

Mensa.

<sup>2</sup> Ur.<sup>3</sup> Convocatum fuit.<sup>4</sup> Petitis omnibus obtentis.  
<sup>5</sup> Die Dominicæ.

—“Circa Festum Annuntiationis <sup>5</sup> Dominicæ, vocavit Archiepiscopus Suffraganeos suos cum Clero apud London. ut tractarent de variis & diversis, ac à sæculo inauditis Ecclesiæ Oppressuris & Angustiis. Ad quam vocacionem mandavit Rex quosdam de suis ut prohiberent ex parte ipsius, ne aliquam Sententiam promulgarent aut fulminarent contra Dignitatem Coronæ & Regni sui, necnon contra Ministros suos Mandatum suum exequentes; nec insuper contra illos Episcopos, Abbates, Priores, seu quascunque alias Personas Ecclesiasticas Protectionem suam habentes, seu habere volentes.

“Hiis auditis, Ordinatum inter Eos, ut quinta pars omnium Bonorum suorum quam Rex exigebat ab eis per manus ipsorum in singulis Episcopatibus suis colligerentur, & in tuto loco custodirentur, & hoc ad Defensionem tantum Terræ Angliæ, ita ut Ministri Regis non se intromitterent de Bonis Ecclesiasticis. Super hiis Episcopi Consilium inierunt, & unanimiter respondentes, dixerunt, Se nullo modo se velle de hujusmodi <sup>6</sup> onerare, tum propter læsionem Conscientiæ, tum propter periculum quod frequenter contigit in tali Collatione seu dispositione pecuniæ. Hoc audiens Archiepiscopus, cum cæteris, moti sunt eorum Responsionibus, & statim reliquit omnes &

<sup>6</sup> f. Collectione.



A. D. 1296. " & singulos Conscientiis suis, ut qui vellent Protectionem Regiam petere, peterent; qui verò nollent, quicquid sibi viderint expedire, expectarent, dicens, nullo modo se velle petere, aut aliquid contra Conscientiam suam præstare. Et sic datà Benedictione, recesserunt omnes, sicut Oves errantes sine Pastore.—

## N U M. XXXVIII.

1297.

*Mandatum pro Convocatione Cleri Ebor. Provinciae.*

Registr. New-  
ark. fol. ii.

**H**ENRICUS, permissione divinâ, Ebor. Electus, Venerabili in Christo Patri Domino J. eâdem Gratiâ Carliol. Episcopo, Salutem, & sinceræ Charitatis continuum Incrementum. Cum Serenissimus Princeps Dominus noster Rex Angliæ Illustris Magnam Cartam de Libertatibus, & Cartam etiam de Forestâ, ac omnia & singula in eisdem contenta, in perpetuum & inviolabiliter Observanda Clero & Populo Anglicano concesserit pro Subsidio ab eisdem habendo; Regnumque Angliæ tot & tantis expositum sit Periculis circumquaque, & maxime in nostris Partibus Borealibus, ut est notum, quod pro Defensione ipsius idem Dominus Rex hujusmodi Subsidio multum indiget, ac Laici in Subsidium sibi gratanter Bonorum suorum jam concesserint Nonam partem; fuissetque unâ cum Domino Cantuariensi, & Aliis Regni Prælati, ex parte ejusdem Domini Regis, ut pro Nobis, & Clero nostro, hujusmodi concederemus Subsidium, requisiti; Quanquam Domino Cantuariensi, & Prælati aliis visum fuerit licitè posse fieri in hoc casu Subsidium, & concedi, ad evitandum imminens periculum quod communiter tangit omnes, quod eodem Clero nostro facere noluimus inconsulto; ob quod unanimi eorundem Cantuar. & aliorum Prælatorum, ac nostro concurrente Assensu provisum extitit, quod Cleri Provinciae Convocatio fieret utriusque; Vobis mandamus quatenus totum Clerum vestræ Civitatis & Dioceseos, & tam Abbates quam Priores, Exemptos & non Exemptos, ad certos diem & locum in eâdem Diocesi coram Vobis faciatis celeriter convocari; duoque de Clero ipso Procuratores constituentur idonei pro eodem, qui cum plenâ & sufficienti Potestate die Veneris in Vigiliâ B. Andreæ Apostoli coram Nobis, vel Officiali nostro, seu aliis Commissariis nostris, quos duxerimus deputandos, in nostrâ Ebor. Ecclesiâ compareant tempestivè Nobiscum, vel cum dicto Officiali, aut aliis nostris Commissariis, super præfato Subsidio tractaturi, & facturi ulterius circa illud quod pro Regni Defensione, & Utilitate communi consultius fuerit faciendum. Ad quos diem Veneris, & locum Eborum, Vos ipsi, si poteritis, alioquin per vestrum Officiale, præsentialiter interfitis; Nos, Officiale nostrum, seu Commissarium antedictos, super hujus Executione Mandati tunc certificantes distinctè per vestras patentes Literas harum seriem, & Procuratorum nomina, continentes. In prosperitate longævâ Altissimus Vos conservet. Dat. apud Buntingford x°. Kal. Novembris Anno Gratiae 1297.

## N U M. XXXIX.

*De Concessione Subsidii in Convocat. apud Novum Templum London.  
die S. Edmund. R.*

Registr. Giffard.  
Wigorn. Episc.  
fol. 419, 420.

**O**fficiali suo, Salutem, Gratiam & Benedictionem. Cum nuper in Congregatione Venerabilis Patris Domini Roberti, Dei Gratiâ, Cantuar. Archiepiscopi, totius Angliæ Primatis, Suffraganeorumque suorum, & aliorum Prælatorum & Cleri suæ Provinciae, apud Novum Templum London. die S. Edmundi Regis & Martyris prox. præterito, cum diebus sequentibus, audito quod Scotorum exercitus, cum strage maximâ, Regnum Angliæ sunt ingressi, maximamque partem Regni prædicti hostiliter invaserunt, Ecclesiæ, Ecclesiasticisque Personis, Ætati, aut Sexui, non parcendo, ex quibus totius Regni timetur Invasio, & Incolarum Subversio formidatur, præfatus Archiepiscopus, & Prælati, ac Clerus Provinciae Cantuariensis antedictæ, sollicitè pertractantes qualiter



qualiter hujusmodi Periculis & Hostilibus Scotorum Aggressibus, pro communis Defensionis Auxilio, in quo proprium Interesse cujuslibet conspicitur, absque metu Constitutionis Domini Bonifacii Papæ IV. licitè posset obviari; attendentes quòd propter Pericula, & Discrimina Viarum, propter Guerram inter Regem Francorum, & Regem Angliæ, & propter præsentem Aggressionem Scotorum, in quo Casu licitum est cum moderamine inculpatæ Tutelæ Aggressionibus hujusmodi obviare, Dominus Papa infra tam breve tempus consuli nequeat; Ordinatum extitit concorditer & Consensum, quòd præfati Archiepiscopus, sui que Suffraganei, Decani quoque & Priores Ecclesiarum Cathedralium, necnon Abbates & Priores, tam Exempti quam non Exempti, ac eorum Capitula & Conventus, cæterique in Dignitate constituti, de Bonis suis Ecclesiasticis tam Temporalibus quam Spiritualibus, secundum Taxationem ultimam veri Valoris, sicut Decima dabatur in Subsidium Terræ Sanctæ; Procuratores quoque totius Cleri residui Cantuariensis Provinciæ, secundum Taxationem Norwycensem, de Bonis suis Ecclesiasticis in Subsidium, & pro Defensione intrinsicâ Regni, Ecclesiæ Anglicanæ, & Cleri, dare consenserunt; Ita quòd per locorum Episcopos, absque omni Exactione, Compulsione, seu Cohercione Laicorum, dictorum Episcoporum duntaxat Autoritate, in singulis Dioccesibus per aliquos Collectores per dictos Episcopos deputandos colligatur, & in Æde Sacrà deponatur, in dictoque periculo sic, ut præmittitur, imminenti, pro Defensione Ecclesiæ & Regni, et per dictos Episcopos ad mandatum præfati Domini Archiepiscopi erogetur: Cujus Medietas in Festo S. Hilarii, alteraque Medietas die Dominicâ, quâ cantatur *Latate Hierusalem*, prox. futur. integrè persolvantur: Quocirca Vobis mandamus firmiter injungentes, quatenus Prælatos & Clerum antedictos, ad solutionem dictæ pecuniæ dictis Terminis faciendam in prædictâ formâ, Canonicâ Monitione præmissâ, compellatis: Exemptos quoque Præmuniri facientes, quòd Decimam hujusmodi absq; periculo Privilegiorum suorum simili modo exsolvi faciant, ut tenentur. Proviso, quòd omnes illi de Archidiaconatu Wigorn. Camerario loci prædicti, & Rectori S. Nicholai ejusdem; Alii verò de Archidiaconatu Gloucestr. Camerario Ecclesiæ Conventualis Cirencestre, & Decano Christianitatis ejusdem, exsolvant Terminis antedictis: Et quid super præmissis feceritis, Nos, unâ cum Nominibus non solventium, cum opportunum fuerit, distinctè certificetis. Dat. apud Kemes v. Id. Decembr. Anno xxxº.

A. D. 1291.

<sup>1</sup> Decimam, scilicet.

N U M. XL.

*Histoire du Differend d'entre le Pape Boniface VIII. & Philippes le Bel Roy de France.*

Fol. Paris, 1655.

*Responsiones nomine Philippi Regis, ad Bullam Bonifacii PP. VIII.*

P. 21, 22.

— **M**ultæ sunt Libertates singulares, non Universalis Ecclesiæ sponsæ Christi, sed solum ejus Ministrorum, qui Cultui Divino ad Ædificationem populi sunt, vel esse debent, spiritualius deputati: Quæ quidem Libertates per statuta Romanorum Pontificum, de Benignitate, vel saltem Permissione Principum sæcularium sunt concessæ. Quæ quidem Libertates sic concessæ vel permissæ ipsis Regibus Regnorum suorum Gubernationem ac Defensionem auferre non possunt; nec ea quæ dictæ Gubernationi & Defensioni necessaria seu expedientia, deliberato Bonorum ac Prudentium Consilio judicantur, dicente Domino Pontificibus Templi, *Reddite ergo quæ sunt Cesaris, Cesari; & quæ sunt Dei, Deo.* Et quia turpis est pars quæ suo non congruit Universo, & Membrum inutile, & quasi Paralyticum, quod Copori suo [B.] subsidium ferre recusat, quicumque sive Clerici, sive Laici, sive Nobiles, sive Ignobiles, qui Capiti suo vel Corpori, hoc est, Domino Regi & Regno, imò etiam sibimet Auxilium ferre recusant, semetipsos Partes incongruas, & Membra inutilia, & quasi Paralytica esse demonstrant: Unde si à talibus pro rata sua subventionum auxilia requiruntur, non Exactiones, vel Extorsiones, vel Gravamina dici debent; sed potius Capiti, & Corpori, & Membris, debita Subsidia; sed & pro Defensoribus & Pugilibus ipsorum quibus non licet, vel qui non possunt pugnare per seipsos, stipendia preparata. Nemo siquidem tenetur pro aliis propriis stipendiis

B. p. 22.



A. D. 1297.

pendiis militare : Et quòd, si inimicorum rabies invalesceret contra Regnum, constet quòd Bona Clericorum penitus dissiparentur ; quare, multò plus aliis indigent ab hostili impugnatione defendi : Ideoque in Naturalis Juris injuriam esse videtur prohibere cuicunque Servo vel Libero, Clerico vel Laico, Nobili vel Ignobili, Clypeum defensionis objicere contra hostilem Gladium, aut stipendiaolvere Defensori. Nonne meritò Deus tales tradidit in reprobum sensum, qui Jus Naturale & Antiquum nituntur subvertere pro suæ libito Voluntatis ? Et quis sapiens & intelligens hæc non incidit in vehementem stuporem, audiens Vicarium Jesu Christi prohibentem Tributum dare Cæsari, & sub Anathemate fulminantem, ne Clerici contra iniquæ & injustæ Persecutionis Incursus, Domino Regi & Regno, imò sibi met ipsis pro Rata sua manum porrigant adjutricem ? Dare verò Histrionibus, & Amicis carnalibus, & neglectis pauperibus, expensas facere superfluas in Robis, Equitativis, Comitativis, Comestationibus, & aliis Pompis sæcularibus permittitur eisdem, imò conceditur, ad perniciosæ imitationis Exemplum. Hoc enim Natura & Ratio, Jus divinum & humanum, pariter detestantur, ad illicita fræna laxare, & licita imò necessaria cohibere. Quis enim sanæ mentis judicaret licitum & honestum, si Anathemate cohibere, ne Clerici, ex devotione Principum incrassati, impinguati, & dilatati, pro modulo suo eisdem Principibus assistant, contra ingresses injustarum Persecutionum adversitates, quocunque colore excogitate, doni, vel mutui, vel subventionis, pro seipsis, pro Rege, & Regno, pugnantibus, & resistentibus Inimicis vi armorum, alimenta præbendo, vel stipendia persolvendo ? Non enim prudenter attendunt, qui talia prohibent vel renuunt, quòd hoc nihil aliud est quam Inimicos juvare, & crimen læsæ Majestatis incurrere, & quasi velle prodere ipsum Reipublicæ Defensorem : Ad quod Crimen puniendum intendimus plus solito, volente Deo, Oculos aperire. Deum siquidem fide & devotione colimus, & Ecclesiam Catholicam, ac Ministros ejus, multipliciter veneramur in terris, sicut & omnes Patres nostri ; sed Hominum minas, minus rationabiles & injustas, minimè reformidamus.

Ibid. pag. 26. *Supplicatio facta Papæ per Archiepiscopum Rhemensem, & Suffraganeos suos, & Abbates Provinciæ suæ, ut provideat super quadam Constitutione per eum edita.*

SANCTISSIMO Patri ac Domino suo, Domino Bonifacio, Divinâ Providentiâ, Sacro-sanctæ Romanæ ac Universalis Ecclesiæ Summo Pontifici, devoti ejus Filii, miseratione divinâ, Petrus Rhemensis Archiepiscopus, & Episcopi Rhemensis Ecclesiæ Suffragantes, & Abbates, cum humili sui Recommendatione, devotissima pedum Oscula Beatorum. In hac terrestri patriâ Ecclesiam Militantem constituens providentia Conditoris eam ex alto providit sic commodâ substitutione Vicarii gubernandam, qui, ne ipsam tempestuosæ hujus sæculi fluctuationes confunderent, in turbatione sibi Consilium impenderet, in tribulatione solatium, & in adversitate succursus ; ut sic hujusmodi salubri præsidio fulta Vicarii, Triumphanti Ecclesiæ, quæ est Christi, ad Salutem humani generis eò devotius, quò tranquillius deserviret. Ad ipsius quippe Vicariatus apicem diebus nostris, quod læti referimus, divinæ Gratia Provisionis assumpti, qualiter ad salubre Regimen, Statum prosperum, & Exaltationem felicem ipsius Ecclesiæ, desideriis summis aspirantes, paternam Curam, Studium efficax, & indefessæ Sollicitudinis Operam duxeritis impendendam, universalis jam notio publicat, & ipsa rei experientia manifestat. Ex hujus siquidem desiderii fervente afflatu, quem ad felicem Statum universalis Ecclesiæ paterno more solliciti geritis, Beatitudinem vestram novam noviter Constitutionem edidisse cognovimus ; per cujus Beneficium Ecclesiarum periculis remediare, salubriter obviare dispendiis, & Ecclesiasticæ Libertati voluit utiliter providere. Verum quia Excellentissimus Princeps Dominus noster Rex, ac Principes, Barones, & Domini Temporales, cæterique Regnicolæ Franciæ, occasione ipsius Constitutionis, quam onerosam, gravem & præjudicialem nimis asserunt juri suo, cum omnes, tum singulos Incolas dicti Regni, ad defensionem Regni & Patriæ, omni Privilegio, Excusatione, & Exceptione cessantibus, vocare prætendunt, præsertim Feodentarios, & Fideles Regis ejusdem, Nosq; & alios Prælatos de Regno, quorum quidam per Homagium, & fere Omnes Jura-



Juramento sumus Fidelitatis astricti, eidem Domino nostro Regi, ad Jus & A. D. 1297.  
Honorem ipsius & Regni servandum, absque cujus necessario Defensionis præ-  
sidio, vivere tutè non possumus, nec defendi à nostrorum, quorum non deest  
Copia, Persecutione continuâ æmulum, & durâ Turbatione commoti, per  
Majores in [B.] unum Consilio inito, quoad Remedium utile Benevolentia pa- P. 27.  
terna provideat, irreparabilis Causæ præjudicium, quod non sine multâ Cordium  
Amaritudine recitamus, retorquere disponunt: Sicq; Gallicana Ecclesia, quæ  
retroactis temporibus in Pacis pulchritudine, & Libertatis plenitudine conqui-  
evit, diversis jam exponitur fluctuationibus tempestatum, fremunt scandala;  
excresecunt Angustiae, & finalis Ruinae pericula sunt in promptu. Ad Aposto-  
licæ Sanctitatis providentiam circumspectam, propterea duximus fiducialiter  
recurrendum, quantâ possumus devotâ & unanimi Instantiâ supplicantes, ut  
opportunè & salubriter provisionis Remedium in hac parte clementius ad-  
hibere dignetur, per quod sedet Scandala, & cum præfato Domino Rege suisq;  
Principibus, & cæteris Temporalibus Dominis dicti Regni, eadem Gallicana  
servet Ecclesia pacis & caritatis solitæ Unionem, ac sub alarum suarum ve-  
lamine, & protectionis opportuna suffragio suo, nostris temporibus, uni sem-  
per impendat Creatori devotè debitum famulatum. Et ecce, Venerabiles  
Patres, Episcopos, ad sanctitatis vestræ præsentiam propter hoc speciale desti-  
namus, qui frementia scandala & imminetia, imò instantia in januis hujus-  
modi discriminosa pericula, Sensibus vestris perfectius explicabunt, Oraculo  
vivæ vocis.

*Ibid. Pag. 39.*

Bonifacius Episcopus, servus servorum Dei, venerabilibus Fratribus Archi-  
episcopis, Episcopis, ac dilectis Filis electis Abbatibus, Prioribus, Præpositis,  
Decanis, Archidiaconis, Capitulis, & aliis Personis, necnon & Nobilibus  
Viris, Ducibus, Comitibus, Baronibus, Militibus, & cæteris per Regnum  
Francorum constitutis, ad perpetuam rei memoriam. Etsi de Statu Regni cu-  
juslibet in quo Catholica Fidei Cultus viget, paternæ sollicitudinis studio co-  
gitemus, ad statum tamen Christianissimi Regni Franciæ, in quo semper ante-  
actis temporibus erga Romanam Ecclesiam Matrem viguit Devotionis inte-  
gritas, Reverentiæ plenitudo resplenduit, fervuit Obedientiæ promptitudo,  
tantò solertius aciem Considerationis extendimus, & circa illud Cogitationis  
nostræ versatur instantia, quantò ipsum uberiori favore prosequimur, & sin-  
cerius gerimus in Visceribus Caritatis. Dudum siquidem Pastoralis Officii  
debitum exequentes in favorem Ecclesiarum, & Ecclesiasticæ Libertatis, au-  
toritate Apostolicâ duximus statuendum, Ne Prælati, & Personæ Eccle-  
sticæ cujuscunque Dignitatis, Status, aut Conditionis existant, sub Adjutorii, mutui,  
vel doni nomine, Imperatoribus, Regibus, Principibus, aut Præsidentibus cæ-  
teris præstent, absque Apostolicæ Sedis Autoritate, subsidia, quocunque no-  
mine censeantur: Neve Imperatores, Reges, Principes, aut aliter Præsiden-  
tes ea imponere, exigere, vel recipere, ab eisdem Prælati, & Personis Ec-  
clesiasticis audeant, certis pœnis adjectis nihilominus in hac parte. Verum  
nonnulli nostræ Intentionis ignari, suæque prudentiæ innitentes, hujusmodi  
Constitutionem nostram non rationabili, aut æquitati consonæ, sed voluntariæ  
Interpretationi subicere moliuntur, non attendentes, quòd ad eum qui condidit  
Interpretatio noscitur pertinere. Nos igitur huic Morbo congruam intenden-  
tes adhibere medelam, & ut cujuslibet ambiguitatis scrupulus in hac parte  
tollatur, & Veritatis puritas elucescat, auctoritate præsentium declaramus,  
quòd Constitutio ipsa, vel ejus prohibitio, ad Donaria, vel Mutua, seu quæ-  
vis alia Voluntaria Prælatorum & Personarum Ecclesiasticarum ejusdem Reg-  
ni cujuscunque Status, Ordinis, vel Conditionis existant, omni prorsus Tradi-  
one aut Exactione cessante, se aliquatenus non extendat, licet ad id forsitan  
Carissimi in Christo Filii nostri Philippi Francorum Regis Illustris, vel Suc-  
cessorum suorum qui pro tempore fuerint, aut Officialium eorundem, seu  
Ducum, Baronum, Nobilium, vel aliorum Dominorum Temporalium de Reg-  
no prædicto, Requisitio Curialis & Amica præcedat, quodque Feudalia, Cen-  
sualia, sive Jura quælibet in rerum Ecclesiasticarum datione retenta, vel alia  
servitia consueta Regi ejusque Successoribus, Ducibus, Comitibus, Baronibus,  
Nobilibus, & aliis Temporalibus Dominis supradictis, tam de Jure quam de



A. D. 1297.

P. 40.

Consuetudine à Personis Ecclesiasticis, debita, præfata Constitutio non includat, vel aliquatenus comprehendat, & quòd Personæ Ecclesiasticæ pro Ecclesiarum suarum Utilitatibus, Compositionis, aut Transactionis [B.] titulo, vel alio quovis modo, seu pro Libertatibus acquirendis, cum Rege, suisque Successoribus, Ducibus, Comitibus, Baronibus, Nobilibus, & aliis Dominis Temporalibus prælibatis, prout Conscientiis eorum videbitur, & ante Constitutionem eandem poterant, liberè valeant convenire, nec illas per ipsius Constitutionis vigorem in iis contingat aliquatenus impediri; Quodque Constitutio eadem Clericos clericaliter non viventes, sese Mercatoribus & Mercimoniis, præsertim inhonestis, & vilibus, vel sævis immiscentes actibus non defendat. Adjicimus insuper hujusmodi Declarationi nostræ, quòd si præfatis Regi, & Successoribus suis pro Universali vel Particulari ejusdem Regni Defensione periculosa Necessitas immineret, ad hujusmodi Necessitatis casum se nequaquam extendat Constitutio memorata; quin potius idem Rex, ac Successores ipsius, possint à Prælati & Personis Ecclesiasticis dicti Regni petere ac recipere pro hujusmodi Defensione Subsidium vel Contributionem, illudque ad illam Prælati & Personæ prædicti, præfato Regi, suisque Successoribus inconsultò, etiam Romano Pontifice, teneantur & valeant, sub Quotæ nomine, aut aliàs etiam, imperari, non obstantibus Constitutione prædicta, seu quovis Exemptionis, vel alio quolibet Privilegio, sub quâcunque Verborum formâ confecto, à Sede Apostolica impetrato: Quodque Necessitatis Declaratio supradictæ ipsius Regis & Successorum suorum Conscientiis, dummodò Successores ipsi Vicesimum ætatis annum exegerint, relinquatur, super quo dictorum Regis & Successorum Conscientias onerari, eisque innotescere volumus, quòd quicquid recipi ultra ipsius Defensionis Casum contigit, in suarum recipient periculum Animarum, sub quo nisi salubriter providere aut attendere potuerunt, in quo periculo remanerent. Si verò Defensionis prædictæ tempore hujusmodi ætatis annum præfati non excesserint Successores, Declaratio Necessitatis ejusdem Prælatorum, Clericorum & Laicorum, qui de ipsorum Successorum stricto Consilio, seu majoris partis ipsorum, fuerint, Conscientiis relinquatur, quorum similiter Conscientias onerari volumus, eisque plenius aperiri, quòd siquid ultra Casum Defensionis reciperetur ejusdem, in dispendium salutis Consiliariorum reciperetur ipsorum, illudque restituere teneantur: Quodq; præterea non existit intentionis nostræ, non existit, nec existit per Constitutionem prædictam, seu Declarationem præsentem, Jura, Libertates, Franchisas, seu Consuetudines, quæ præfatis Regi & Regno, Ducibus, Comitibus, Baronibus, Nobilibus, & quibuscumque aliis Temporalibus Dominis, editionis præfate Constitutionis tempore, ac etiam ante illud competere noscebantur, tollere, diminuire, vel quovis modo mutare, aut eis in aliquo derogare, seu novas servitutes vel submissiones imponere; sed Jura, Libertates, Franchisas, & Consuetudines supradictas, prædictis Regi & aliis, illæsa & integra conservare. Nulli ergo omnino hominum liceat hanc paginam nostræ Declarationis infringere, vel ei ausu temerario contra-ire. Si quis autem hoc attemptare præsumpserit, indignationem Omnipotentis Dei & Beatorum Apostolorum Petri & Pauli ejus, se noverit incursurum. Datum apud Urbem veterem 11 Kal. Augusti, Pontificatus nostri Anno tertio.

## N U M. XLI.

1304.

*Procuratoria Prioris & Conventus Wigorn. pro Parlamento.*

Registr. Mag-  
num Prior. &  
Convent. Wi-  
gorn. fol.  
xxiii.

**E**Xcellentissimo Principi & Domino, Domino Edwardo, Dei Gratiâ, Regi Angliæ Illustri, suus humillimus Prior Ecclesiæ Cathedralis Wigorn. cum omni Honore & Reverentiâ, Salutem in Eo per quem Reges Regnant, & Principes Dominantur. Ad excusandum absentiam nostram in Parlamento vestro hac instanti Dominicâ prox. post Festum S. Matthæi Apostoli, cum diebus sequentibus apud London. divinâ Providentiâ celebrando; & ad inibi faciendum quod nos facere deberemus, dilectos nobis in Christo Fratres A. & B. nostros Procuratores & Nuncios speciales conjunctim facimus & divisim, salvâ in omnibus Ecclesiasticâ Libertate: Ratum habituri & gratum, quicquid iidem, aut eorum alter, egerint, vel egerit in præmissis. In cujus Rei Testi-

monium



monium Sigillum nostrum præsentibus est appensum. Dat. Wigorn. xvi. Kal. Martii Anno Dom. 1304. A. D. 1304.

Excellentissimo, &c. sui humiles Oratores Wigorn. Ecclesiæ Conventus, Salutem & Reverentiam Regiæ Majestati debitam in Eo, &c. Noverit Excellentia vestra, quod nos dilectos nostros in Christo Fratres N. & O. conjunctim & divisim Procuratores nostros facimus & Attornatos, ad omnia facienda quæ nos in instanti Parlamento vestro apud London. super formam Mandati vestri, ad Ecclesiæ & Regni utilitatem facere deberemus, salvâ in omnibus Ecclesiasticâ Libertate. In cujus rei Testimonium, &c. Dat. Wigorn. in Capitulo nostro xvi. Kal. Martii Anno Dom. 1304.

Noverint Universi quod nos Frater F. Prior Ecclesiæ Cathedralis Wigorn. Procuratorem, Actorem, & Negotiorum Gestorem Ven. [Patris] Dom. Francisci Neapoleonis, &c. Diacon. Cardin. & Archidiacon. Wigorn. nostro & ipsius Card. nomine substituimus R. B. Commonachum nostrum ad comparendum coram Excellentissimo Principe semper Illustri Domino Edwardo Rege Angliæ hac instanti die Dominicâ prox. post Festum S. Matthæi Apostoli, cum diebus sequentibus apud London. unâ cum Clero Episcopatus Wigorn. ad Ordinand. Faciend. & Consentiend. hiis quæ ibidem communi Tractatu ad Utilitatem Ecclesiæ atque Regni fieri tunc contingant. Ratum habituri & firmum quicquid idem fecerit in præmissis. In cujus rei Testimonium, &c. ut supra. Ibid.

*Procuratorium Cleri de Diœces. Lincoln. pro Parlamento.*

Tenore præsentium pateat Universis, quod nos Clerus Diœces. Lincoln. dilectos nobis in Christo Magistros Henr. de Stock, Rectorem Ecclesiæ de Ravenystorp, & Jo. de Fletburg, Rectorem Ecclesiæ de Hawburn, ejusdem Diœces. Procuratores nostros ordinamus, facimus & constituimus per præsentibus, dantes eisdem plenam & sufficientem Potestatem nomine nostro comparendi die Martis in Quinden. Purificationis B. M. prox. futur. apud Westmonaster. in Parlamento Domini Edwardi, Dei Gratiâ, Regis Angliæ Illustris, tunc ibidem tenendo, ad Tractand. unâ cum Prælatibus, Proceribus, & Procuratoribus Cleri tunc ibidem comparentibus, super Negotiis quæ Regnum Angliæ specialiter tangunt, nec non & stabilimentum Terræ Scotiæ, ac aliis diversis Negotiis ibidem tractandis, atque ad adhibendum Consilium & Consensum hiis quæ ibidem de communi Consilio, favente Domino, ordinari contigerint, vel etiam pro Utilitate dicti Regni provideri. Ratum & firmum habentes, & habituri quicquid iidem Magistri Henricus & Johannes Procuratores nostri egerint, gesserint, consulendo & consentiendo fecerint, in præmissis. In quorum Testimonium Sigillum Venerabilis Patris Domini Johannis, Dei Gratiâ, Lincoln. Episcopi, præfenti Procuratorio apponi procuravimus. Dat. apud Lydington. Kal. Febr. Ann. Dom. 1304.

Memorand.  
Jo. Dalderby  
Episc. Lincoln.  
fol. LXXX.

N U M. XLII.

*Mandatum pro Concilio Provinciali Ebor.*

**W**illielmus, permissione divinâ, Ebor. Archiepiscopus, Angliæ Primas, Venerabili Fratri nostro J. Karl. Episcopo, Salutem, & fraternæ Charitatis in Domino continuum incrementum. Ut omnis Status Ecclesiasticus, & sacræ Regulæ diligenter valeant custodiri, Statutum existit, ut Provincialia Concilia convocentur, in quibus emergentia Negotia discutiantur, & debite corrigantur. Quæ etsi secundum Jura fieri debeant omni Anno, tunc tamen est præcipue circa ea diligentiori studio laborandum cum emerferint Negotia graviora, præsertim talia ex quibus in Christi populo enorme scandalum generatur. Sane quantus Clamor ascenderit hiis diebus contra Ordinem Militiæ Templi, ipsiusque Ordinis Singulares Personas, super Hæresi, Idololatriâ, perfidiâ, ac aliis enormibus, jam satis est per mundi Climata divulgatum. Pater siquidem Sanctissimus Dominus Clemens, divinâ providentiâ, P. P. Quintus hujusmodi Clamore sæpius excitatus a nonnullis Fratribus ipsius Ordinis coram se ad judicium evocatis, super præmissis diligentius inquisiverit. Quorum multi coram eodem Domino Papâ, Patribusque Reverendis Dominis Cardina-

Registr. Jo.  
de Halton.  
Episc. Carliol.  
fol. CXXXII.

1310.

libus



A. D. 1310.

\* Partiri.

libus, prædicta flagitiosa crimina sponte judicialiter sunt confessi. Idem quoque Dominus P. P. super præmissis intendens ulterius procedere juxta Canonicas Sanctiones, cum commode nequeat à singulis Ordinis supradicti personis inquirere per seipsum, onera sua \* partur volens cum aliis Prælati inferioribus, qui in partem sollicitudinis sunt vocati, Nobis per Apostolica Scripta mandavit, ut sub certâ formâ contra supradictum Ordinem, & ipsius singulares Personas judicialiter procedamus. Ut igitur tam prædicta, quam alia quæ nostro incumbunt Officio, cum Consilio saniori plenius exequi valeamus, disposuimus, Deo Duce, vicesimo die Mensis Maii in Ecclesiâ nostrâ Ebor. Provinciale Concilium celebrare. Quocirca Fraternitati vestræ injungimus & mandamus, quatenus tam in Ecclesiâ vestrâ, quam in aliis Collegiatis Ecclesiis, necnon & Monasteriis Conventualibus per totam vestram Dioces. constitutis, hæc faciatis solempniter publicari. Citamus etiam Vos peremptoriè, & per Vos, universos Abbates, Prioresq; Abbates proprios non habentes, ac tam Ecclesiæ vestræ, quam aliarum Collegiatarum vestræ Dioces. Decanos, Archidiaconos, & Præpositos, necnon Capitula; quod tam Vos quam prædicti Abbates, Priores, Decani, Archidiaconi & Præpositi personaliter, Capitula verò per Procuratores sufficienter instructos dictis die & loco, cum diebus continuandis, & prorogandis, coram Nobis compareatis, compareant, super proponendis in Concilio tractaturi, salubre Consilium impensuri, necnon ea quæ statuta, ordinata, & facta fuerint humiliter admissuri, ac etiam efficaciter impleturi, facturi & recepturi quod consonum fuerit Canonicis institutis. Vos enim præmunimus, & cæteros per Vos citandos præmuniri mandamus, quod absentes in Terminis supradictis, nisi propter evidentes Causas & rationabiles, de quibus fidem faciant, legitime fuerint impediti, tanquam inobedientes & contumaces, juxta Juris exigentiam puniemus. Qualiter autem hoc nostrum Mandatum fueritis executi, nos dictis die & loco distinctè & apertè certificare curetis per vestras Litteras Patentes, harum seriem continentes. Dat. apud Lann. xxvi. die Martii, Anno Gratiae MCCCX. & Pontific. nostri quinto.

## N U M. XLIII.

*Mandatum pro Convocatione.*

Lib. Memo-  
rand. Jo. Dal-  
derby Lincoln.  
Episc. fol.  
Clxx. b.

<sup>1</sup> Sc. Episc. Lond.<sup>2</sup> Insisterimus.<sup>3</sup> Et.<sup>4</sup> Nequivimus.

**R** Obertus, &c. — Cum nuper ad nostram notitiam pervenisset, quod Serenissimus Princeps & Dominus, Dominus Edwardus, Dei Gratia, Rex Angliæ Illustris, pro sustentatione suâ & Exercitus sui in Terrâ Scotiæ obtinendâ, Bona & Victualia Incolarum hujus Regni capi ad opus suum per Brevia Regia demandasset, ut in eisdem Brevibus super hoc certis personis directis, plenius continetur, id nequeunt quomodolibet tolerare cum <sup>1</sup> Vobis & aliis Venerabilibus Fratribus nostris in Concilio Provinciali præsentibus, & quibusdam Proceribus hujus Regni erga Nobilem Virum Dominum Henricum Comitem Lincoln. Custodem Regni, & Domini Regis Concilium <sup>2</sup> institimus pro Revocatione Mandati, & Brevium hujusmodi obtinendâ. Cæterum cum idem Custos Nobis ad faciendum quod petivimus se exhibuisset, prout decuit, satis pronum, & præmissum Mandatum decrevisset totaliter revocari, prout in aliis Brevibus Regiis super hoc confectis, quod nullius Bona contra suum Beneplacitum capiantur, directis singulis Vice-comitibus, est contentum; proposuit coram Nobis quod cum Domini Regis Ærarium non sufficiat, ut dicebat, ad providentias pro sustentatione Regiæ, de quâ præmittitur, faciendâ, <sup>3</sup> à Nobis cum instantiâ postulaverit quatenus Terminos solutionis Decimæ Triennialis Ecclesiæ Anglicanæ impositæ sic vellemus in solutionibus faciendis prævenire, ut id quod de eadem Decimâ per principales ipsius Decimæ Collectores solvi mandatur in Festo S. Hilarii, statim; & quod in Festo Nativitatis S. Jo. Baptistæ, in Festo S. Hilarii solvatur, concedere curaremus; ut sic de eadem pecuniâ ab eadem Decimâ Domino Regi, prout Apostolicum vult Mandatum tradendâ, fieri valeat provisio supratacta: Nos autem attendentes, quod totum Clerum nostræ Provinciæ supplicatio dicta tangit, quodque id <sup>4</sup> nequivimus concedere, prout nec decuit, per nos ipsos, sine Cleri nostræ Provinciæ Voluntate; propterea Clerum nostræ Provinciæ de Consilio Fratrum unanimi decrevimus convocandum. Fraternitati igitur vestræ committimus & mandamus, quatenus omnes Vene



Venerabiles Fratres nostros Suffraganeos, necnon & Capitula Ecclesiarum Cathedralium, & Clerum cujuslibet Civitatis & Diœceseos nostræ Provinciæ citatis—Quòd iidem Suffraganei per Se, vel per Procuratorem idoneum; Capitula, & totus Clerus quilibet prædictus per duos Procuratores ad præmissa sufficientes, compareant coram Nobis, deputando, seu deputandis à Nobis, in Ecclesiâ S. Pauli [London.] die Mercurii prox. post Festum S. Nicholai, super præmissis Nobiscum, deputando, seu deputandis à Nobis, sollicitè tractaturi; & ad id quod super præmissis videbitur faciendum suos Consensus efficaciter præbituri, ulteriusq; facturi quod in eâ parte fuerit faciendum, &c. Dat. apud Lamb. Non. Novembr. Anno Dom. 1310.

A. D. 1310.

N U M. XLIV.

*Mandatum pro Concilio Provinciali Ebor.*

1311.

**W**illielmus, permissione divinâ, Ebor. Archiepiscopus, Angliæ Primas, Venerabili Fratri nostro J. Dei Gratiâ, Karl. Episcopo, Salutem, & Fraternæ Caritatis continuum Incrementum. Licet nuper in nostro Provinciali Concilio, in Capitulo nostræ Ebor. Ecclesiæ celebrato, Vobis & Venerabili Fratri nostro Domino, Dei Gratiâ, Candidæ Casæ Episcopo, necnon Abbatibus, Prioribus, Decanis, Archidiaconis, Præpositis, sacræque Theologiæ Doctoribus, ac Juris Canonici Professoribus, & dictæ Ebor. aliarumque Ecclesiarum Collegiatarum Capitulis nostræ Diœces. & Provinciæ, coram Nobis in dicto Concilio congregatis, ex unanimi Consensu omnium in Concilio dicto tunc existentium, ipsum Concilium ad primum diem Mensis Julii duximus prorogandum, ut dicto die in Ecclesiâ Conventuali de Blida, juxta formam prioris Citationis ad prædictum Concilium convocandum habitæ, omnes & singuli prædicti nostri subditi comparerent legitimè coram Nobis, præfatos diem & locum, ad ea quæ in eodem Concilio proposita & inchoata fuerant, prout Juri consonum fuerit, peragenda, eisdem Canonicè præfigentes; certis tamen de Causis & legitimis, prædictam nostram præfixionem, quoad loci prædicti de Blidâ assignationem tantummodo duximus immutandum: Quocirca Fraternitatem vestram super hiis præmunientes, tenore præsentium, peremptoriè nihilominus vos citamus, & per vos universos Abbates, Priores, Abbates proprios non habentes, ac tam Ecclesiæ vestræ, quam aliarum Collegiatarum vestræ Diœces. Decanos, Archidiaconos, & Præpositos, necnon Capitula peremptoriè citari volumus & mandamus, quod tam Vos, quam prædicti Abbates, Priores, Decani, Archidiaconi, & Præpositi, personaliter, Capitula verò per Procuratores sufficienter instructos, in prædictâ Ecclesiâ nostrâ Ebor. primo die mensis Julii memorato, cum Continuatione & Prorogatione dierum subsequen-  
tium, coram Nobis compareatis & compareant, tam super Negotio Inquisitionis Hæreticæ pravitatis contra singulares personas Templariorum, Nobis à Sede Apostolicâ commissio, juxta Acta retrohabita in dicto Negotio, quam aliis prius propositis, & noviter in eodem Concilio proponendis, tractaturi, salubre Consilium impensuri; necnon ea quæ statuta, ordinata & facta fuerint, humiliter admissuri, ac etiam efficaciter impleturi, facturi & recepturi quod consonum fuerit Canonicis Institutis. Vos enim præmunimus, & ceteros per Vos citandos, &c. Dat. apud Thorpe juxta Ebor. ii Kalend. Junii Anno Gratiae MCCCXIº. & Pontific. nostri VIº.

Registr. 70.  
de Halton. Episc. Carleol.  
fol. Cxl.

N U M. XLV.

**T**HE King's first Writ to the Archbishop of Canterbury to Summon the whole Clergy of his Province to Parliament. Dat. 8 Octob. is in Sir William Dugdal's Summonit. ad Parliament. pag. 77, 78.

The Print is faulty, and may be thus Corrected from the Roll. Dugd. p. 78.

l. 6. r. divertendi. l. 14. VVell. l. 17. loco nostro. r. nostri. Ibid. Tractatum. r.

Tractatu. l. 25. Capituli. r. Capitula. l. 28. Cleros. r. Clerus. l. 31. futuro.

r. futuris.



A. D. 1311.

*The King's Second Writ to the same Effect: Dat. 24 Octob. is in Prynn's Animadversions upon the ivth. Institute, fol. 41. Compare Dr. Brady's Hist. Vol. II. pag. 111.*

*Litera Domini Archiepiscopi toti Clero missa, de veniendo ad Parliamentum.*

Registr. Epist.  
Rob. Langley  
Prior. Norwic.  
fol. xlii. a.  
Collat. cum  
Registro Jo.  
Daldarby Lin-  
coln. Episc.  
fol. cclii.

**R**Obertus, permissione divinâ Cantuar. Arch. totius Angliæ Primas, dilecto Filio Magistro Willielmo de Bray, Venerabilis Fratris Dom. London. Episcopi, in remotis Agentis, Vicario, Salutem. Exigunt nonnulla negotia ardua & diversa tam statum Domini Edwardi, Dei Gratiâ, Regis Angliæ Illustris, quam Utilitatem Regni sui contingentia, super hiis specialiter Nos rogantis, ut ejusdem Regis precibus, ad Honorem Dei, & Ecclesiæ suæ sanctæ, quatenus Nobis est possibile inclinemur. Sanè Literas Regiæ Celsitudinis hâc instanti die Mercurii prox. ante Festum Apostolorum Simonis & Judæ apud Tenham recepimus, inter cætera continentes, quod ad Rogatum Regium Decanos & Priores Ecclesiarum Cathedralium, ac eorum Capitula; necnon Abbates Archidiaconos ac totum Clerum nostræ Dioceseos, totiusque nostræ Provinciæ Cantuar. Præmuniremus & faceremus Præmuniri, quod iidem Decani, Priores & Abbates, & Archidiaconi, in propriis personis suis, dictaque Capitula & Clerus, per Procuratores sufficientes plenam potestatem ab eisdem Capitulis & Clero hiis quæ in Parlamento prox. apud Westmonaster. celebrando ordinari contingerit consentiendi habentes, in eodem Parlamento exhibeant modis omnibus se præsentis. Quocirca discretionis vestræ committimus & mandamus, firmiter injungentes, quatenus cum omni quâ fieri poterit celeritate Confratribus nostris Co-episcopis, & nostræ Provinciæ Suffraganeis, vice & autoritate nostrâ injungatis, seu faciatis injungi, quod iidem Episcopi singuli in suis Diocesibus superscriptas personas Præmuniendo citent, præmuniet, citet, quilibet eorundem, die Jovis iv. Non. Decembr. prox. futur. compareant in prædicto Parlamento apud Westmonasterium, ut prædicitur, celebrando, ad consentiendum hiis quæ in eodem ordinabuntur & statuentur ad Honorem Dei & Ecclesiæ suæ sanctæ, & Utilitatem Regis Regniq. sui incliti suprascripti. Vos autem quantum ad Dominum vestrum, & Vos vice ejus, attinet, modo consimili faciatis. Qualiter autem hoc Mandatum nostrum fueritis executi Nos dictis die & loco certificetis.—Dat. apud Tenham v. Kal. Novemb. Anno Dom. 1311.

N U M. XLVI.

*Litera Archiepiscopi de veniendo London. ad Concilium.*

1312.

Registrum  
Reynolds, Wi-  
gorn. fol. xlvii.

**R**Obertus, &c. Waltero—Episcopo Wigorn. &c. Licet Vos ac cæteros Venerabiles Fratres nostros Suffraganeos præsentis in Regno, ac absentium Fratrum in Spiritualibus ac Temporalibus Vicarios Generales, seu alios quos ad hoc duxerant dimittendos, Decanos & Capitula Cathedralium Ecclesiarum, Archidiaconos universos, Abbates, Priores, supra se Abbates in nostrâ Provinciâ non habentes, tam Exemptos quam non Exemptos, eorumque Conventus, Clerumque cujuslibet Civitatis & Dioceseos nostræ Provinciæ, citari mandaverimus per dilectum Filium Vicarium Venerabilis Fratris nostri R. Dei Gratiâ London. Episcopi in Remotis Agentis in Spiritualibus generalem, quod Vos & Venerabiles Fratres nostri prædicti, Vicarii, Decani, Archidiaconi, Abbates, Priores, personaliter; Capitula autem & Conventus per suos Decanos, Abbates & Priores, si voluerint, alioquin per Alium, seu Alios idoneos; Clerus autem per Unum vel Duos Procuratores consimiles communiter destinandos, ad comparandum in Concilio nostro xiv. Kal. Maii prox. præterit. in Ecclesiâ S. Pauli London. Nobiscum super quibusdam Negotiis singulares personas Ordinis Militiæ Templi in nostrâ Provinciâ degentes, quæ post ultimum nostrum provinciale Concilium emerferunt, necnon super Bono publico hujus Regni, tranquillitate & quiete accommodâ Ecclesiæ Anglicanæ, & aliis



aliis prout visum fuerit expediens efficaciter tractaturi, consensumque hiis A. D. 1312.  
quæ, dante Deo, ordinarentur & providerentur ibidem præbituri, ulteriusque  
facturi ( cum continuatione dierum sequentium usque ad finem ejusdem Con-  
cili ) quod Justitia suaderet, denuntiando quod nullius quem necessitas inevita-  
bilis non excusaret, haberemus absentiam excusatam; & Vobis ac Episcopis  
Suffraganeis nostris, ac Vicariis districtius injungendo, quod Nos de ipsorum  
Vicariorum, Decanorum, Archidiaconorum, Abbatum & Priorum Nominibus  
propriis, quique Abbates & Priores exempti Plebes, Ecclesias, seu Capellas  
habeant non Exemptas, de eisdem omnibus reddidissetis, & reddidissent, in  
dicto Termino certiores, per \* . . . & suas Patentes Literas, hujus & ipsius \* Vestræ.  
Vicarii London. Mandati seriem continentes, prout in aliis nostris Patentibus  
Literis dicto Vicario London. directis plenius continetur; Idemque Vicarius  
London. Nos certificaverit per suas Patentes Literas, quod prædictum nostrum  
Mandatum fuerat executus quoad Citationes, Denuntiationes, Injunctiones, &  
omnia supradicta; Vos tamen, & quidam alii Suffraganei nostri in dicto Ter-  
mino non comparuistis, nec Nos Certificastis juxta Mandati Exigentiam ante-  
dicti, quamvis nonnulli alii nostri Suffraganei debite comparuissent, & Nos  
certificaverunt, ut decebat: Verum quia per quosdam Vicarios, & Aliorum  
Fratrum nostrorum absentium Clericos & Amicos fuerat allegatum, quod  
dicti Vicarii London. Citatio, & Mandatum, seu Executio, ad vestram, & ipso-  
rum absentium Suffraganeorum meorum notitiam non pervenerint, & volentes  
propterea super hoc scire plenius Veritatem, nihilominus Vobiscum, & per-  
sonis supradictis de Clero vestro, & aliis absentibus à Concilio, & præsentibus  
in Concilio simul conferre, tractare, ac ordinare, & agere super præmis-  
sis prout videbitur expedire, Vos & Cæteros absentes à Concilio usque ad  
diem Lunæ prox. post Festum Ascensionis Domini, de Consilio Fratrum no-  
strorum, & aliorum præsentium in Concilio præsentium, ipsum Concilium non  
dissolventes, sed continuantes, decrevimus expectandos; præsentibus in eo-  
dem Concilio eundem Terminum præfigendo. Quocirca Citationem, Manda-  
tum, Executionem Vicarii London. necnon & Continuationem, Expectationem,  
& Præfixionem prædict. ad vestram tenore præsentium notitiam deducentes, Vos  
ex abundanti peremptoriè citamus, & per Vos præmissas personas ac Clerum  
vestræ Civitatis & Dioceseos peremptoriè citari mandamus, quod compare-  
atis, & compareant coram Nobis in Concilio nostro Provinciali ad Termi-  
num supradictum, & Dies sequentes usque ad finem ejusdem Concilii, per om-  
nia juxta formam prioris nostri Mandati Vicario London. directi, tractaturi,  
& consensus efficaciter præbituri, facturi, & recepturi, quod Justitia suade-  
bit, ut superius est expressum. Porro si Abbates & Priores vestræ Civitatis  
& Dioceseos, velint per se, & sui Conventus per se, vel conjunctim, Procu-  
ratores idoneos ad dictum Concilium destinare, quibus ad tractandum super  
præmissis, & consentiendum hiis quæ ordinabimus, dante Domino, & provi-  
debimus, de vestro & venerabili Fratrum nostrorum Concilio, plenariam po-  
testatem, \* ipsos à personali Comparitione, sicut & Religiosos alios nostræ \* Deest aliquid.  
Provinciæ ( Cathedralium Ecclesiarum Prioribus duntaxat exceptis ) habebimus  
excusatos. Quid autem in præmissis duxeritis faciendum, & in præteritis fe-  
ceritis, Nos certificetis distinctè & apertè in dicto Termino per vestras Paten-  
tes Literas harum seriem continentes.—Dat. Londini in Concilio supradicto xii.  
Kal. Maii, Anno Dom. 1312. Consecrationis nostræ xviii<sup>o</sup>.

N U M. XLVII.

*Citatio pro Concilio Provinciali.*

**R**obertus, &c. Radulpho Episcopo London. &c. Quia secundum quod exi-  
gunt Statuta Canonica, intendimus Provinciale Concilium, dante Domi-  
no, celebrare; Fraternitati vestræ committimus & mandamus, quatenus Vene-  
rabiles Fratres nostros in nostrâ Provinciâ existentes—Citetis—peremptoriè,  
quod in Concilio nostro Provinciali in Ecclesiâ D. Pauli London. die Martis  
prox. post Dominicam Mediæ Quadragesimæ, dante Domino, celebrando, (quo  
tempore Londoniæ in Parlamento convocato oportet Vos, ut credimus, suam  
præsentiam exhibere) mane ante celebrationem Parliamenti ejusdem, ita quod  
nihil-

Registr. Rey-  
nolds ibid. fol.  
Lxxvii. lib.  
Memorand.  
Jo. Dalderby  
Lincoln. fol.  
Ccxxxviii.



A. D. 1213. nihilominus ad Parliamentum ire valeant, ut tenentur, personaliter compareant, facturi & accepturi quod Canonicis congruat Institutis. Denuntietis insuper Decanis & Prioribus Cathedralium Ecclesiarum, eorumque Capitulis, quod si ad idem Concilium venerint, & ad id petierint se admitti juxta Juris exigentiam, admittentur. Dat. apud Otteford xvi. Kal. Febr. Anno Dom. 1312. Consecrationis nostræ xix.

N U M. XLVIII.

*Procuratorium pro Concilio Provinciali.*

Registr. Ric.  
Swinfield E-  
pisc. Hereford.  
fol. Clxxxvi.

Venerabilibus Viris Magistro Ricardo de Besto Archidiacono Berk. in Ecclesiâ Sarum, & Canonico in Ecclesiâ Hereford. ac Magistro Adæ de Orleton Canonico in eadem, & Juris Canonici Professori; Ricardus permissione divinâ Hereford. Episcopus, Salutem, & sinceram in Domino Caritatem. Quia adversâ Valetudine corporali hiis temporibus impediti, in Provinciali Concilio coram Venerabili Patre Domino Johanne, Dei Gratiâ, Landavenſi Episcopo, Reverendi Patris in Christo Domini Roberti, Dei Gratiâ, Cant. Archiepiscopi, totius Angliæ Primatis, unâ cum Domino Officiali Curie Cantuariensis, Vices-gerente, die Veneris in Crastino Ascensionis Dominicæ Anno præſenti, cum Continuatione, & Prorogatione dierum sequentium, in Capitulo Sancti Pauli London. continuato, cum cæteris Prælatiſ Cantuariensis Provinciæ non Poterimus personaliter comparere, ad procedend. ordinand. statuend. pronunciand. & definiend. in Negotiis sive Causis, quæ vel quas in dicto Concilio agitari seu tractari contigerit, ac etiam ad reformand. & corrigend. quæcunque Reformationis & Correctionis limam exposcunt, Vobis vices nostras, quantum ad Nos attinet, conjunctim & divisim, committimus per præſentes. In cujus Rei Testimonium Sigillum nostrum præſentibus est appensum. Dat. xii. Kalend. Junii Anno Domini 1313.

N U M. XLIX.

Rot. Claus. 7 E. 2. M. 8. d.

*Pro Rege de veniendo pro Auxilio de Clero habendo.*

1314.

REX Venerabili in Christo Patri W. eadem Gratiâ Archiepiscopo Cantuar. totius Angliæ Primati, Salutem. Crescente malitiâ Roberti de Brus, & Complicum suorum, Inimicorum & Rebellium nostrorum, qui non modicas partes Marchiæ Regni nostri, & Ecclesiam sanctam in eisdem partibus, sub tributo per tempus aliquod posuerunt, & jam de novo Castra, Villas, & Fortalitia in terrâ nostrâ Scotiæ, & Marchia prædicta, hostiliter occuparunt, & eadem Castra, Villas, Fortalitia, necnon & Ecclesias, Oratoria, & alia Loca sacra, in Terrâ, & Marchiâ prædictis devastarunt, fideles nostros in dictis Castris, Villis, Fortalitiis inventos, nequiter interficientes, ac aliorum utriusq; sextus innocentum sanguinem effundere non verentes, & tot & tantis facinoribus non contenti usque ad Villam nostram de Berewico super Twedam, & alia loca infra dictam terram nostram Angliæ ad hujusmodi mala & pejora pro suis viribus perpetranda cum magnâ multitudine Armatorum accedere jam festinant, pro salvatione dictæ Villæ de Berewico, & aliarum Villarum, & Locorum nostrorum, ac etiam Ecclesiarum in Terrâ & Marchiâ prædictis, ac Fidelium nostrorum in eisdem, & pro repulsione dictorum Inimicorum & Rebellium nostrorum ordinavimus, & esse proponimus, Deo dante, apud Novum Castrum super Tynam à die Paschæ prox. futuro in tres Septimanas, cum Equis & Armis ad proficiscend. exinde contra dictos Inimicos nostros ad eorum obstinatam malitiam, cum Dei adjutorio, refrænand. viriliter & potenter; Et quia Vos & cæteri Prælati ac Clerus de Regno nostro, in tam arduis, Nos & Statum Ecclesiæ sacre & Coronæ nostræ tangentibus non solum Consiliis nobis tenemini assistere, sed etiam debetis extendere manus ad-  
jutrices



nutrices opportuna Auxilia faciendo, Vobis mandamus rogantes, quatenus alii A. D. 1314.  
prætermisſis ſitis in propriâ perſonâ veſtrâ apud Weſtm. in Craſtino Aſcenſi-  
onis Domini proximo futuro coram Fidelibus noſtris ad hoc deputandis ad  
tractandum cum eiſdem ſuper competenti Auxilio à Clero Provinciæ veſtræ  
Cantuar. Nobis impendendo ex Cauſis prædictis, pro Utilitate Reipublicæ, &  
Statu Eccleſiæ ſanctæ relevand. à ſervitute prædictâ, prout in proximo Par-  
liamento noſtro apud Weſtm. habito, tam per Clerum, quam per Communi-  
tatem Regni noſtri extitit concordatum, & prout per prædictos Fideles no-  
ſtros ex parte noſtrâ eritis requiſiti, & ad eundem diem venire faciatis coram  
dictis Fidelibus noſtris Suffraganeos veſtros, Decanos, Priores Eccleſiarum  
Cathedralium, Archidiaconos, Abbates Exemptos & non Exemptos, Provinciæ  
veſtræ, in propriis perſonis ſuis; Capitula etiam ſingula dictarum Eccleſia-  
rum Cathedralium per ſingulares Procuratores, & Clerum cujuſque Diœceſ.  
ejuſdem Provinciæ per duos Procuratores ſufficientes, ad tractandum & con-  
ſentiendum unâ Vobiſcum hiis quæ in præmiſſis ibidem tunc contigerit ordi-  
nari; & hoc ſicut Nos, & Honorem noſtrum, & veſtram, ac Utilitatem Rei-  
publicæ, & Relevationem Eccleſiæ ſacræ ab huiſmodi ſervitute diligitis,  
modis omnibus faciatis. Teſte Rege apud Weſtm. xxv° die Martii.

Per ipſum Regem.

N U M. L.

*Executio huius Brevis per Archiepiſcopum Cantuar.*

**W**alterus, permiſſione Divinâ Cantuar. Archiepiſcopus, totius Angliæ Pri- Registr. Reg.  
mas, Venerabili in Chriſto Fratri Domino Gilberto, Dei Gratiâ, Lon- noldi Arch.  
don. Epifcopo, Salutem, & fraternam in Domino Caritatem. Breve Domini Cant. fol.  
Regis recepimus in hæc verba. xxxvi. b.

Ut ſupra.

Quocirca Vobis tenore præſentium injungimus & mandamus, quatenus  
præfatos Suffraganeos noſtros, Decanos, Priores, Abbates, Archidiaconos,  
Clerumque prædictum noſtræ Provinciæ Cantuar. peremptoriè præmuniri &  
citari faciatis, quòd dictis die & loco ſint, & compareant, juxta formam e-  
juſdem Brevis, unâ Nobiſcum tractaturi & ordinaturi ſuper præmiſſis, prout  
Utilitati Eccleſiæ, & Animarum ſaluti viſum fuerit expedire: Et hiis quæ  
Domino diſponente, ibidem ſalubriter contigerit ordinari ſuum, prout decet,  
Conſenſum adhibitori. Ad quem diem veſtram ibidem præſentiam exhibeatis  
perſonalem; & qualiter hoc præſens Mandatum noſtrum fueritis executi, Nos  
eiſdem Die & Loco, cum tenore præſentium, legitimè certificetis. Dat. apud  
Ot teford. v°. Id. April. Anno Dom. 1314.

N U M. LI.

*Rationes Cleri Cant. Provinciæ contra formam Citationis ſuperius factam.*

**C**ontra formam huiſmodi Citationis Clerus Cantuarienſis Provinciæ pro- Registrum Ec-  
poſuit Rationes ſubſcriptas die Lunæ in Craſtino S. Dunſtani apud Weſt- cleſ. Chriſti  
monaſterium coram Domino Waltero & XI. Epifcopis ibidem præſentibus, & Cantuar. H.  
Procuratoribus abſentium Epifcoporum Anno prædicto inſcriptis. fol. Cxciv. &c.

Veſtræ Paternitati, Reverende Domine, Dei Gratiâ, Cantuar. Archiepiſco-  
pe, totius Angliæ Primas, Abbates, Priores Cathedralium Eccleſiarum, De-  
cani, Archidiaconi, Capitulum & Cleri Cantuarienſis Provinciæ Procura-  
tores, in inſtanti Congregatione apud Weſtmonaſterium nunc præſentes, Pe-  
titiones & Supplicationes concorditer porrigunt infra-ſcriptas.

*Imprimis* ſiquidem, Cum Eccleſia Cantuarienſis, totaque Eccleſia Anglicana libe-  
ra ſit & fuerit, & tali hætenus gaviſa libertate, "quòd Clerus ejusdem Provinciæ  
"vel Regni Autoritate Regia convocari non conſueviſſet, nec debuifſet de jure;"  
præſens tamen Citatio, cujuſ obtentu Clerus vocari dicitur ſupradictus, à Do-



1314.

mini nostri Regis Mandato, vel Præcepto, emanavit, prout ex formâ ejusdem Citationis in quâ Breve Regium totaliter est insertum, apparet evidenter, quod quidem ad subversionem Libertatis Ecclesiasticæ tendere dinoscitur manifestè:

*Item,* Cum tempore sanctæ & felicitis Memorix Domini Roberti nuper Cantuariensis Archiepiscopi, habito quondam in Concilio Provinciali super eodem Articulo cum suis Suffraganeis & Clero tractatu diligenti, visum fuisset Mandata hujusmodi Regia ad læsionem Libertatis Ecclesiasticæ cedere manifestam, de Consensu Fratrum, & totius Cleri, extitit declaratum, consensum, & concorditer ordinatum, quòd obtentu hujusmodi Mandatorum ad Convocationem Cleri nullatenus esset procedendum; præsertim cum temporibus Dominorum Archiepiscoporum, Prædecessorum vestrorum, quorum memoria nunc existit, id factum non fuerit in formâ quæ nunc scribitur, vel etiam aliquo tempore observatum:

*Item,* Cum in eodem Mandato Regio contineatur expressè, “ quod Vos “ venire faciatis Prælatos, & Clerum ad faciendum, prout in eodem continetur; Cum & tale præjudicium ex hoc Ecclesiæ vestræ Cantuar. possit verisimiliter imminere, quòd si eidem pareatur in præsentì, quotiens Domino Regi placuerit, posset Vobis & Ecclesiæ Cantuar. præfidenti consimilia Mandata dirigere, prætendens ex scripto præsentì se esse in possessione præcipiendi vel mandandi, ut præmittitur; Et nisi Executio juxta Mandatum suum subsequeretur, non Parentem gravius punire, prout in Brevibus Venire facias, contra singulares Personas impetratis, aliquotiens dicitur esse factum:

*Item,* Cum non liceat Metropolitano cuicunque subditos Suffraganeorum suorum extra sua territoria, nisi in casibus certis, de quibus Casus præsens non existit, trahere; vel Jurisdictionem aliquam in eos exercere; Mandatum hujusmodi, si eidem pareatur, in enormem Jurisdictionis Suffraganeorum cedere possit pro futuris temporibus læsionem, necnon Gravamen non modicum Subditorum:

*Item,* Cum Clerus Cantuariens. Provinciæ apud Westmonasterium, locum, videlicet exemptum, Autoritate ordinariâ ante hæc tempora vocari nullatenus consuevissent, prædictum Citationis Mandatum, utpote ad locum ordinariæ Jurisdictioni non subjectum, arctare non poterit vocatos ut in ipso compareant, facturi in eodem loco quod in hujusmodi Mandato continetur:

*Item,* Cum Laici Judices, Auditores, seu Cognitores, Causarum vel Personarum Ecclesiasticarum, esse non potuerint, in hoc casu prædictum Mandatum quo tam Vos, quam Suffraganei, & cæteri Prælati, & Clerus vocari mandantur ad comparendum coram dilectis & Fidelibus Domini nostri Regis, nullâ Autoritate Ecclesiasticâ fulcitis, prout in eodem Mandato continetur, & ex lectis coram Vobis, & recitatis publicè apparet; & manifestè nedum perniciosum, sed etiam Ecclesiasticæ Libertati contrarium, futuris temporibus perniciosum trahi possit in Exemplum:

*Item,* Cum Negotium de quo agitur omnes Personas Ecclesiasticas Cantuariensis Provinciæ possessiones habentes contingat, ac Priores Ecclesiarum per se Monasteria sua Gubernantes, Conventus etiam Abbatum & Priorum prædictorum, quorum etiam Negotium æquè agitur sicut nostrum, citari non mandentur, nec citentur; Ipsi non vocatis licet fortassis diceretur ab aliquo in cæteris fuisse ritè processum, ad tractandum tamen, & cætera faciendum, quæ in prædicto Mandato continentur, procedi non potest, neque decet, ne Unitas Ecclesiæ in Ministris suis divisionem patiatur; præsertim cum Abbates hic vocati, omissis suis Conventibus, & sine Consensu eorundem, ipsos Conventus obligare non possunt:

*Item,* Cum in Jure caveatur, quòd Clerus ad Subventionem quæ petitur, nisi cum quâdam Juris Observantiâ, minimè teneatur, sicut in sacris Canonibus est contentum, prædictam Subventionem quæ tanquam ex debito fieri petitur facere non valemus, absque Ecclesiasticæ Libertatis læsione, & sacrarum Constitutionum Offensâ manifestâ:

Supplicant igitur devoti vestri Abbates, Priores, Decani, Archidiaconi, & cæteri suprascripti vestræ Paternitati Reverendæ, humiliter, & cum omni Reverentiâ, petentes, quatenus consideratis & ponderatis omnibus præmissis, & singulis Periculis quæ ex hoc facto Libertati Ecclesiasticæ imminere noscuntur, tam



tam pro Jure vestrae Ecclesiae Cantuariensis, quam totius Ecclesiae Anglicanae, & A. D. 1314.  
 pro vitandis hujusmodi periculis in futurum, Revocationem Brevis hujus im-  
 petrare, & hujusmodi Revocatione habitā prae dictam citationem tam periculo-  
 sam, & Ecclesiasticae Libertati quamplurimum derogantem, ex paternā pro-  
 visione dignetur circumducere vestra Paternitas Reverenda. Vosque Patres  
 Reverendi, prae dictae Cantuariensis Ecclesiae Suffraganei, pro Conservatione Li-  
 bertatis Ecclesiasticae apud Patrem praedictum unā Nobiscum instare velitis, si  
 placet, ut Petitionem nostram tam licitam, tam sanctam, tamque honestam, ex-  
 audire dignetur, pro firmo tenentes, quod absque Libertatis Ecclesiasticae læsi-  
 one evidenti, vel potius subversione ejusdem, praemissa subsistere non possunt  
 absq; Remedio competenti.

## N U M. LII.

*Petitio facta Archiepiscopo & ejus Suffraganeis per Clerum Cantuariensis  
 Provinciae die Mercurii prox. post Festum S. Dunstani Anno Dom.  
 1214.*

**S**uper eo, Pater Reverende, quod Citationem circa quam versamur, cum Ibidem.  
 Ecclesiae vestrae Cantuariensi, totique Ecclesiae Anglicanae praejudicialis ex-  
 istat, Vos subducturos liberaliter promisistis, datā Optione aut ulterius nunc  
 tractandi, aut ritè faciendam Citationem aliam expectandi; Heri, sicut nunc,  
 Abbates, Priores, Decani, Archidiaconi, Capitulum & Cleri Procuratores  
 nunc praesentes, Gratiarum actiones retulerunt Paternitati vestrae, & referunt  
 multiformes; humiliter supplicando ut Citationem hujusmodi efficaciter subductā,  
 & Clero per eam non arctari declarato, sibi prout eligerunt, & eligunt, li-  
 beram recedendi Licentiam concedatis; praesertim cum Citationem hujusmodi  
 subductā, quae absque praejudicio praetacto subsistere non poterit ullo modo,  
 qui conveniunt Procuratores quicquam ulterius faciendi non habeant potesta-  
 tem. Pro Domino nostro Rege apud Altissimum insistimus, & devotè preci-  
 bus insistemus, ut ipsum sic protegat & dirigat in agendis quod suscepta Regni  
 Gubernacula sub ipsius Regimine sint tranquilla, & Hostes Regni qui in sua  
 feritate confidunt, dexteræ Dei potentiā comprimantur. Et quia quaedam  
 Comminationes per quosdam Laicos, quibusdam Personis Ecclesiasticis in in-  
 stanti Congregatione praesentibus sint factae, Occasione propositorum & peti-  
 torum à Vobis, humiliter supplicant paternitati vestrae Praelati & Clerus supra-  
 scripti, quatenus illos Laicos ab hujusmodi Comminationibus, & quibuscunq;  
 Compulsionibus, pro petito Subsidio factis, totaliter desistant, dignetur vestra  
 Paternitas Reverenda, (Vobis etiam Dominis Patribus Reverendis Episcopis  
 hic praesentibus devotè similiter supplicando, quod unā nobiscum apud Reve-  
 rendum Patrem praedictum Precibus votivis insistere velitis) (ut) Peti-  
 tiones & Supplicationes nostras ex paternā Benignitate admittere, & eas effectui  
 debito mancipare, supponentes omnes & singulos de Congregatione & Clero  
 praedictis, in quocunque Gradu consistant, Protectioni & Tutioni Dei, & ip-  
 sius Vicario in Terris, & suae Sedi, ne alicui eā Occasione Gravamen inferatur  
 per quemcunque, non intendentes Rationes propositas discutere, vel etiam dis-  
 sipare, eò quod firmiter tenemus quid super his sit agendum vestram Reve-  
 rendam Paternitatem non latere.

## N U M. LIII.

*Mandatum pro Convocatione in Crastino Translationis S. Thomae Mart.*

**W**alterus, &c. Venerabili Fratri suo G. Dei Gratiā London. Episcopo, Registr. Reg.  
nolds. Arch.  
Cant. fol. cv,  
cvi.  
 Salutem, & fraternam in Domino Charitatem. Serenissimus Princeps  
 & Dominus noster Dominus Edwardus Rex Angliae Illustris, sui Brevis nobis  
 nuper directi relatione querula cordi nostro acerbi doloris amaritudinem pro-  
 pinante, latè explicavit, quod Robertus de Brus & Complices sui, Inimici &  
 Rebelles ipsius Domini nostri Regis & Regni sui Angliae, qui Regnum suum  
 dirā Guerrarum commotione & perfidā persecutione hactenus hostiliter diu-  
 tius



A. D. 1314.

tius impugnarunt, jam crescente ipsorum maliciosa feritate, ut abundè transeuntium clamoris gemitus publicat, & vox lugubris lamenta multiplicans evidentius manifestat, non modicas partes Regni Angliæ, & etiam Ecclesiam Anglicanam, & Ecclesiasticas Personas in Confinio seu Marchia Scotiæ de novo sub Tributo posuerunt, Castra, Villas & Fortalitia in Terrâ Scotiæ & Marchiâ prædictâ hostiliter occuparunt, & eadem Castra, Villas & Fortalitia, necnon & Ecclesias, Oratoria, & alia Loca sacra in Terrâ & Marchiâ prædictis miserabiliter devastarunt, Fideles Regni Angliæ in dictis Castris, Villis & Fortalitiis, & Locis aliis eruentes nequiter perimentes, ac aliorum utriusque Sexus innocentium Sanguinem effundere non verentes, & tot ac tantis facinoribus non contenti usque ad Villam de Berewico super Twedam, & alia Loca infra dictam Terram Angliæ ad hujusmodi Mala, & pejora, pro suis viribus, perpetranda, cum magnâ multitudine accedere jam festinant; pro quorum repulsione & salvatione dictæ Villæ, & aliarum Villarum, & Locorum suorum, ac Ecclesiarum & Ecclesiasticarum Personarum & Fidelium suorum in eisdem, idem Dominus noster Rex ordinavit, & esse proposuit apud Novum Castrum super Tinam à die Paschæ proximè jam præterito in tres Septimanas cum Equis & Armis ad proficiscendum exinde contra dictos inimicos suos ob eorum obstinatum malitiam, cum Dei Adjutorio, refrænandam viriliter & potenter. Et quia propositum suum cum Equis & Armis versus partes illas, sicut vos latere non credimus, se transferendo, quatenus commodè potuit, adimplevit, & (ut asseruit) Nos, & cæteri Prælati, & Clerus de Regno suo in tam arduis Nos & ipsos, & Statum Ecclesiæ sanctæ, & Coronæ suæ, tangentibus, non solum Consiliis (sicut tenemur & tenentur) assistere, sed manus extendere adjutrices, opportuna Subsidia faciendo, Nobis mandando rogavit, quatenus in Crastino Ascensionis Domini extunc prox. futur. apud Westmonast. essemus, & ad eundem diem venire faceremus Suffraganeos nostros, & alios de Clero nostræ Provinciæ, prout in tenore ejusdem Brevis per nos alias Vobis missi luculenter apparet, ad tractandum unâ Nobiscum super competenti Auxilio à Clero nostræ Provinciæ sibi impendendo, ex causis prædictis, pro Utilitate Reipublicæ, & Statu Ecclesiæ sanctæ relevando à Servitute prædictâ, prout in proximo Parlamento suo apud Westmon. habito, tam per Clerum quam per Communitatem Regni sui (ut in ipso Brevis adicitur, extitit concordatum) necnon ad consentiendum unâ Nobiscum hiis quæ in præmissis ibidem contigerit ordinari; Cujus quidem Principis & Domini nostri Regis, tot & tantis Anxietatibus & Angustiis expositi, plurimum condolentes, & proinde gravissimi doloris concussi vulnere in tam grandi & evidenti periculo Regno & Ecclesiæ, sicut præmittitur, imminente, ipsius Domini Regis rogatibus excitati, & ipsis (sicut ex præstito Juramento Fidelitatis astringimur) quantum cum Deo possumus inclinati, advertentes ex eventu Rei, quòd præter mala execrabilia & irreparabilia (ut præmittitur) jam illata, plura detrimenta & pericula hiis præteritis pejora, nisi eisdem citius occurratur, & Inimicis prædictis in suâ maliciosa nequitia grassantibus salubriter obvietur, sicut verissimiliter est timendum, evenire poterint in futurum, nostros Coepiscopos & Confratres, & cæteros de Clero nostræ Provinciæ pro salubri Consilio & Auxilio in hac parte ab omnibus, sicut omnium interesse noscitur, ad Utilitatem Ecclesiæ sanctæ & Reipublicæ impendend. censuimus convocand. Verum quia die & loco in Convocatione hujusmodi assignatis quamplurimis Confratribus nostris Suffraganeis, ac aliis de Clero nostræ Provinciæ Nobis invicem congregatis, quorundam ipsorum Confratrum Nobis relatio patefecit, quòd Citatio nostra prædictâ ad notitiam quorundam Decanorum, Abbatum, Priorum, Archidiaconorum, & Cleri quarundum partium nostræ Provinciæ quibusdam certis ex causis assertis pervenire non poterat, nec pervenit, Nobis & Nostreis Coepiscopis, ac aliis quibusdam coadunatis super hiis omnibus artissimâ revolutione tractantibus tandem consultum, honestum & expediens videbatur, quòd intercurrente communi assensu omnium pro oppressionum hujusmodi revelatione & periculis imminentibus, necessitate urgente, præcavendis, in hac parte foret efficaciter succurrendum, & hoc minimè possit fieri illorum, quorum intererat Convocatione communi ac debitâ prætermisâ: Quocirca Fraternitati vestræ committimus & mandamus, quatenus omnes Coepiscopos & Confratres Suffraganeos nostros absque dilatione morosâ convocetis, & per ipsos dictum Clerum peremptoriè convocari mandetis, viz. quòd Episcopi & Decani,



cani, ac Priores in Ecclesiis Cathedralibus præsidentes, necnon Abbates Exempti, & Archidiaconi, personaliter; cæteri vero Abbates, Priores cujuscunq; Diœceseos pro se & Conventibus suis, per se, aut per Procuratorem sui Ordinis, & reliqua Cleri Communitas, scil. cujuscunq; Diœceseos per duos, & singula Capitula Ecclesiarum Cathedralium per unum, Procuratores idoneos, coram Nobis in Ecclesiâ S. Pauli London. in Crastino Translationis B. Thomæ Martyris sufficienter compareant unâ Nobiscum tractaturi & ordinaturi super Remedio providendo in præmissis, & Subsidio competenti similiter impendendo, necnon aliis hujusmodi Remedium & Subsidium ac Statum Ecclesiæ & Reipublicæ concernentibus, prout Animarum saluti, ac Utilitati Ecclesiæ & Reipublicæ visum fuerit expedire, & hiis quæ, Domino disponente, ibidem salubriter contigerit ordinari, suum, prout decet, præbituri Consensum. Vos etiam tenore præsentium peremptoriè Citamus quod dictis die & loco coram nobis appareatis ac Citationem hujusmodi, sub formâ consimili, quoad vestros subditos, & alios vestræ Civitatis & Diœceseos, quod etiam tunc appareant, faciatis, unâ Nobiscum Tractaturi & Ordinaturi & Consensuri, prout superius est expressum. Denuntiantes dictis Coepiscopis nostris, & per eos suis subditis sic vocandis denunciari, ipsosque idoneè præmunire demandetis, super quo Vos similiter præmunimus & Vobis denuntiamus, quod Absentes in Citatione prædictâ nisi evidens impedimentum sufficienter probetur, tanquam Inobedientes graviter puniemus. De die verò Receptionis præsentium, & quid feceritis in præmissis, Nos dictis die & Loco, unâ cum Nominibus Citatorum in Quâdam Cedula vestro Certificario annexâ conscriptis, quatenus ad Vos atnet Certificare curetis; & Cæteris Coepiscopos nostris ut nos similiter de suo facto ad ipsos diem & locum sub Eadem formâ idoneè Certificent, districtius injungatis per Patentes Literas harum seriem Continentes. Dat apud Lameheth ix Kal. Junii Anno Dom. 1314.

A. D. 1314.

## N U M. LVI.

*Mandatum pro Parlamento.*

1315.

**W**alterus permissionè divinâ Cantuar. Archiepiscopus &c. Venerabili Domino Gilberto Dei Gratiâ London. Episcopo, Salutem, & Fraternalam in Domino Caritatem. Latius per diversa Mundi Climata diffunditur, & quotidianis Gestorum Experimentis perpendimus qualiter Natale solum dispendiorum incommodis atteritur pro hoc quod Pacis Æmulus & humani Generis perfidus Inimicus, Regnum Angliæ Ejusdemq; Incolas Hostium insidiis undiq; circumcinxit, & innumerabilium Aciem Bellatorum in Nos Omnes convertit, atq; alia pericula Nobis, & Ecclesiæ Anglicanæ, Clero pariter atq; Regno imminet, fallaciter præparavit, in tantum quod nisi Sæva Sævientium audacia Reprimatur, & Eidem favente Domino competentibus Remediis occurratur, Nos & Ecclesiam antedictam, Clerum etiam ac Cæteros Regnicolas ad desolationis irreparabilis Detrimentum, quod absit, perducere posse præsumimus, & verisimiliter formidamus. Cum itaq; Dominus noster Rex ad hæc suæ Considerationis convergens Oculum Nos suis Rogatibus excitaverit, ut præmissa pericula ponderantes Clerum Nostrarum Cantuar. Diœceseos & Provinciæ apud Lincoln. in Quindenâ S. Hillarii, ubi in suo Parlamento quodi nubi Celebrare disposuit Vos ac cæteri Coepiscopi nostri, ut & Nos ac Proceres & Magnates Regni Angliæ ex Præmunitione Regiâ estis dante Domino tunc Venturi, pro competentem in hac parte providendo Remedio cum Aliorum consilio qui ibidem tunc aderunt Convocemus: Nos Casibus hujusmodi quos, ut præmissimus, instantes esse probabiliter conjicimus & evidenter attendimus Obviare in quantum licitè poterimus affectantes, Regiæ Majestatis precibus hujusmodi eò favorabilius inclinamus, quo Nos & Ecclesiam, Clerum & cæteros Regni Incolas Hostium Nostrorum undiq; crescentium repentinis incursionibus & oppressiõibus cernimus subjacere; quanquam Viarum & Temporum, ac aliorum Gravaminum multiplex importunitas videatur huic Negotio plurimum adversari, vestræ tamen Fraternitati committimus & mandamus quatenus cum debitâ celeritate Confratribus & Coepiscopis nostris, nostræ Cantuar. Ecclesiæ & Provinciæ suffraganeis, vice & autoritate nostrâ injungatis, seu faciatis injungi, ut iidem

Registrum  
Woodlock Epif.  
Winton. fol.  
cxcvii.  
Collat. cum  
Registr. Henr.  
Prioris Cant.  
fol. clxiiij. b.

L

Episcopi



A. D. 1315. Episcopi Omnes & singuli in suis Diocesisibus Decanos & Priores Ecclesiarum Cathedralium, ac Archidiaconos in propriis Personis suis, nec non [ Capitula per Unum ] & Clerum cujusq; Dioceſeos per duos Procuratores, &c. venire faciant Coram nobis in Craſtino feſti Converſionis S. Pauli prox. jam futur. in Eccleſia Cathedrali Lincoln, cum Continuatione & Prorogatione dierum ſubſequentium, ad Traſtand. & Conſentiend. unâ Nobiſcum hijs quæ ibidem divina inſpirante Clementiâ contigerit Ordinari ad Honorem ipſius Dei, & Eccleſiæ ſuæ ſanctæ, ac Magnificentiam ſtatus ipſius Regis noſtri, ac Utilitatem Regnicolarum totius Regni Incliti ſupradicti. Vos etiam quantum ad Vos attinet mandatum noſtrum huiusmodi Obſervetis, & dictis diē & loco nobiſcum tractaturi, huiusmodi dictum diem Parlamento aſſignatum prævenientes, perſonaliter interſitis, & ut Cæteri Confratres & Coepiſcopi noſtri præveniend. interſint, Eiſdem diſtrictius injungatis: Et quid feceritis in Præmiſſis Nos dictis diē & loco Certificetis; Et ſingulis noſtris Coepiſcopis ut & ipſi ſimiliter de ſuo facto Nos Certificent injungatis per Literas Patentes harum ſeriem continentes. Dat. apud Lambeth x Kal. Decembr. Anno Dom. 1315.

## NUM. LVII.

Rot. Clauf. 9. E. 2. M. 17. dorſo.

*De Convocatione Cleri fac. pro Subſidio Regis pro guerra faciendâ.*

1316. **R**EX venerabili in Chriſto patri W. eadem gratia Archiepiſcopo Cantuar. totius Angliæ Primati, Salutem. Pro firmo credimus & tenemus quod ad ea quæ Regni noſtri Salvationem & populi nobis commiſſi tranquillitatem, & quietem, reſpiciant, cum Dei adjutorio feliciter promovenda manus velit. extendere liberaliter adjutrices. Quidam itaq; Prælati, & Alii de Clero Provinciæ veſtræ Cantuarienſis, quos ad interreſſendum Parlamento noſtro apud Lincoln & fecerimus Summoneri, ibidem ex parte noſtra ſuper Subſidio nobis pro guerra noſtra Scotiæ faciend. requiſiti, ad urgentem neceſſitatem in hac parte & inevitabile periculum quod tam Eccleſiæ Anglicanæ, quàm nobis, & toti populo noſtro, ex Scotorum inimicorum & rebellium noſtrorum (qui pluries Regnum noſtrum hoſtiliter ſunt ingreſſi, deprædationes, incendia, & alia dampna quam-plurima, inhumaniter perpetrando) obſtinatâ malitiâ imminere, niſi eorum nequitia citius, & potentius, cum Dei adjutorio, reſiſtatur, ſuæ conſiderationis intuitum dirigentes, ad Subſidium nobis ex cauſâ prædicta faciend. quatenus vobis abſentibus, cui ſubſunt, & in quorundam aliorum tam Prælatorum quam Religioſorum, &cæterorum de Clero dictæ Provinciæ abſentiâ potuerunt, unanimiter conſenſerunt: Ita tamen quod tam ipſi, quam alij de Clero veſtræ Provinciæ, qui dicto Parlamento præſentes non fuerunt, coram vobis ad tractandum & conſentiendum, veſtrâ Autoritate interveniente, de certo Subſidio nobis ut præmittitur faciend. in loco debito convocentur. Veſtram igitur paternitatem reverendam, de qua fiduciam gerimus plenior, requirimus & rogamus quatenus omnes Prælatos, tam Religioſos quam alios, cæterosq; de Clero Provinciæ veſtræ ſupradictæ, quod ſint coram vobis apud London. diē Mercurii proxima poſt Quindenam Paſchæ proximo futuram ad ultimum, ad tractand. in veſtra præſentia, & una vobiſcum conſentiend. ſuper Subſidio memorato, convocari fac. apponentes, ſi placet, opem & operam efficaciſſimas, ut pro guerra noſtra prædicta ad præſens competens Subſidium nobis fiat. Mittemus autem ad vos, ad diem prædictam, quosdam de Concilio noſtro ad reſponſionem veſtram ſuper dicto ſubſidio noſtro nomine audiend. & nobis poſtmodum reportandam. Teſte Rege apud Lincoln. xvi<sup>o</sup> diē Febr.

## NUM. LVIII.

Regiſtrum  
Henr. Prior.  
Cant. fol.  
clxviii.

**W**alterus, &c. — Ea quæ ad laudem Dei ac Tuitionem Eccleſiæ ſuæ ſanctæ & ſibi Miniſtrantium, ac cæterorum quietem Subditorum, necnon totius Reipubl. Utilitatem ſummo ſtudio provida Deliberatio aliquoties adinvenit, Fortuna intentioni quamplurimum Adverſatrix, ſuis captionibus cauteſis ad fruſtrationis incommodum, non ſine gravi detrimento multorum nonnunquam



nunquam perducere consuevit. Urgente siquidem Necessitate, quam ex Insidiis inimicorum undiq; confluentium ac ad Exterminium hujus Regni, & Ecclesiæ Anglicanæ, laborantium incessanter, Nos periculis his instanter imminentibus pro viribus occurrere cupientes, precibus Regiis ad id nihilominus excitati, Venerabiles Fratres Coepiscopos & Suffraganeos nostros, Prælatosq; alios tam Religiosos quàm Sæculares, nec non totum Clerum nostræ Cantuar. Provinciæ ad conveniendum apud Lincoln. in Crastino Conversionis S. Pauli prox. jam Effluxo sub certâ formâ duximus Convocandos, ad Tractandum viz. de salubri Remedio adhibendo in Præmissis, & cætera quædam facienda de quibus in Mandato nostro Citatorio, alias, Venerabili Fratri nostro Domino London. Episcopo, & per Ipsum cæteris Suffraganeis nostris directo, novimus plenius esse Cautum. Cumq; adversâ Corporis valetudine quæ medio tempore nos invasit fuisset adeò fatigati quòd ad Diem, & Locum, nequivimus accedere antedictos, quibusdam Fratribus ac Coepiscopis nostris, vices nostras commisimus, ad omnia facienda quæ nos facere potuimus in Congregatione eadem, & Tractatu, si præsentiam nostram in Eisdem adhibuissemus personalem. Verum Prælati, & Cæteris tam Religiosis, quàm Aliis, juxta Mandati Tenorem vocatis, & convenientibus ad diem & locum superscriptos, paratis ad Faciend. Ea quæ ejusdem Mandati nostri series exposcebat, ex Eo tamen quòd Venerabilis Frater noster Dominus London. Episcopus prædictus, de præscripti Executione Mandati ad dictos Diem, & Locum, vel post, Certificare prout debuit totaliter omisit; quanquam ad Id tam de jure quàm etiam de consuetudine ab olim in Casu consimili obtentâ & approbatâ, necnon tam antiquis quàm modernis temporibus pluries, & in recenti, usitatâ, quod nec ipsum, nec Cæteros Suffraganeos nostros, aut alios prælatos nostræ provinciæ, probabiliter latere poterit, nec etiam aliquo modo tunc latebat ipsum teneri efficaciter, in dubium non sit revocandum, in Ecclesiæ Anglicanæ ac totius Reipub. utilitatis impedimentum manifestum ac nonnullarum quam plurimum periculum Animarum, cum onerosâ Prælatorum, ac Cæterorum Subditorum nostrorum vexatione, de qua duluimus non modicum & dolemus, perijt Vocatio hujusmodi ut videbatur pro tunc totaliter sine fructu, Eo duntaxat excepto quod per Prælatos & quosdam alios de Clero in Congregatione prædictâ, ac Procuratores aliquos Absentium Præsentes, quòd ad certum diem per Nos assignandum Prælatos ipsos tam tunc præsentes, quàm Absentes, & totum Clerum Provinciæ nostræ prædictæ ad Civitatem London. convocari faciamus ad Tractand. & Faciend. quod tanti Negotii Expeditio requirit, concorditer consensum excitabat: Unde Dominus noster inclitus Rex Angliæ Spe sani Consilii quod ex deliberatione Prudentum reportasse confidebat in Tractatu taliter conspiciens se frustratum, & ob hoc Regni, & Ecclesiæ Anglicanæ Negotia, periculis quamplurimis sic subjecta, literis suis Supplicatoriis, Nobis super hoc nudius tertius sub certâ formâ transmissis, Nos excitari curavit, quòd pro felici expeditione Negotii superscripti Convocationem hujusmodi fieri faceremus. Et licet sarcinâ tantæ Necessitatis inspectâ pro statu Ecclesiæ atq; Regni absq; excitatione Cujuscunq; ex arctatione incumbentis Officii ad Remedium in præmissis pro viribus procurandum reputemus efficaciter Nos astrictos, Eò tamen promptius Votis Regiis assurgimus, ac Eis favorabiliter inclinamus, quo Negotium de quo agitur Ecclesiam Anglicanam, Regnum, & Regni Incolas, tam Personas Ecclesiasticas quàm Laicas, contingere communiter dinoscitur, quodq; ad Id faciendum, ex causâ pretenâ, ut præmittitur, novimus Nos teneri. Vobis igitur injungimus & mandamus, ac tenore præsentium peremptoriè Vos citamus, ut Vos Prior personaliter, &c. compareatis coram Nobis in Ecclesiâ S. Pauli London. die Mercurii prox. post Quinden. Pasch. prox. futur. &c. — Dat. iij Non. Martij. Anno 1315.

## N U M. LIX.

Edward par la grace de Dieu Roi D'engleterre, Seigneur D'irreland & Registr. Jo. Duck de Aquitaine, a nos chiers en Dieu, Dean & Chapitre del. Eglise de Halton. Sanct Pierre de Ewewick, Saluz. Come pur refreondre & rebotre, a'lade de Episc. Carleol. fol. clxxxix. dieu, la malice & l'engresseie de nos Enemis D'escoce que se'afforcent de purchaser a Nous & le nös toux les Maus qu'ils pount, soioms en alant vers les parties du North, ou il nous convient avoir grand foison de devers pur l'esloit de nos



**A. D. 1318.** nos besoignes: E les Prelates, & le Clerge de la province de Canterbere nous ont promis affaire un aide covenable pur cell Voiage, & Lesploit de nos dite besoignes vous touche plus pres que ceus du Clerge de la Province avandite, vous... tant especialment de cuer come nous... que a plus en haste que vous... faces assembler le Clerge de la Province de Eurewyk, que il soit devant vous a Eurewyk a acun jour certain dedents le quinze Jours apres la date de cestes, & vos pregnes si pres de Nous faire acun covenable Eide que se soit al'honneur & profit de Nous, & de Vous, & de tout nostre people, & confusion de Nos Enemis avandits. Eant resgard que Lesploit de nos dites besoignes touche plus a vous, que a ceus del autre Province, de tant com nos Enemis vos sont plus pres. Done sous nostre privie Seal a Eurewyk le xi jour de Octobre. Lan du nostre Regne disme.

## N U M. LX.

1318.

*Mandatum pro Convocatione Cleri Ebor. Provinciae.*

Registr. Jo. de  
Halsom. Episc.  
Carleol. fol.  
ecxiiij.

**W**illelmus permissione Divina Ebor. Archiepiscopus, Angliæ primas, Venerabili Fratri nostro Domino J. Dei Gratia Karl. Episcopo, Salutem & Fraternali in Domino Caritatem. Juxta Canonicas Sanctiones esse novimus constitutum ut qui intra Ecclesiam positi, Disciplinam Ecclesiasticam Contempnentes, per Censuram Ecclesiæ compesci nequeant, severitate & rigore principum conterantur. Et sicut Christiani principes pro Eterna vita Pontificibus & Sacerdotibus indigent, sic quoque Pontifices pro Successu Rerum Temporalium & Ecclesia Dei in statu Orthodoxæ fidei conservanda, Regum & Imperatorum oportunis noscuntur auxiliis indigere. Sane attendentes quod serenissimus princeps Dominus noster Dominus Edwardus Dei gratia Rex Angliæ Illustris, ad repellendas Scotorum Inimicorum suorum Capitalium versutas Insidias Ipsorumque malitias multiplices & notorias Dei adjutorio reprimend. ad partes Scotiæ pro defensione Regni sui, & Ecclesiæ Anglicanæ, cum copiosa multitudine Armatorum in proximo proponit arripere iter suum, Nosque una vobiscum in Parlamento proximo in Civitate nostra Ebor habito ex parte ejusdem Domini nostri Regis, cum magna simus instantia requisiti, quod Vos, & Clerum nostræ Dioc. & Provinciæ, qui propinquiore sumus periculo imminenti, efficaciter inducamus, ut ab eodem Clero sibi ex præmissa causa competens Subsidium concedatur, necessitate instante non modica perurgente, quod absque Convocatione Prælatorum & Cleri Nostrarum Civitatis, Dioc. & Provinciæ non poterit adimpleri, Tenore præsentium Voscitamus, & per vos priorem, &c. & mandamus quatenus Vos, &c. in Ecclesia nostra Ebor. in Octabis Sancti Hillarii prox futuris compareatis, & compareant, coram Nobis ad tractandum in dicta Convocatione Nobiscum, & cum cæteris Prælati, & Procuratoribus Cleri nostrarum Civitatis Dioc. & Provinciæ super Negotio antedicto ac ad faciendum ulterius super illo quod communi videbitur judicio faciend. De die vero Receptionis, &c. Dat. apud Thorp prope Ebor. iiij.º Kalend. Decembris, Anno Gratia Mº CCCº decimo octavo & pontif. nostri secundo.

## N U M. LXI.

Rot. Claus. 12. E. 2. m. 22. d.

*Pro Rege de tractand. super Subsidio Regi Concedendo.*

**R**ex dilecto sibi in Christo Abbati Sancti Augustini Cantuar. Salutem. In Parlamento nostro apud Eborum convocato de consensu Prælatorum, Comitum, Baronum, & Aliorum fidelium nostrorum de regno nostro, nobiscum in eodem Parlamento existentium, assumpsimus esse in propria persona nostra cum equis & armis apud Novum Castrum super Tynam in Octabis Sanctæ Trinitatis proxime futuris, ad proficiscend. exinde contra Scotos Inimicos, & Rebelles nostros, qui nobis dampna quamplurima ac incolis dicti Regni, in partibus March. Scotiæ commorantibus, strages, incendia, deprædationes, & alia



alia facinora quamplurima, pluries intulerunt, & inferre conantur quotidie quantum possunt, ad dictorum inimicorum nostrorum malitiam divinâ median-  
te potentiâ reprimend. ad quod faciend. & agrediend. nobis oportebit de magna summa pecuniæ provideri : Et quia Venerabilis pater W. Archiepiscopus Ebo-  
rum, in dicto Parlamento præsens pro se, & Clero suo Eborum Provinciæ, nos posuit in spe bona concedendi nobis Auxilium, ex causa prædicta, & super hoc Convocationem faciet apud Eborum in Octabis Sancti Hilarii proxime futur. & Prælati Cantuar. Provinciæ qui ibidem fuerunt propter absentiam Cantuar. Archiepiscopi super concessione huiusmodi nobis faciend. se excusantibus, pro-  
pter quod eundem Cantuar. Archiepiscopum duximus requirend. quod Præla-  
tos, & alios de Clero Provinciæ suæ, apud London, in Crastino Purificationis beatæ Mariæ proximo futur. ad tractand. & consentiend. super huiusmodi Sub-  
sidio nobis faciend. faciat Convocare ; Nos de vobis specialiter confidentes, sperantes etiam quod pro utilitate Regni nostri, & Salvatione ejusdem, ac Ec-  
clesiæ sanctæ, & populi ibidem contra Inimicos nostros prædictos in dicto nego-  
tio velitis manus extendere adjutrices, vos affectuose requirimus & rogamus quod præfato Archiepiscopo Cantuar. in dicto Crastino London. ad tractand.  
& consentiend. una cum ipso, Prælati, & Clero Provinciæ suæ super subsidio memorato modis omnibus occurratis ; adeo liberales in dicto subsidio nobis con-  
cedendo vos in tantæ necessitatis articulo exhibentes quod nos in agend. vestris & domus vestræ, invenire debeatis ex hac causa imposterum prompt. Teste Rege apud Eborum 1<sup>mo</sup> die Decembris.

A. D. 1319.

Per ipsum Regem.

N U M. LXII.

Rot. Claus. 13. E. 2. m. 17.

*De Supersedendo Levationi Duodecimæ de Clero.*

**R**EX Taxatoribus, & Collectoribus Duodecimæ Nobis concessæ, in Comita-  
tu Cantij deputatis, Salutem. Cum nuper in Concessione dictæ Duodecimæ, quatenus Bona Prælatorum & Cleri Cantuar. Provinciæ contingeret per eosdem Prælatos & Clerum nobis facta inter cætera Conditio apposita fuisset subscripta, viz. " Quod si aliqua decima per Dominum summum Pontificem Clero Pro-  
vinciæ prædictæ ad opus nostrum imposita fuisset, tunc Taxatio & Levatio  
" dictæ Duodecimæ omnino cessarent, ac dictus Dominus summus Pontifex jam imposuerit Decimam Clero prædicto infra Annum ad opus nostrum ex certis causis levandam : Vobis mandamus, quod Taxationi, & Levationi dictæ Duo-  
decimæ de Bonis Prælatorum & Cleri prædictorum, de quibus Decimam præ-  
dictam solvent, & hætenus solvere consueverunt, supersedeatis omnino. Et si quid inde de huiusmodi Bonis Prælatorum & Cleri prædictorum Levaveritis, id eis sine dilatione aliqua restituatis. Proviso quod si Prælati & Clerus præ-  
dicti habeant Terras seu Tenementa de perquisito, vel alia Bona, & Catalla, quæ de huiusmodi Decima non consueverunt onerari, & de quibus ipsi cum Civibus, & Burgenlibus Civitatum & Burgorum Comitatus illius in huiusmodi Auxiliis, Nobis seu Progenitoribus hætenus concessis taxari consueverunt, dicta Duodecima assideatur & levetur ad opus nostrum, ut est Justum. Teste Rege apud Wiebell xviii Die Augusti.

N U M. LXIII.

1321.

*Mandatum pro Concilio Provinciali.*

**W**ALTERUS permissione divinâ, &c. Venerabili Fratri Domino S. Dei gratiâ London. Episcopo Salutem, & Fraternalm in Domino Carita-  
tem. Non sine magnæ Sollicitudinis studio dedimus hætenus Operam, & ad-  
huc libenter impendimus operosa prosecutione labores, ut de multiplicibus

Registr. Orle-  
ton Episc. He-  
reford fol. LV.



A. D. 1321. hujus Regni turbationibus quas per aliqua tempora dispendiose pertulit ad pacis gaudia idem Regnum redeat & quietis. Dum enim mente Revolvimus quanta pericula Ecclesiae Anglicanae, Viris Ecclesiasticis, & Caeteris Regni Incolis in promptu se offerunt hijs diebus, profecto tanto graviore commotione concutimur quanto Regnum ipsum quod ab Olim pacis pulchritudine Gaudere consueverat, nostris jam temporibus Guerrarum dissidiis Expositum, intestini Belli discrimine naufragari pertimescimus, nisi divina Opitulante Clementia hijs praesidio occurratur celeriter Opportuno. Ut autem animarum ac Corporum atq; Rerum imminentibus dispendiis obvietur, & pacis tranquillitas extra suos terminos hijs diebus, proh dolor! exulata, ad debitae reducatur reconciliationis amplexus, Eò promptius, Eòq; ferventius, ad pacem hujusmodi procurandam studia nostra habemus apponere quòd id sub Gravibus Pœnis, per Sacros Canones Prælati, \* est commissum, tepeditate quacunq; seposita, mutuo ipsorum interveniente Consilio, diligentius exequendum. Volentes igitur in habendo super hijs tractatu in quibus Omnium ac Singulorum causam agi conspiciamus Vestro, ac Caeterorum Fratrum nostrorum Coepiscoporum, ac Cleri totius nostrae Cantuariensis Provinciae, in Concilio, quod ex Causis praemissis urgentissimis ac Notoriis, ex deliberato consilio cum quibusdam Fratribus nostris jam praesentibus, Convocandum duximus, Consilio & auxilio perpotiri, & in ipsis procedere juxta tractandorum qualitatem negotiorum, & Sacrorum ut praemittitur Canonum Instituto, Vobis in virtute Sanctae Obedientiae firmiter injungendo Mandamus quatenus omnes & singulos Coepiscopos Suffraganes nostros Provinciae nostrae Cant. peremptorie Citetis, & per ipsos Episcopos singulos in suis Diocesis, Decanos & Priores Ecclesiarum Cathedralium, Archidiaconos, Abbates, & Priores alios suos Conventus per se Regentes, Exemptos & non Exemptos, ac Eorum Conventus, totumq; Clerum prout singulis subesse noscitur peremptorie citari faciat & curetis, quod dicti Fratres nostri, & Ipsorum singuli Decani & Priores Ecclesiarum Cathedralium, ac Archidiaconi singuli personaliter; singuli verò Abbates & Priores Conventus per se Regentes Exempti & non-Exempti, ac singula Capitula, & Conventus singuli, per Unum, Clerumq; cujuslibet Diocesis per duos Procuratores super praemissis & aliis Statum Ecclesiae Anglicanae & totius Regni concernentibus, in ipso Concilio tractandis, una nobiscum & cum Caeteris Fratribus tractaturi, Vicesimo die mensis Decembris in Ecclesia S. Pauli London. de mane sufficienter compareant, cum continuatione & prorogatione dierum subsequentium, Consilium, Auxilium, & Assensum Ordinandis, faciendis & statuendis ibidem, ad Laudem dei, populi Quietem, & utilitatem totius Reipubl. salubriter impensuri; facturi & recepturi in eodem Concilio ulterius secundum Tractandorum naturam quod Ecclesiae atq; Regni hujus Saluti Congruit & Quiet. Fratribus nostris & personis superius nominatis expresse denuntiantes quòd contra ipsos non Comparentes, & in pacis prosecutione negligentes, ad quam quilibet nostrorum Fratrum ex injuncto Canonis sub Gradus sui Amissionis poenâ tenetur, quantum nobis à Jure permittitur puniendo procedemus, ipsosq; in hijs in quibus nostra se Jurisdicção non extendet de tam damnabili Negligentiâ deferemus sine morâ. Terminum verò comparitionis taliter abbreviari oportuit propter imminentiâ & notoria pericula quæ ad hujus Regni desolationis miseriam tendere dignoscuntur, & dilationem ulteriorem non expetunt, nisi competenti Remedio Eisdem celerius occurratur. Vos etiam prædictum nostrum Mandatum quantum & Decanum & Capitulum vestrum contingit per omnia fideliter faciatis ac etiam observetis. Et ne mandatum nostrum hujusmodi, Arte, Ingenio, aut Negligentiâ deludentur, Vobis ut supra injungimus, quod Coepiscopis nostris & Suffraganeis omnibus & singulis, consimiliter injungatis, ut singuli ipsorum de suis Executionibus, cum Citatorum Nominibus plenè Nos certificent, diè & loco prædictis, quatenus ad Eos attinet secundum formam superius annotatam. De die verò Receptionis praesentium & quid de Executione praesentis mandati feceritis, Nos ad dictos diem & locum distinctè & apertè certificari curetis per literas vestras patentes harum seriem & Citatorum nomina plenarie continentes. Dat apud Lamhithe xviii Kal. Decembr: Anno Dom. 1321.

|| f. Quatenus.  
† Delle Vide-  
tur & Clerum.



N U M. LXIV.

A. D. 1322.

*Mandatum pro Congregatione Cleri.*

**W**alterus permissione Divinâ Cantuar. Archiepiscopus, &c. — Mandato Regio literis suis sub magno ipsius sigillo nobis super hoc directis exci-  
 tati, Clerum nostræ Cantuariensis Provinciæ ad Parlamentum Domini nostri  
 Regis in Civitate Ebor. à die Pasch. prox. præterit. in tres septimanas cele-  
 brandum, juxta ipsius Mandati Exigentiam, fecimus Convocari; ad tractandum  
 super quibusdam arduis Dominum nostrum Regem contingentibus, nec non  
 consentiendum hiis quæ super Tractandis in ipso Parlamento contingerent sa-  
 lubriter ordinari. Venerabilibus itaq; Fratribus nostris Dominis Dei Gratiâ  
 Norwic. Exon. Cicestr. Bathon. & Wellens. Bangor. Assav. Elyens. Wy-  
 gorn. Roffen. & Lincoln. Episcopis personaliter se representantibus in Eodem,  
 Cæteris Fratribus & Coepiscopis nostris hinc Absentibus ex Causis sufficien-  
 tibus legitimè excusatis, cum Negotiis Ecclesiam & Viros Ecclesiasticos contin-  
 gentibus intenderemus diligentius pertractandis, ex parte Domini nostri Regis  
 inter cætera nobis expositum extitit in communi quòd cum circa impugnatio-  
 nem quorundam sibi Rebellantium & Ecclesiæ pacem, ac Regni sui Quietudi-  
 nem perturbantium, Errarium suum attenuasset in tantum quòd contra Scotos  
 qui ad Regni invasionem offerunt se paratos, pro defensione Patriæ, & Ecclesiæ  
 Regni ejusdem propriæ non suppeterent facultates, Viri Ecclesiastici quorum  
 Rem in hoc agi dignoscitur de Bonis suis Ecclesiasticis subventionem facerent  
 competentem, sibiq; attento periculo Invasionis hujusmodi, quæ jam instat,  
 satisfacerent protenus de Eadem; Cumq; inter præsentis Tractatus super  
 Hoc habitus extitisset, ex parte Cleri extitit Allegatum quòd cum Clerus quo-  
 rundam Diocesi. tunc abesset, à quo præsentis prædicti discrepare minimè in-  
 tendebant, circa hoc Responsum dare per se non valebant, præsertim cum  
 iidem Absentes reputari non potuissent in loco ipso, aut dici de jure Contuma-  
 ces: Habitâ itaq; super Petitione & Allegatione prædictis inter Nos & Con-  
 fratres nostros deliberatione diligenti, Zelo quoq; quo ad Ecclesiam Dominus  
 Rex afficitur plenius attento, Petitioni prædictæ ob allegatæ Necessitatis sarcina-  
 nam nunc Urgentem taliter censuimus de Consensu omnium præsentium annu-  
 endum, ut quinq; denarii de Marcâ de Bonis Ecclesiasticis, ex quibus Decima  
 dari consuevit pro petito Subsidio concedatur eidem cum summâ Celeritate pro  
 Necessitate urgente ut prædicitur, quæ jam instat colligendi, ac levandi, ita  
 quòd citra Festum S. Petri ad Vincula autoritate loci Dioc. sic levata & per  
 Collectorem eadem Autoritate ad colligendum deputatum recepta, parata  
 sit integrè ad solvendum. Verum quia magna pars Cleri à loco Tractatus tunc  
 absuit, ad quem venire tanquam extra suum Territorium, Provinciam viz.  
 Cantuar. compelli minimè potuit de Jure, Mandataq; Procuratoribus Cleri tunc  
 præsentibus facta ad Actum de quo Agebatur sufficere minimè videbantur, de  
 Fratrum Consilio tunc præsentium, ad certos Diem & locum, infra nostram  
 Provinciam, Prælatos & Clerum Provinciæ nostræ reputavimus fore Convo-  
 candos. Vestræ igitur Paternitati Committimus & Mandamus quòd omnes &  
 singulos Fratres & Coepiscopos nostros, nec non Clerum cujuslibet Dioceseos  
 per locorum Diocesanos in quolibet gradu Præmuniri demandetis ac citari quòd  
 die Mercurii prox. post festum S. Trinitatis prox. in Ecclesiâ S. Pauli Lon-  
 don. &c.

Dat. juxta Ebor. IV Id. Maii Anno. 1322.

— Paternitati igitur Vestræ significamus quòd statim receptis dictis literis  
 convocato coram Nobis, vel locum nostrum tenente, ad certos Diem & Lo-  
 cum Clero nostræ Dioceseos ad faciendum & recipiendum quod Qualitas dicti  
 Negotii postularet; Eisdem die & loco pro Clero non Exempto singulorum Ar-  
 chidiaconatum nostræ Dioceseos comparuerunt coram nostro locum-tenente  
 Procuratores singuli plenam & specialem potestatem in Eâ parte habentes, qui  
 super præmissis sibi singillatim expositis deliberatione præhabitâ, suo, & Do-  
 minorum suorum Nomine, Quinq; Denarios de Marcâ gratanter & liberaliter  
 pro dicto impendendo Subsidio concesserunt: Prætextu cujusmodi occasione  
 dictæ Scedulæ hiis annexæ supersederi mandamus citationi præfato Clero juxta  
 præfa-

Registr. Henr.  
 Burghersh.  
 Lincoln Episc.  
 fol. LIV.

Certificatori-  
 um Episcopi  
 Lincoln: ib.  
 fol. LV.



1322.

præfati Mandati exigentiam faciendæ: — Nomina verò Exemptorum Nostræ Diœceseos qui nondum plenè dictum Subsidium consenserunt Vobis mittimus in quâdam Scedulâ hiis annexâ, quos ut dictis die & loco in Ecclesiâ S. Pauli compareant, audituri & facturi quod dictum Mandatum exigat, citari fecimus & Premuniri, &c. Dat. iij. Non. Junii. 1322.

## N U M. LXV.

Rot. Claus. 16. E. 2. m. 20 d.

*Pro Rege, de Subsidio a Clero Provinciarum Cantuar. Et Eborum procurando.*

**R**EX venerabili in Christo patri W. eadem gratia Archiepiscopo Cantuar. totius Angliæ Primati, Salutem. Quanta mala, strages hominum, destructiones Ecclesiarum, & populi Regni nostri, Scoti, Inimici & Rebelles nostri, in eodem regno hætenus perpetrarunt, vobis & cæteris fidelibus nostris ignotum esse non credimus; Et quod gravius, rei evidentia satis manifestat. Cum itaq; ad obstinatam malitiam dictorum Inimicorum, & Rebellium nostrorum, cum Dei adjutorio, reprimend. in instanti Seisona æstivali manu potenti ad partes Scotiæ ordinaverimus proficisci, ad quod, nec non pro custodia Marchiæ Regni nostri contra hostiles aggressus dictorum Inimicorum nostrorum interim faciend. pecuniam quasi infinitam nos effundere oportebit, propter quod Prælatos, & Proceres, ac Communitatem dicti Regni, jam apud Eborum ad tractand. ibidem super Negotiis prædictis & aliis Nos, & statum Regni nostri, contingentibus, fecimus convocari, ac iidem Prælati & Proceres ac Communitas, habita deliberatione super dictis Negotiis & necessitatibus eis per nos expositis, in subventionem expensarum circa præmissa faciendarum, Decimam de Bonis de Communitate dicti Regni, & Sextam de Civitatibus, Burgis & Antiquis Dominicis nostris liberaliter concesserint, & gratanter.

Nos considerantes mala prædicta tam in Ecclesia sacra, quam in aliis iocis per prædictos Inimicos nostros illata fuisse, volentes etiam præcipue Salvationi Ecclesiæ Sacræ contra dictorum Inimicorum jacula pro viribus providere; ad quod vos & Clerum Provinciæ vestræ Cantuar. speramus velle manus apponere adjutrices; vos rogamus mandantes, ac etiam firmiter injungentes, quod Concilium, Provinciale Prælatorum & Cleri Provinciæ vestræ prædictæ apud Lincoln. quanto citius poteritis pro negotiis Ecclesiam sacram, & defensionem, ac immunitatem ejusdem, sic contingentibus convocari fac. & in eodem Concilio expositis negotiis & necessitatibus prædictis, quanto utilius & expressius poteritis, Auxilium competens a Prælati, & Clero Provinciæ prædictæ, de bonis suis Ecclesiasticis, & aliis Ecclesiasticis annexis, terminis competentibus, & festinis nobis solvend. procuretis concedi. In hac parte taliter vos habentes quod mediante auxilio nobis per vos, & ipsum Clerum, concedendo, negotia prædicta feliciter valeant expediri. Nosq; ipsum Clerum in suis agendis debeamus specialius habere commendatos. Et quid inde duxeritis faciend. nobis per vestras literas rescribatis. Teste Rege apud Eborum xxviii<sup>o</sup> die Nov.

Per ipsum Regem.

## N U M. LXVI.

*Deliberatio Communis Religiosorum, & Cleri, in Congregatione Prælatorum & Cleri Lincoln, in Crastino S. Hillarii A. D. 1322.*

Registr. Eccl.  
Christi Can-  
tuar. H. fol.  
ecclii. a.

**S**UPER eo quod injungitur Religiosis & Clero quòd deliberent super Auxilio & Consilio impendendo Domino nostro illustri Regi Angliæ, expositis indigentia Ipsi & Periculo imminente; Videtur Religiosis & Clero totius Cantuar. Provinciæ jam præsentibus sanum esse Consilium quòd Dominus noster dictus Rex, Magnates & Proceres Universi in principio Ideo & Orationibus Ecclesiæ devotè se studeant commendare; & ab injustis Exactionibus & Oppressionibus Ecclesiæ, & Ecclesiasticis Personis ac Populo illatis desistant, & alliciant Corda subditorum.

Quan-



Quantum ad Subsidium ex parte dicti Domini Regis petatum unanimiter respondent, quod cum sanctissimus Pater & Dominus Dominus Johannes divina Providentia Papa xxij & ponderatis causis & Rationibus ex parte dicti Domini Regis nunc expressis, volens sibi de sufficienti Subsidio, quantum facultates Ecclesiae Anglicanae suppetunt, providere, eidem concessit Decimam Biennalem; non licet Religiosis, nec Clero, nec possunt ultra Concessionem huiusmodi absque Offensa & Contemptu Sedis Apostolicae quicquam concedere ista Vice; Cum illud Onus jam impositum per dictum Dominum Papam sit personis Ecclesiasticis nimis grave, & importabile multis, tum propter defectum Annonae anni instantis, & aliorum precedentium, tum propter Caristiam imminuentem & Graviorem futuram ut verisimiliter formidatur, ac etiam propter Praestationes varias & insolitas, & Oppressiones alias non ignotas quas Religiosi & Clerus antedicti haecenus tolerarunt.

Vobis igitur Patri Reverendo ac Domino Waltero, Dei gratia, Cantuar. Archiepiscopo, totius Angliae Primati, Religiosi & Clerus vestrae Provinciae in ista Congregatione praesentes, istam Deliberationem suam exhibentes humiliter supplicant & devote, quatenus praemissis Omnibus & singulis per Vos in Subsidium Religiosorum & Cleri praedictorum diligentius, si placet, ponderatis; ipsam Deliberationem veritate fulcitam benignè admittere dignemini; ac Religiosos & Clerum vestrum praedictos, erga Dominum nostrum Regem clementer ac miserecorditer in hac parte excusare, Eisdemque Religiosis & Clero saepius & diu fatigatis, consideratis Locorum Distantiis, & Viarum Discriminibus, velitis si placet, soluta Congregatione praesenti, tribuere licentiam recedendi.

## N U M. LXVII.

**R**EX, &c. Adomaro de Valencia Comiti Pembroke, Salutem. Quia super quibusdam Negotiis Nos, & Statum & Honorem Regni nostri contingentibus, Vobiscum, & cum Caeteris Proceribus & Magnatibus, Dominis Regni nostri, (in) Octab. S. Hillarii prox. futur. apud Westmonaster. habere volumus Colloquium & Tractatum; Vobis Mandamus in fide & homagio quibus Nobis tenemini firmiter injungentes, quod omnibus aliis praetermissis dictis die & loco personaliter intersitis, Nobiscum, & cum Proceribus, & Magnatibus praedictis tractaturi, vestrumque Consilium impensuri: Et hoc nullatenus omittatis. Teste Rege apud Nottingham xx die Novembr.

MS. Lambeth.  
fol. Num.  
cclxxxv. fol.  
57. b.

## N U M. LXVIII.

Rot. Claus. 17 E. 2. M. 31. d.

*Quod Archiepiscopus Eborum, Praelatos & Clerum suae Provinciae apud Eborum convocari faciat pro statu Ecclesiae & Regni.*

**R**EX venerabili in Christo patri W. eadem gratia Archiepiscopo Eborum Angliae Primati, Salutem. Incumbens ex suscepto regimine nostris humeris oneris magnitudo tunc expl. ... facilius & suavius comportatur cum in disponendis negotiis, quae, crescente hominum malitia, nos multiplicius circumstrepunt hijs diebus, promptis affectibus nobis occurrunt subditi, libera, ut res poposcerit, praebent consilia, & obtemperant votis nostris. Nuper siquidem, sicut vestra novit discretio, in tractatu una vobiscum & quibusdam aliis Praelatis, & Magnatibus super Regni nostri negotiis apud Nottingham habito, quaedam pro decore Sanctae Ecclesiae, statuque & honore, dicti Regni proposita extiterunt, quae absque Praelatorum & Cleri Regni ejusdem consilio & assensu tunc non poterant expediri, sicque eo pretextu dilationem, non sine multorum displicentia, receperunt, nec potuerunt effectui mancipari. Nos igitur eadem negotia habentes, nec immerito, multum cordi, desiderantesque ea cum celeritate commodè terminari, vos rogamus, vobis nihilominus in fide & delectione quibus nobis tenemini firmiter injungentes, quatenus Praelatos & Clerum vestrae Provinciae ad Octabas Sancti Hilarii proxime futuras, apud Eborum Convocari faciatis; eisque ex parte nostra exponatis negotia supradicta, ipsos salubribus exhortationibus, & modis decentibus inducentes, ut pro honore & statu Sanctae Ecclesiae,

1323.



1323.

& Regni nostri prædicti, conservand. in præbendo consilio, auxilio, & assensu hujusmodi, ita se studeant promptos & benevolos exhibere, ut exinde à nobis merito commendari valeant, nosq; ex hoc invenire in opportunitatibus promptiores. Teste Rege apud Nottingham xx die Novembr.

Per ipsum Regem.

Ibid. m. 27 dorso.

Quod Clerus Cantuar. Provinciæ apud S. Paulum London non veniant, &c.

Quod Clerus Eborum Provinciæ apud Eborum non Veniant, &c.

“ Quia tamen pro majori Commmodo & Utilitate Regni nostri prædicti ordinavimus apud Westm. à die Purificationis B. Mariæ Virginis in tres Septimanas Parliamentum tenere, & Vobiscum, & cum cæteris Prælatiis, & Proceribus dicti Regni, super dictis Negotiis, & aliis Regnum nostrum tangentibus habere Colloquium, &c. Teste Rege apud Kenilworth xxvi. Dec.

# N U M. LXIX.

## Citatio pro Concilio ad Octab. S. Hilarii faciend.

Memorand.  
Henr. Burg-  
herst Episc.  
fol. cxvi.

**W** Alterus, permissione Divinâ, Cant Archiepiscopus totius Angliæ Primas, Venerabili Fratri nostro Domino, Dei Gratia Episcopo London. Salutem & Fraternali in Domino Charitatem. Ad Statum Ecclesiarum & personarum Ecclesiasticarum nostræ Provinciæ & totius Ecclesiæ & Regni Angliæ, nostræ Mentis intuitum dirigentes, id animo firmiter alligamus, id Meditatione sedula recensemus, ut Ecclesia in suis juribus & Libertatibus fulgeat; Ipsiusq; Ministri, cujuslibet Inquietudinis & Turbationis forensis materia remota, suo liberior in agendis potiantur Honore. Et licet pro Variatione Temporum ac adverso Negotiorum Eventu Prælatos & Clerum nostræ Cantuar. Provinciæ Vocationibus frequentius repetitis juxta Qualitatem agendorum, quod anxie gerimus, fatigare cogeremur multotiens & inviti, instans tamen Ecclesiæ ac Reipublicæ Anglicanæ evidens Utilitas, Sanctissimi Patris & Domini nostri Domini Johannis Sacrosanctæ Romanæ ac Universalis Ecclesiæ Summi Pontificis Exhortatio Salubris, ac Domini nostri Illustris Regis Angliæ sollicita Precum Excitatio, ad Convocationem Prælatorum & Cleri nostræ Provinciæ Cantuar. in prox faciend. arctius nos impellunt; Eo præsertim quod ex tractandis & agendis in Deliberatione communi Honoris Ecclesiæ Augmentum & grande Commodum speramus veraciter provenire. Quocirca fraternitati Vestræ committimus & mandamus quatenus cum debita celeritate Fratribus & Coepiscopis Nostræ Cant. Ecclesiæ & Provinciæ Suffraganeis Vice & Autoritate nostrâ injungatis, seu faciatis injungi; Ut iidem Episcopi omnes & singuli in suis Diœces. Decanos & Priores Ecclesiarum Cathedralium, Abbates Exemptos & non Exemptos, ac Archidiaconos, necnon Priores exemptos Conventus per se regentes, quod in propriis Personis, Priores vero alios non exemptos Prioratus suos per se Regentes, quod per se vel Procuratores sufficienter instructos, nec non Capitula singularum Ecclesiarum Cathedralium, Conventus & Collegia singula Monasteriorum Prioratuum & quarumcunq; Domorum Religiosarum nostræ Provinciæ Cantuar. per singulos Procuratores, Clerum quoq; cujuslibet Diœces. per duos Procuratores citent, seu citari faciant peremptoriè, quod compareant coram Nobis in Ecclesia Sancti Pauli London. Die Veneris in Octab. Sancti Hilarii Mane, ut convenit, cum Continuatione & Prorogatione Dierum tunc sequentium ad tractandum unâ Nobiscum super proponendis & exponendis ibidem pro salubri statu & Honore Ecclesiæ ac Regni & Reipublicæ Anglicanæ, Et etiam super contentis in Literis Apostolicis Nobis transmissis, nec non consentiend. hijs omnibus quæ ad Honorem Dei & Ecclesiæ suæ Tutionem ac totius Reipublicæ Regniq; supradicti Utilitatem, divinâ disponente Gratiâ, ibidem salubriter contigerit ordinari. Vos etiam quantum ad Vos vestram Ecclesiam & Diœcesin attinet hujusmodi Mandatum Nostrum efficaciter exequentes dictis die & loco tractaturi Nobiscum personaliter intersitis, & ut cæteri Fratres & Coe-



Co-episcopi Nostri personaliter sic intersint Vice & Auctoritate Nostra districtius injungatis eisdem, denunciante dictis Coepiscopis, & per Eos suos subditos & alios sic vocandos facientes idoneè præmuniri, Vosq; modo consimili præmunimus, quòd contra absentes in dicto Terminò tanquam contumaces, prout justum fuerit, procedemus. De die vero Receptionis præsentium, & quid feceritis in Præmissis Nos ad dictos Diem & Locum distinctè & apertè certificare curetis per Literas vestras Patentes, harum Seriem & Citatorum Nomina plenariè continentes. Et ne Mandatum Nostrum hujusmodi Arte vel Ingenio aut Negligentia deludatur, Vobis ut supra injungimus, quod Co-episcopis & Suffraganeis Nostris omnibus consimiliter injungatis, ut singuli ipsorum in suis Executionibus plenè nos certificent, quantum ad Eos attinet, secundum Formam superius annotatam. Dat. apud Lambeth VII. Die Decemb. Anno Domini Millesimo trecentesimo Vicesimo tertio.

1323.

## N U M. LXX.

*Revocatio Concilii supradicti.*

**W** Alterus providentià divinà Cantuariensis Archiepiscopus, &c. Venerabili fratri Episcopo Lincoln. Deliberatione providà multa multotiens salubriter Ordinata, postmodum juxta Varietatem temporum, & Qualitatem etiam emergentium Negotiorum, expetunt nonnunquam commutari. Cum itaq; firmo concepto Proposito cum Fratribus & Coepiscopis nostris Suffraganeis, ac Clero nostræ Provinciæ Cantuariensis, in Ecclesià B. Pauli London. Provinciale Concilium in Octab. B. Hillarii prox. futur. juxta effectum literarum nostrarum super hoc Emissarum, pro Negotiis arduis Ecclesiæ Anglicanæ disposuissimus celebrasse, Ecce Serenissimus Princeps Dominus noster Rex Angliæ illustris, apices suas, quas apud Otteford. viij<sup>o</sup> die Januarij serò recepimus, Nobis destinare curavit, innuendo in Eisdem quòd per Concilium nostrum hujusmodi, si ad actum procederet, Parlamento suo quod tam pro statu & utilitate Ecclesiæ, quam pro Magnis & Urgentissimis Regni sui Negotiis à die Purificationis B. Mariæ V. prox. futur. in tres Septimanas apud Westmonaster. jam fecerat summoneri, impedimentum Maximum, quod absit, pararemus; Nobisq; Mandando ulterius supplicavit, ut ex Causà præmissà non tam Necessarià quam Utili, Convocationem Prælatorum & Cleri nostræ Provinciæ, ut præmittitur, faciendam, differremus, ac revocari faceremus penitus istà vice: Nos igitur præmissa ponderantes, considerantes insuper discrimina grandia Laborum & sumptuum quæ Confratres nostros & Clerum prædictos veniendo ad hujusmodi concilium & recedendo ab Eodem, iterum quasi absq; Intervallo ad prædictum Parliamentum redeundo, hijs temporibus oportet necessario sustinere, de quorundam Prælatorum, & aliorum Jurisperitorum communicato Consilio, dictum nostrum Concilium penitus duximus suspendendum, & Eodem totaliter hanc Vice supersedendum. &c. Dat. X Januarij: 1323.

Registrum  
Mem. Henr.  
Burghersb E-  
pisc. Lincoln.  
fol. cxvij.

## N U M. LXXI.

*Breve Regium Provinciale pro Parlamento, Cum Executione Ejusdem per Archiepiscopum Cantuar.*

**W** Alterus, &c. Venerabili fratri nostro S. dei gratià London. Episcopo, Salutem & fraternam in Domino Charitatem. Ex assumptà sollicitudine Pastoralis Officii multotiens cogimur inviti pro varietate temporum, & urgentibus Ecclesiæ & Regni Negotiis, cum Prælati & Clero nostræ Provinciæ communem habere Tractatum. Instans enim Reipublicæ magna Necessitas, evidensq; Ecclesiæ Anglicanæ sperata utilitas, quas super Agendis & Tractandis in communi ad præsens versari credimus, Precum etiam Regiarum excitatio inevitabilis, Nos impellit Prælatos & Clerum nostræ Provinciæ antedictæ, juxta effectum Brevis Regii, in proximo Convocare. Cujus quidem Brevis tenor talis est.

Registr. Reg.  
molds. Arch.  
Cant. fol.  
ccxixv. b.

Quia



1323.

Fol. ccxxvi a.

“ Quia super diversis & arduis Negotiis Nos, & Statum Regni nostri specialiter tangentibus, Parliamentum nostrum apud Westmonaster. à die Purificationis B. Mariæ Virg. in tres Septimanas tenere, & Vobiscum, ac cum cæteris Prælatiis, Magnatibus & Proceribus dicti Regni habere proponimus Colloquium & Tractatum; & Mandavimus singulis Episcopis vestræ Provinciæ Cantuar. quòd dictis Die & Loco, omnibus aliis prætermisissis, personaliter intersint ibidem Nobiscum, & cum cæteris Prælatiis, & Magnatibus supradictis, super dictis Negotiis tractaturi, suumq; Consilium impensuri; Et quod ipsi præmuniant Decanos, Priores & Capitula Ecclesiarum suarum, Archidiaconos, totumq; Clerum suarum Diocæs. quòd iidem Decani, Priores, Archidiaconi in propriis personis suis; Quodlibet dictorum Capitulorum, per Unum; Clerusq; cujuslibet Diocæs. per duos Procuratores idoneos plenam & sufficientem potestatem ab ipsis Capitulo & Clero habentes, unà cum Episcopis prædictis intersint modis omnibus tunc ibidem ad faciend. & consentiend. hijs quæ tunc ibidem de communi Consilio nostro, favente Domino, contigerit ordinari super Negotiis antedictis.

“ Nos nolentes Negotia nostra in dicto Parlamento tractanda propter absentiam dictorum Decanorum, Priorum, Archidiaconorum retardari, Vobis Mandamus rogantes quatenus Decanos & Priores Ecclesiarum Cathedralium, & Archidiaconos totius Provinciæ vestræ, in propriis Personis suis; Capitula etiam singularum Ecclesiarum Cathedralium per singulares procuratores; & Clerum cujusq; Diocæs. ejusdem Provinciæ per duos sufficientes procuratores, ad dictos diem & locum venire faciatis, ad Tractand. & Consentiend. hijs quæ in præmissis tunc ibidem contigerit Ordinari. Et hoc nulloatenus omittatis. Teste meipso apud Kenilworth xxvi. die Decembr. Anno Regni nostri. XVII°.

Nos igitur tantò promptius tantòq; favorabilius Votis Regiis inclinantes, quo speramus firmissimè tractatum hujusmodi Ecclesiæ Anglicanæ, ac Personis Ecclesiasticis non modice profuturum; deliberato Consilio Regiis Rogatibus fore decrevimus annuendum. Quocirca Fraternitati vestræ committimus & mandamus quatenus cum debitâ celeritate Confratribus & Coepiscopis nostræ Cantuariensis Provinciæ Suffraganeis, Vice & Autoritate nostrâ injungatis, seu injungi faciatis, ut iidem Episcopi omnes & singuli in suis Diocæsibus citent, seu citari faciant peremptorie, Decanos, Priores Ecclesiarum Cathedralium & Capitula Earum, Archidiaconos Clerumq; cujuslibet Diocæs. quòd iidem Decani, Priores, & Archidiaconi in propriis Personis suis, Capitula verò singularum Ecclesiarum Cathedralium per singulos procuratores, Clerus autem cujuslibet Diocæs. per duos sufficientes procuratores compareant in dicto Parlamento apud Westmonaster. à die Purificationis B. Mariæ Virg. in tres septimanas, cum continuatione & prorogatione dierum tunc sequentium, ad Tractand. una Nobiscum, & cæteris Prælatiis, super urgentibus Ecclesiæ Anglicanæ atq; Regni Negotiis in Parlamento supradicto, nec non ad Consentiend. hijs quæ ad honorem Dei, & Ecclesiæ suæ sanctæ, ac Utilitatem totius Reipublicæ Regni prædicti divinâ disponente Clementiâ ibidem contigerit salubriter Ordinari. Vos etiam dictum nostrum Mandatum quatenus Vos, Decanum & Capitulum vestrum, Archidiaconos & Clerum vestræ Diocæs. contingit per omnia fideliter faciatis, ac etiam Observetis. Et ne Mandatum nostrum hujusmodi, arte, ingenio, vel negligentia deludatur, Vobis, ut supra injungimus, quod Coepiscopis nostris & Suffraganeis omnibus & singulis consimiliter injungatis ut singuli Eorum de suis Executionibus, cum Citatorum Nominibus, plenè nos certificent die & loco prædictis, quatenus ad Eos pertinet, secundum formam superius annotatam. De die verò receptionis præsentium, & quid in Executione præsentis Mandati feceritis, Nos ad dictos diem & locum distinctè & aperte certificare curetis per Literas vestras Patentes, harum seriem & Citatorum Nomina plenariè continentes. Dat. apud Mortlake ij<sup>o</sup> die Januarij Ann. Dom. 1323.

Executio hujus Mandati per Episc. London.

Ibid.

Venerabili in Christo Patri Domino J. Dei Gratiâ Wynton Episcopo, Stephanus ejusdem permissione London. Episcopus Salutem, & sinceræ dilectionis quotidianum



anum incrementum. Mandatum Reverendi in Christo Patris & Domini, Domini Walteri Dei Gratia Cantuar. Archiepiscopi, totius Angliæ Primatis, nuper recepimus in hæc Verba.

1323.

Instrumentum ut supra.

Cujus Autoritate Mandati districtè Vobis injungimus per præsentis quat. dictum Mandatum quatenus Executionis importat juxta vim, . . . . & Effectum ejusdem in vestrà Diœcesi absq; moræ dispendio plenè & debite fieri facientes, Vos, quatenus Id ipsum vestram Paternitatem concernit eidem Mandato, quoad omnes & singulos Articulos efficaciter parere modis omnibus studeatis. Dat. — 19 Kal. Febr. Anno Dom. supradicto.

Certificatorium super ejusdem Executione per Episc. Winton.

[ Post omnia præmissa, ut supr. sequitur ] Cujus Autoritate Mandati Priorem Ecclesiæ nostræ Cathedralis Winton. & Capitulum ejusdem; Archidiaconosq; nostros Winton. & Surr. & Clerum nostræ Diœces. Winton. citari fecimus peremptoriè quòd die in dicto Mandato contento in Parlamento jam instanti apud Westmonaster. juxta formam Mandati supradicti compareant, cum continuatione & prorogatione dierum subsequen- tium, ad Tractand. unà Vobiscum, & cum cæteris Prælati- bus, super urgentibus Ecclesiæ Anglicanæ atq; Regni Negotiis, nec non ad consentiend. hijs quæ ad Honorem Dei & Ecclesiæ suæ Sanctæ, ac Utilitatem totius Reipublicæ Regni prædicti, divinâ disponente Clementiâ, ibidem salubriter contigerit ordinari: Et ad omnia alia & singula faciend. quæ dictum Mandatum exigit & requirit. Nomina verò Citatorum in Cedula præsentibus annexâ conscribuntur; Sicq; Mandato prædicto, quatenus potuimus, consideratâ temporis Brevitate, paruimus, & parebimus in Omnibus reverenter. Dat. vij<sup>o</sup> Kal. Martij Anno supradicto. [ Sc. 1<sup>o</sup> die Parliamenti. ]

Ibid.

N U M. LXXII.

*Executio hujusmodi Brevis Regii per Priorem & Capitulum Cantuar. Sede Metropolitana Vacante.*

Vid fol. cccxxvi. b.

[ Recensito Brevis Regio; sequitur ] Quocirca propter desiderabile pacis Commodum Votis Regiis in quantum, possumus acquiescere cupientes; Vobis autoritate Ecclesiæ nostræ Metropolitanæ, quâ fungimur in hac parte, injungimus & mandamus, quatenus dictum Breve Regium in Notitiam omnium & singulorum Coepiscoporum vestrorum, Cantuariens. Provinciæ, deducen- tes, per Ipsos autoritate prædictâ præmuniri faciatis, Priores, Decanos, & Capitula Ecclesiarum Cathedralium, ac etiam Archidiaconos, totumq; Clerum Cantuariens. Provinciæ, quòd iidem Priores, Decani, & Archidiaconi in propriis personis suis; singula Capitula, per Unum; Clerus verò cujuslibet Diœces. per duos Procuratores, potestatem ab Ipsi- bus habentes, dictis die & loco sint & compareant juxta formam dicti Brevis, ad Ordinand. & Tractand. super præmissis, prout Utilitati Ecclesiæ, Reipublicæ, & Animarum Saluti visum fuerit expedire; & Hijs quæ, Domino disponente, ibidem salubriter contigerit ordinari suum, prout decet, adhibitori Consensum. Vos etiam quatenus dictum Mandatum Vos, Ecclesiam, Civitatem, & Diœcesin vestras, ac personas Earundem contigerit, præmissa in Brevis contenta Executioni plenariè demandetis. Qualiter hoc præsens Mandatum nostrum fueritis Executi, Nos eisdem Die & Loco, cum tenore præsentium, legitime certificetis. Dat. &c.

N U M. LXXIII.

*Procuratorium Capituli Lincoln. pro Parlamento.*

A. D. 1325.

II Non. Novembr. 1325. Receptio literarum Episcopi Recitantium Brev. Reg. Præmunien. Decanum & Capitulum ad Parliamentum apud Westmonasterium in Octab. S. Martini. — Quarum literarum Autoritate

Liber Actorum Decani & Capituli Lincoln. ij dus. fol. V.



1325.

Capitulum Lincoln. constituit duos Procuratores Magistrum Jo. de Hagh, & Jo. de Nottingham, conjunctim & divisim, Ordinando sibi tria Procuratoria, quorum Unum fuit plus cæteris restrictum, & si . . . Utendum. Secundum aliquantulum restrictum, & utendum si de Alio non possit evadi. Tertium magis Generale, & nullo modo utendum nisi in Causâ valde Necessariâ.

<sup>1</sup> Salvationem<sup>2</sup> Ibi definit  
tertium Pro-  
curatorium.<sup>3</sup> Hic finis se-  
cundi Procu-  
ratorii.

Tenor verò Primi Procuratorii talis est. "Universis, &c. Nos Capitulum  
"Ecclesiæ Lincoln. Cathedralis ordinamus, &c. N. & N. veros & legitimos  
"Procuratores — ad Comparendum pro Nobis in Parlamento — Serenissimi —  
"Regis — ad Tractandum cum Prælati, Magnatibus, & Proceribus Regni An-  
"glia super quibusdam magnis & arduis Negotiis Statum Regni prædicti tan-  
"gentibus, nec non ad consentiendum Nomine nostro, de Consilio & Consen-  
"su Prælatorum, & Cleri in dicto Parlamento congregandorum, hijs quæ ad Ho-  
"norem Dei & Ecclesiæ suæ <sup>1</sup> ac Utilitatem Regni prædicti, divinâ dispen-  
"te Clementiâ, ibidem contigerit salubriter ordinari; — <sup>2</sup> [ Quatenus ad ista  
"facienda de Jure Artari poterimus & debemus. — <sup>3</sup> Proviso, quòd Iidem  
"Procuratores, vel Eorum Alter, nulli Contributioni faciendæ, Nobis consen-  
"tiant, vel consentiat, inconsultis. ] Ratum gratum, &c. Dat. vi. Id. Novembr.  
"Anno 1325.

A. D. 1326.

N U M. LXXIV.

Registr. Rey-  
nolds Arch.  
Cant. fol.  
cccxij.

**E**Dwardus, &c. Ven. in Christo Patri Waltero, &c. Intelleximus quòd  
Vos Prælatos & Clerum Vestræ Cantuariens. Provinciæ ad interessendum  
Concilio vestro Provinciali, quod apud London. ad Quinden. instantis Festi  
S. Michaelis tenere proponitis, jam fecistis Convocari; Ac Nos hujus Convocatio-  
nis vestræ ignari pro Magnis & Arduis Negotiis Nos, ac Defensionem Regni  
nostri tangentibus cum quibusdam Prælati, Magnatibus, & Proceribus dicti  
Regni ad dictum Quinden. apud Stamford Colloquium habere ordinavimus, &  
Tractatum; & nonnullis Prælati, ac Aliis de Concilio nostro dictæ Provin-  
ciæ dedimus in Mandatis quòd sint ad Nos dictis Die & Loco Nobiscum ac di-  
ctis Prælati & Magnatibus super dictis Negotiis tractaturi, suumq; Consilium  
impensuri. Nos advertentes dicta Negotia nostra ex Convocatione dicti Con-  
cilij, si ad Diem prædictum teneretur, posse non absq; grandi periculo præpe-  
diri, Vos Rogamus ex affectu, Vobis nihilominus in Fide & Dilectione quibus  
Nobis tenemini firmiter injungentes, quatenus dictum Diem Concilii vestri  
ad alium certum diem competentem, juxta discretionem vestram, prorogetis;  
& hoc Prælati & Aliis de Clero dictæ Provinciæ per vestras Literas intimare  
curetis, ut ipsi dictâ Convocatione vestrâ non obstante, ad Nos accedere vale-  
ant juxta Mandata nostra Eis inde directâ. Teste Meipso apud Porcest. 14 die  
Septembr. Anno Regni nostri xx°

N U M. LXXV.

*Mandatum pro Concilio in Ecclesia S. Pauli London.*

Registr. Me-  
morand. Henr.  
Burghers Epif.  
Lincoln. fol. clij.

**W**Alterus, Dei gratiâ, Cantuar. Archiepiscopus, &c. Episcopo London. &c.  
Quoniam quædam expedienda noviter emerferunt universaliter Ecclesi-  
am, Nos, & cæteros Prælatos, ac Clerum nostræ Cantuariens. Provinciæ con-  
cernentia, quæ absq; præsentia Illorum Omnium aliquammodo nequeant expediri,  
de Consilio Venerabilium Patrum G. dei Gratiâ Vienn. Archiepiscopi, &  
Hugonis Episcopi Aurasicens. Apostolicæ Sedis Nuntiorum, nec non de Con-  
silio quorundam Fratrum nostrorum nuper Cantuar. Congregatorum, Convo-  
cationem hujusmodi fore decrevimus faciendam. Vobis igitur committimus &  
mandamus, quòd Venerabiles Fratres nostros & Suffraganeos præsentis in Regno,  
ac absentium Fratrum in Spiritualibus & Temporalibus Vicarios Generales, seu  
Alios quos ad hoc duxerant dimittendos, Decanos & Capitula Ecclesiarum Ca-  
thedralium, nec non & Capitula Collegiatarum Ecclesiarum; Archidiaconos  
universos, Abbates & Priores supra se in nostrâ Provinciâ Abbates non habentes,  
tam exemptos quam non exemptos, Cisterciens. Cluniacens. SS. Be-  
nedicti & Augustini, Cartusienf. Grandemontens. & Aliorum Ordinum, Eo-  
rumq;



rumq; Conventus, Præpositos, Archi-presbyteros, Domorum etiam Hospitalium S. Jo. Jerusalem, S. Mariæ Theutonicorum & Magistros, Priores & Præceptores Eorumq; Loca Tenentes, Clerumq; cujuslibet Civitatis & Diœces. nostræ Provinciæ citetis — quò dicti Fratres, Vicarii, Decani, Archidiaconi, Abbates, Priores, Magistri personaliter; Capitula autem & Conventus per suos Decanos, Abbates, & Priores, si voluerint, alioquin per Alium vel Alios Idoneos; Clerus autem cujuslibet Diœces. per unum Procuratorem vel duos Consimiles communiter destinando, Die Veneris prox. post Festum S. Hilarij, &c.

Executio Episcopi Lincoln.

Unde licet tempore receptionis Mandati superscripti, comparitionisq; in eodem præfixæ brevitæ pensatâ difficile quibusdam videri possit atq; tediosum ad Diem comparere assignatum; Quia tamen ex alio latere evidenter prospicimus laboribus Cleri nostræ Diœces. parci posse in Ea parte, & expensis, si eidem Mandato juxta possibile pareatur, quod satis commode fieri poterit, si dictus Clerus Procuratoribus suis pro Parlamento jam destinatis, ad Consentiendum hiis quæ in dicto Concilio provinciali Ordinari contigerit, seu concedi, potestatem liberam transmiserit, & Mandatum speciale, &c. —  
Dat iij Kal. Januar. 1326.

N U M. LXXVI.

Breve Regium pro Convocat. Cleri.

Edward par la grace de Dieu Roy D' Engleterre, Seygneur D'Irlande, & Ducs d' Aquit. al Onorable Pere en Dieu W. per la mesme Grace Erceveque de Canteburi, Primat de tote Engleterre, salut. Por ceo que leide que nous Esperamus aver eu de la Clergie de votre Province a ceste Assemblée a Nichole est mis en delay per L'encheson que la dite Clergie ny vient mye entirement por leur tard garnissement a grant arririssement de nos bufoignes, & est assentus que nouvelle Convocation se face de la Clergie a plus en haste qe hom pourra, Vous prions qe eiantz Regard a la grant charge de nos bufoignes do ... mesme la Convocation faces faire pleinement a Leicestre, quel lieu nous semble convenable per multes des reysons, & a plus de 'estre de tous ceux de vostre dite Province a plus court jour que vous unques pources, & Vous mesmes y soyetz audit jour, & mettes votre peine & diligence que tiel eide nous soyt grantez dont nous nous pourons sentir confortes & aides, & que les jours de payment soyent hastifs pour le busoigne que nous avons aore sicome vous sages. Et ceste chose ejets tendrement a cuer, & faces hastier sicome nous Nous fiouns especialement de Vous. Done sous nostre prive Seal a Nichole le 22 jour de Septembre, l'an de nostre Regne primer.

N U M. LXXVII.

Litera ad Convocandum Clerum ad Concilium apud Leycestriam.

Walterus, &c. Venerabili fratri nostro Domino S. Dei gratiâ, Episcopo London. Salutem, & Fraternalam in Domino Charitatem. Serenissimus Princeps & Dominus noster, Dominus Edwardus Rex Angliæ illustris, Sui Brevis nobis nuper directi relatione querula latius explanavit, qualiter Scotorum Gens presumptuose & hostiliter ipsum Dominum nostrum Regem & Regnum invadendo ingressa, Depopulationes, Homicidia, Deprædationes, & Incendia, unâ cum aliis innumeris Malis Anglorum Genti & Terræ inferebat: Qualiter etiam subsequenter per ipsum Dominum nostrum Regem & suum Exercitum, licet in Parco de Stanhope, quatenus fieri poterat, undiq; circumdati fuissent, noctanter tamen & latenter, ut devicti & fugitivi, de Parco prædicto furtivè evaserunt, & ad partes suas miserabiliter sunt regressi, nonnullis Eorum infecutis, & interfectis. Quibus dicti inimici facinoribus non contenti, Domino nostro Rege cum Proceribus Regni ad Tractandum de statu Regni apud Lincoln. jampridem constituto, ut mala malis superadderent, iidem Scoti, Regnum hostiliter Reingressi, Castrum & Villam de Norham, & loca adjacentia, dolose obsidentes Tentoria ibidem erexerunt, & fortalitia lignea construxerunt; Votum insuper vo-

1326.

A. D. 1327.

Registr. Reynolds Arch. Cant. fol. ccviii. a.

Ibidem fol. ccvii. a. b.



1327.

vit, ut dicitur, Eorum Dux, imò Seduc̃tor, notoriè excommunicatus cum Gente, quòd non prius Vivus retro-cederet quàm terram Angliæ & Populum suo subjugaverit Domino, Utq; ad hoc suos Complices & Sequaces animosius provocaret, Terras diversas Regni Angliæ, ut puta, Norhumbriorum, Londiæ, & alias per plures, ut suas, suis Satellitibus jam dedit actualiter & concessit: Pro quorum Scotorum repulsione, & Salvatione dictæ Villæ de Norham, & aliarum Villarum, & locorum adjacentium, ac Ecclesiarum & Ecclesiasticarum Personarum, Fidelumq; suorum in hijs partibus, idem Dominus noster Rex illuc nonnullos Magnates, & Homines ad Arma jam præmisit, insequi Eos personaliter intendens, majore relectâ Virtute Armatorum, ad ipsorum Inimicorum obstinatam Malitiam, cum Dei adjutorio, refrænandam viriliter & potenter. Cujus quidem Principis & Domini nostri Regis tantis Anxietatibus, & tot Angustiis expositi, in tam Grandi & evidenti Periculo, Ecclesiæ & Regno, ut præmittitur, imminenti, Rogatibus excitati, & sicut ex præstito Juramento fidelitatis astringimur, quantum cum Deo possumus, inclinati; considerantes ex Rei exitu, quòd præter præfata Mala illata, quamplura perpetratis pejora, nisi dictis Viris sceleratis citius strenuè obvietur, prout verisimiliter est timendum, evenire poterunt in futurum; Nostros Co-episcopos & Confratres, ac cæteros Prælatos, & Clerum nostræ Provinciæ, pro salubri Consilio & Auxilio in hoc Casu ab omnibus, sicut communiter omnium interesse dinoscitur, impendendo, nuper juxta dictum Breve Regium nobis super hoc directum apud Lincoln. fecimus evocari. Et quoniam die & loco in Convocatione hujusmodi assignatis, neq; Nos, neq; Confratrum nostrorum major pars, neq; alii de Clero nostræ Provinciæ quibusdam certis ex Causis nostram præsentiam adhibere poteramus personalem, co-adunatis ibidem tam Prælati quàm Proceribus, & cæteris super hijs prudenti Revolutione tractantibus, tandem Consultum, Honestum, & expediens omnibus videbatur novam Convocationem faciendam fore occasione præmissorum: Eorumq; Dominus noster Rex providum secutus Consilium Nobis per literas suas, quas apud Otteford iv Kal. Octobr. horâ tertiâ recepimus, scripsit, & Mandando Rogavit, quòd cum Nos, & cæteri Prælati, & Clerus de Regno suo in tam arduis, statum Ecclesiæ, & Coronæ suæ tangentibus, non solum sibi Consiliis teneamur, & teneantur, assistere, sed Manus etiam extendere adjutrices, opportuna sibi Subsidia tribuendo, quatenus celerius quo possemus apud Leycestriam venire faceremus Suffraganeos nostros, & alios de Clero nostræ Provinciæ secundum tenorem dicti brevis sui per Nos alias vobis taansmissi, super competenti Auxilio à Clero nostræ Provinciæ sibi ex Causis prædictis pro statu Ecclesiæ, & Utilitate Reipublicæ imponendo, unâ Nobiscum tractaturos, nec non ad simul consentiendum hijs quæ in præmissis ibidem contingerent ordinari: Quocirca Fraternitati vestræ committimus & mandamus, quatenus omnes Co-episcopos & Confratres nostros Suffraganeos absq; dilatione morosâ convocetis, & per ipsos dictum Clerum peremptoriè evocari demandetis; viz. quòd Episcopi, Decani, & Priores in Ecclesiis Cathedralibus præsidentes, nec non Abbates exempti, & Archidiaconi, personaliter; Cæteri verò Abbates & Priores pro se, & Conventibus suis, per se, aut per Procuratores sufficienter constitutos, & reliqui de Clero similiter cujuscunq; Dioceseos per duos, & singula Capitula Ecclesiarum Cathedralium per unum Procuratores, coram nobis in domo Capitulari Abbatie apud Leycestriam die Mercurii prox. post Commemorationem Animarum, viz. prid. Non. Novembr. sufficienter compareant, unâ nobiscum tractaturi & ordinaturi super Subsidio & Remedio competentibus imponendis in Præmissis. Vos etiam tenore præsentium, &c. De die vero receptionis, &c.

N U M. LXXVIII.

Rot. Claus. 4. E. 3. m. 38 dorso.

*Pro Rege, de Auxilio habendo a Clero pro resistentia Guerra Franciæ.*

**R**EX venerabili in Christo patri. S. eadem gratia Archiepiscopo Cantuar. totius Angliæ Primati, Salutem. A vestrà memoria non excidit, ut speramus, qualiter nuper apud Eltham in præsentia vestrà, & aliorum Prælatorum & Procerum de Regno nostro, quos tunc ibidem pro magnis & arduis negotiis nostris



1330.  
 stris fecimus congregari, exposita fuerunt inter alia Negotia contingentia Nos, & Regem Franciæ, & post diligentem tractatum inde habitum, tam Vobis quam ipsis videbatur, quod pro pace habenda cum Ipso Rege esset omnibus modis & viis quibus possemus absq; exhæredationis periculo insistend. & si forsan idem Rex vias Pacis rationabiles recusaret, & ad exhæredationem nostram, quoad Ducatum prædictum, & alias terras quas haberemus, sub Dominio suo, niteretur, quod ad defensionem nostram contra ipsum, cum Dei adjutorio, vires nostras apponere deberemus; & ad hoc tam vos quam cæteri Prælati & Magnates tunc ibidem existentes, præbuisstis Consilium, & promisistis Opem & Auxilium apponere opportuna; & super hoc concordatum extitit, quod Parliamentum nostrum apud Wynton ad Dominicam prox. ante Festum Sancti Gregorii Papæ prox. præteritum summoneri faceremus; verum quia in eodem Parlamento expositis Negotiis supradictis, habitaq; deliberatione super modo & forma defensionis contra potentiam ipsius Regis, si forsan dictas terras nostras invadere voluerit, apponend. petitoq; singillatim à quolibet Prælato & Magnate cujusmodi Subsidium nobis in eodem eventu facere volebat, ac Comitibus & Baronibus voluntatem suam in ea parte nobis benevole exponentibus, dicti Prælati responderunt, quod propter Absentiam vestram certum responsum tunc facere nequiverunt, sed in Convocatione per vos, eâ de causâ faciendâ, taliter facere volebant quod inde contentari deberemus: Nos igitur ad pericula & damna quæ non solum nobis, sed etiam vobis, & toti Regno nostro evenire poterunt, si præfatus Rex nobis guerram movere voluerit, ut est dictum, nisi de bonâ & forti resistentiâ provideatur, debitæ considerationis intuitum dirigentes, attendentesq; quod ad hoc non solum ex ligeantiæ debito, sed etiam pro tantis & tam verisimilibus evitandis periculis Vos, & cæteri Prælati, totusq; Clerus Regni nostri, manus apponere tenemini adiutrices; vobis mandamus rogantes, quatenus ad diem Lunæ prox. post Festum sanctorum Tiburcii & Valeriani prox. futur. convenire faciatis omnes Prælatos, tam Religiosos quam Alios, totumq; Clerum vestræ Cantuariensis Provinciæ coram vobis, eisq; dicta Negotia, & pericula eminentia serius exponere studeatis, inducentes eos modis & viis quibus expedire videritis, quod in tanto necessitatis articulo tale nobis Subsidium faciant pro tantis periculis evitandis, quod per vestram, & ipsorum, subventionem, Jura, & honorem nostrum, & totius Regni nostri, conservare, ipsosq; & totum Populum nostrum ab hostium incursibus tueri & protegere valeamus, divino nobis præsidio assistente. Mittemus autem ad vos ad diem & locum prædictos quosdam de fidelibus nostris ad præmissa prosequend. & fieri procurand. prout eis tunc ex parte nostra injungetur. Teste Rege apud Wynton, xviii die Martij.

## N U M. LXXIX.

Rot. Claus. 7 E. 3. p. 2. m. 15. dorso.

De Convocatione Cleri *faciend. ad tractandum super Consilio & Auxilio Regi concedendo.* A.D. 1333

**R**EX venerabili in Christo Patri S. eadem gratia Archi-episcopo Cantuar. totius Angliæ Primati, Salutem. De vestræ sinceritatis & benevolentie puritate firmam fiduciam obtinemus, quod pro defendend. & recuperand. Coronæ nostræ Regiæ Juribus nobis vigilanter velitis assistere, & in opportunitatibus, quantum ad vos pertinet, efficaciter opem ferre. Sane vestra paternitas bene novit qualiter nuper ad partes Marchiæ Scotiæ de vestro & aliorum Prælatorum, ac Magnatum, & Procerum Regni nostri Consilio, nos transtulimus pro defensione partium illarum contra Inimicos, si qui forsan hostiliter invadere vellent fines Regni nostri, & ea quæ postmodum contigerunt ibidem, & quomodo triumphum nobis de hostibus contulit clementia Salvatoris, ipsa declarat operis evidentia, & vobis incognitum non existit. Verum quia dum in partibus illis moram faceremus cum exercitu nostro innumerabiles, & quasi infinitos sumptus nos effundere oportuit, & decuit, in tanto Negotio pro honore Regio & utilitate etiam conservand. & nihilominus alia postmodum emerferunt Negotia in quibus vestro & aliorum Prælatorum & Cleri Regni nostri Consilio & Auxilio indigemus; Vobis mandamus rogantes quatenus, Episcopos, Abbates, Priores,



1333.

ac cæteros Prælatos, & Religiosos tam exemptos, quam non exemptos quos fore videritis convocand. ac totum Clerum vestræ Provinciæ, apud London. die Lunæ prox. post Octabas Sancti Martini prox. futur. convocari faciatis. Ita quod tam vos quam dicti Episcopi, Abbates, Priores, Prælati & Religiosi in propriis personis vestris, & Clerus prædictus per Procuratores idoneos tunc ibidem intersitis, super dictis Negotiis, quæ vobis ibidem ex parte nostra plenius exponentur, tractatur. vestrumq; & suum Consilium & Auxilium impensur. Et hoc sicut nos & honorem nostrum, ac Pacem, & Tranquillitatem Regni nostri diligitis, nullatenus omittatis. Teste Rege apud Havering-atte-Boure. vi<sup>o</sup> die Octobris.

Per Breve de Privato Sigillo.

NUM. LXXX.

Rot. Claus. 8 E. 3. M. 23. dorso.

A. D. 1334.

*Litera missa J. Cantuar. Archiepiscopo, de Convocando Clerum ad tractand. & consentiend. super aliquo Auxilio competenti Regi imponend.*

**R**EX venerabili in Christo Patri J. eadem gratia Archi-episcopo Cantuar. totius Angliæ Primati, Salutem. Quam plene periculis & sumptuum effusivæ fuerunt turbationes diutinæ, quas Scotorum pertinacia nobis, & nostris Progenitoribus, pluries præparavit, satis operis evidentia manifestat, super quibus pium remedium adhibuit Dominus Ultionum, dum nos ad partes Marchiæ Scotiæ ad reprimendam Scotorum, Inimicorum nostrorum, rabiem, qui fines Regni nostri fuerant tunc hostiliter ingressi, de vestro, & aliorum Prælatorum, Magnatum, & Procerum dicti Regni nostri Consilio, pro defensione dictarum partium in manu forti sumptuose plurimum accedentes, expeditione fælici misericorditer visitavit: Verum dum sic in illis partibus agebamus sumptus, prout scitis, apposuimus, sicut oportuit, quasi infinitos, & alios non modicos, ad cohibend. hominum terræ nostræ levitatem, qui nimis indomiti, ministris nostris non obediunt, ut deberent, set in nostram, & nostrorum injuriam prorumpere non verentur; ac circa necessariam reformationem & directionem debitam status dictæ terræ effundere proponimus in proximo, Deo Duce, qui sumptus nobis erunt nimium onerosi, nisi nobis subveniatur uberius aliunde; Circa quæ, necnon pro conservand. & recuperand. Coronæ nostræ juribus, ac pro publicis, & Communibus Regni nostri, & subditorum nostrorum commodis, honoribus, & quiete, labores amplecti cupimus, & exponere posse nostrum, ad quod vestrum specialiter, & aliorum Prælatorum ac Cleri Regni nostri præsidium, cum Publica versetur utilitas prosum & propitium credimus invenire. Quocirca fiducialiter vos rogamus mandantes, quatenus præmissis in gratæ considerationis examine debite ponderatis, Episcopos, Decanos, Capitula Ecclesiarum Cathedralium, Abbates, Priores, Archidiaconos ac cæteros Prælatos, Custodes, & Magistros Domorum Regularium, tam exemptos quam non exemptos, necnon totum Clerum vestræ Provinciæ, ad aliquos certos locum in dicta Provincia vestra, & diem, quos ad hoc fore videritis opportunos, sine dilatione convocari faciatis; Ita quod tam Vos, quam dicti Episcopi, Decani, Abbates, Priores, Archidiaconi & alii Prælati, Custodes & Magistri, exempti & non exempti, in propriis personis suis, & quodlibet Capitulorum prædictorum per unum, Clerusq; cujuslibet Diœc. dictæ Provinciæ per duos Procuratores idoneos sufficientem Potestatem ab ipsis Capitulis & Clero habentes, tunc ibidem intersitis, ad Tractandum & Consentiendum super aliquo Auxilio competenti, quod considerata qualitate præmissorum dantes deceat, & nobis esse debeat utile & acceptum, nobis ex causis præviis concedendo. Et nos de eo quod in hac parte feceritis quam citius commode poteritis, reddatis plenius certiores. In hoc tam arduo necessitatis articulo, sicut de vobis confidimus, ac rei-publicæ commodum affectatis, taliter vos habentes, quod in vestris erga Nos agendis, nos reddatis meritò promptiores. Teste Rege apud Norhampton xxiii<sup>o</sup> die Julij.

Per Breve de Privato Sigillo.

LXXXI.



N U M. LXXXI.

Rot. Claus. 10 E. 3. M. 36. dorso.

*Pro Rege, de Clero Ebor. Provinciae Convocando.*

**R**EX venerabili in Christo Patri W. eadem gratia Archiepiscopo Ebor. Angliæ Primati, Salutem. Regnum & Sacerdotium, velut ab uno procedentia principio Jesu Christo, illam sibi vendicant unionem, ut in opportunitatibus alterutrum gaudeant se mutuis Subsidiis prævenire; cum Regnum autoritate sacerdotali dirigatur spiritualiter ad Salutem, & sacerdotium brachio regie potentie temporaliter defensetur. Vestra siquidem paternitas bene novit qualiter ad partes Scotiæ de vestro, & aliorum Prælatorum, ac Magnatum Regni nostri consilio, ad compescendam Scotorum Inimicorum nostrorum malitiam, qui contra nos ibidem de guerra hostiliter surrexerunt; & nos nuper manu forti transfulimus, propriis non parcentes laboribus, sed infinitam quodammodo pecuniam, sicut oportuit, effundentes, ut Jura Coronæ nostræ defenderemus magnifice, ac Ecclesiæ, & cunctis nostris subditis quietis pulchritudinem, subactis hostibus, pararemus. Verum cum in processu prædicto Thesaurus noster plurimum sit exhaustus, & jam imminet nobis necessario pro defensione Regni, & Terrarum nostrarum, quædam agenda ardua, tam in terra Scotiæ, quam alibi, quæ magnum requirunt profluvium expensarum, quas absq; Cleri Subsidio non possumus commodè supportare; ac Prælati, & Clerus Cantuar. Provinciæ præmissa. præmissis in gratæ considerationis examine ponderantes, nobis in Subventionem Expensarum hujusmodi unam decimam de bonis suis Ecclesiasticis jam in Parlamento nostro apud Westm. liberaliter concesserunt, & gratanter; vestræ benevolentie puritatem, de quâ plene confidimus, rogamus attente, vobis nihilominus in fide & dilectione, quibus nobis tenemini firmiter injungentes, quatenus cum hic publica versetur utilitas, & urgens necessitas id exposcat, Prælatos. & Clerum vestrarum Dioc. & Provinciæ, ad aliquem certum diem citra festum Pentecostes prox. futur apud Ebor. convocari faciatis, ita quod tam vos quam dicti Prælati, Decani & Priores Ecclesiarum Cathedralium, Archidiaconi, ac Religiosi, quos expedire videritis, personaliter, & Clerus per Procuratores Idoneos ibidem tunc intersitis, & intersint, ad tractand. & consentiend. super aliquo Subsidio competenti, nobis de bonis Ecclesiasticis vestræ Provinciæ concedendo, quod considerata qualitate præmissorum nobis merito debeat fore gratum: Ad quem diem aliquos de nostris illuc proponimus destinare ad exponendum vobis plenius nostram indigentiam in hac parte; set si forsan dicti mittendi tunc ibidem non venerint, ulterius illorum adventum nullatenus expectetis; set ad tractatum hujusmodi tunc modis omnibus procedatis, & de eo quod nobis in hac parte concesseritis, nos reddatis, quo citius poteritis, certiores; In præmissis sicut de vobis confidimus, ac Reipublicæ commodum affectetis, taliter vos habentes quod vestram debeamus gratitudinem commendare, & eam in agendis vestris retributionibus prosequi gratiose. Teste Rege apud Westm. xxvi<sup>o</sup> die Martii.

N U M. LXXXII.

Rot. Claus. 10 E. 3. m. 16. dorso.

*De Convocatione Cleri Cantuar. Dioc. facienda:*

**R**EX venerabili in Christo Patri J. eadem gratia Archiepiscopo Cantuar. totius Angliæ Primati, Salutem. Cum juxta frequentes Tractatus habitos inter nos, & Nuncios Regis Franciæ ad nos in Anglia specialiter destinatos, solemnes Nuncios nostros ad partes Franciæ de assensu Prælatorum, Comitum Baronum, & Procerum Regni nostri, quos nuper apud Northampton, ad tractandum ibidem super aliquibus quæ nos, & Statum Regni nostri contingebant, convocari fecimus, transmiserimus, eisdem Nunciis nostris Potestatem plenariam tribuentes tractand. pro Nobis, & Nomine nostro, cum præfato Rege, seu deputand. ab Eo super assumendo & ordinando passagio, vel itinere nostro,



1336.

nostro versus Terram sanctam, ac de tempore & modo arreptionis & progressus Itineris hujusmodi, ac de forma, loco, & tempore quibus præfatus Rex & nos possemus infra Regnum Franciæ convenire, & Colloquium mutuum personaliter obtinere, necnon super quibuscunq; Quæstionibus, Litibus, Quærelis, Demandis, Controversiis, Arrestis, seu Debatis, & Adjornamentis, & Processibus in Curia ipsius Regis pendentibus, ac petitionibus, & actionibus realibus, & personalibus, atq; mixtis, quæ idem Rex erga Nos, seu Subditos habet, vel nos erga ipsum Regem, aut Subditos suos, ratione Terrarum nostrarum in Ducatu prædicto, vel alibi in partibus transmarinis existentium, seu quâcunq; aliâ occasione habemus; & etiam tractandi cum David de Brus, & Deputand. ab eo de Treugis & Guerræ sufferentiis, ac finali pace inter nos & Nobis adhærentes, & ipsum David. & sibi adhærentes, super quibuscunq; dissensionibus & debatis, hic inde sobortis ineund. & ea quæ sic in præmissis omnibus tractata & confirmata fuerint quacunq; firmitate vallandi, honore nostro regio in omnibus observato; ac tam præfatus Rex, quam dicti Scoti Negotiis prædictis per præfatos Nuncios nostros, prout eis commissa fuerint, ibidem serius propositis, & incepto super hiis tractatu hujusmodi, oblatiſq; eis viis rationalibus in præmissis, eisdem, seu earum alicui recusaverint hactenus consentire; set dictus Rex ibidem, palam asseruit, se velle præfatis Scotis favere, eosq; modis & viis, quibus poterit adjuvare, & ea de causâ tam Galleas & Naves quam homines armatos in multitudine non modica in diversis partibus exteris congregari fecit, & indies facit, ad mittend. tam super Nos, & Regnum nostrum, Ecclesiamq; sanctam ejusdem Regni, ad mala & gravamina nobis & ipsi Regno, ac dictæ Ecclesiæ sanctæ pro viribus inferend. quam ad partes Scotiæ in dictorum Scotorum Inimicorum nostrorum contra nos succursum, ad nostrum ibidem Dominium, si poterit, subvertendum, sicut nobis est certitudinaliter intimatum. Nos hujusmodi machinatis maliciis obviare, & Salvationi ac Defensionem Regni, Populi, & Jurium nostrorum, Ecclesiæq; sanctæ, providere intimius cupientes, super dictis Negotiis & aliis urgentissimis Nos, & Statum ejusdem Regni, ac aliarum terrarum nostrarum contingentibus, Vobiscum, & cum cæteris Prælatiſ, Magnatibus, & Proceribus hujus Regni apud Notingham die Lunæ prox. post Festum Sancti Mathæi Apostoli futur. habere ordinavimus Colloquium & Tractatum: Et ideo vobis in fide & dilectione, quibus nobis tenemini firmiter injungendo mandamus, quod pensatis tanta & tam urgenti necessitate, periculisq; imminentibus absq; omni Excusatione dictis die & loco personaliter intersitis, Nobiscum, & cum cæteris Prælatiſ, Magnatibus, & Proceribus prædictis, super dictis Negotiis tractatur. vestrumq; Consilium impensur. Et quia dicta Negotia ardua sunt, & magna, & quietem & Salvationem Universorum in dicto Regno nostro degentium summe concernentia, quæ cum omnes tangunt per omnes debeant pertractari; vobis mandamus rogantes, quod cum urgens & instans necessitas id exposcat, Episcopos, Prælatos & Clerum vestræ Provinciæ ad diem Lunæ prox. post Festum Sancti Michaelis prox futur. apud Leicestr. convocari faciatis: Ita quod tam dicti Episcopi, quam Decani & Priores Ecclesiarum Cathedralium, & Archidiaconi, & Abbates exempti & non exempti, quos expedire videritis, personaliter, & quodlibet Capitulorum dictarum Ecclesiarum Cathedralium per unum, & Clerus cujuscunq; Diœc. per duos Procuratores sufficientem potestatem habentes, dictis die & loco intersint ad tractandum & consulendum super præmissis unâ vobiscum, & aliis per Nos illuc tunc mittendis, & ad consentiend. hiis quæ tunc ibidem pro defensione communi, & utilitate publicâ, divinâ favente clementiâ contigerit ordinari. Et hoc nullatenus omittatis. Teste Rege apud Villam de Sancto Johanne xxiv. die Augusti.

*Executio hujus Brevis.*

Memorand.  
Henr. Burg.  
herſh. Episc.  
fol. cccxl. b.

Jo. permissione divinâ Cantuar. Archiepiscopus, totius Angliæ Primas, & Apostolicæ Sedis legatus, venerabili Fratri nostro Domino Stephano Dei Gratiâ London. Episcopo, Salutem, & Fraternalm in Domino Charitatem. Inevitabile Periculum, & ingens Necessitas Negotiorum arduorum nedum Anglicanæ concernent. Utilitatem Ecclesiæ, sed etiam Domini nostri Regis, & Regni sui, ipsiusq; Ecclesiæ defensionem & Tranquillitatem, multipliciter nos urgent, licet cum fastidio, Prælatos & Clerum nostræ Cantuar. Provinciæ convocare; Et ad hoc etiam faciendum sumus frequenti & assiduâ ipsius Regis nostri in partibus



tibus Scotiæ pro defensione dictorum Ecclesiæ & Regni nunc existentis, instantiâ excitati : Breve suum recepimus sub hac formâ.

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*Sequitur Breve ut supra.*

Nos igitur super hijs, cum quibusdam nostris Fratribus & alijs peritis tractatum habuimus diligentem, Convocationemq; hujusmodi ex Causis præmissis fore decrevimus faciendam. Quocirca vestræ Fraternitati Committimus & Mandamus, quatenus sine moræ diffugio, Vice & Autoritate nostrâ, omnibus & singulis Confratribus Coepiscopis, nostræ Cantuar. Provinciæ Suffraganeis, injungatis, seu faciatis injungi, ut iidem Episcopi omnes & singuli in eorum Diocesi. præmuniant, seu faciant præmuniendo citari omnes Decanos, & singula Capitula Ecclesiarum Cathedralium, Abbates, Priores, & Archidiaconos cujuslibet Diocesi. Eorundem; quod iidem Decani, Abbates, Priores, & Archidiaconi personaliter, & quodlibet Capitulorum prædictorum per unum, Clerusq; cujuslibet Diocesi. nostræ Provinciæ supradictæ per duos sufficientes Procuratores compareant coram Nobis, seu nostris Commissariis in Ecclesiâ Conventuali B. Mariæ de Pratis Leycestriæ die Lunæ prox. post Festum S. Michaelis prox. futur. ad Tractandum, cum continuatione & prorogatione dierum sequentium & locorum, super Præmissis, & alijs arduis & urgentibus Anglicanæ Ecclesiæ & Regni Negotiis inibi diffusius pertractandis, quæ magnam Celeritatem, & Consilium grande requirunt, nec non consentiendum hijs quæ ex deliberatione communi erunt ad honorem Dei, & Ecclesiæ suæ sanctæ Tranquillitatem, ac Regni Defensionem, totiusq; Reipublicæ Utilitatem ibidem concorditer Ordinata. Dictos nostros Coepiscopos & Confratres nostros citando præmuniri faciatis, quod dictis die & loco intersint ad Tractand. Consulend. & Faciend. quod Tenor hujus Mandati nostri exigit & requirit. Vos etiam dictum nostrum Mandatum quatenus Vos, & Diocesi. vestram concernit exequi per omnia faciatis : De die Receptionis præsentium, & quid feceritis in Præmissis Nos, vel nostros Commissarios diebus & locis hujusmodi certificare curetis per literas vestras Patentes, harum seriem, & Præmunitorum, seu Citatorum Nomina continentes; & cæteris Confratribus nostris, Coepiscopis antedictis, ut Nos, vel nostros Commissarios, ipsis die & loco singuli singillatim modo debito de suo in hac parte facto certificent, injungatis. Dat. apud Northampton. vii Kal, Septembr. Anno Dom. 1336. & nostræ Translationis Tertio.

N U M. LXXXIII.

Rot. Claus. II E. 3. p. 2. m. 29 dorso.

*Pro Rege, de Convocatione Cleri faciend. pro Subsidio habend.*

A. D. 1337.

**R**EX venerabili in Christo Patri W. eadem gratiâ Archiepiscopo Ebor. Angliæ Primati, Salutem. Justum est & consonum Rationi, ut per Communia Subsidia communibus periculis occurratur. Sane licet nos desiderantes omnino habere pacem cum Domino Rege Franciæ, qui nonnullas terras nostras in Ducatu prædicto nobis diu detinuit, & adhuc detinet minus juste, sibi pro obtinenda restitutione terrarum hujusmodi quicquid debuimus reverenter & humiliter fecerimus, offerentes ulterius ad captand. ipsius benevolentiam Maritima Filii nostri primogeniti, nunc Ducis Cornub. clare me Johannis Comitis Cornub. fratris nostri, tunc viventis, & sororis nostræ charissimæ, jam Comitissæ Gerl. pecuniam etiam pro suo libitu, & alia quæ in Cedula hijs inclusa plenius annotantur; ipse tamen hijs omnibus obauditis machinans nos, & nostros, omnino deprimere, ut usurpata super nos possit retinere liberius, & sibi facilius attrahere residuum quod habemus, movet nobis guerram fortissimam tam in terrâ quam in mari, nolens nec paci, nec pacis tractatui consentire, propter quod ad reprimend. ipsius, & Scotorum, ac aliorum Inimicorum nostrorum malitiam oportet pro defensione Ecclesiæ, & terrarum prædictarum confidimus vos habere ex corde, rogamus quatenus ponderatis debite quantis periculis Nos, & nostri Subditi subjiciuntur in hac parte, Prælatos, & Clerum vestræ Diocesi. tam exemptos quam non exemptos, apud Ebor. die Mercurii prox. post Festum

*Desunt quædam.*

*Desunt Aliæ.*



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Festum Nativitatis beatæ Mariæ prox. futur. citius quo poteritis convocari faciatis. Ita quòd Prælati, Decani, Abbates, Priores, Archidiaconi, Rectores Ecclesiarum, & alii beneficiati, quos expedire videritis, personaliter tunc compareant coram vobis, coram quibus singula contenta in dictâ Cedula, & alia quæ moneri poterunt, clarè & publicè faciatis exponi, inducentes eosdem, ut quilibet in Allevationem Expensarum hujusmodi nobis, prout facultates suæ permiserint, talem Subventionem fac. qualem tanta necessitas jam exposcit; Rescribentes nobis cum omni celeritate quid, & quantum, vos & alii singuli nobis duxeritis concedend. Ad hæc faciatis dictam Cedulam in singulis Ecclesiis dictæ Diœc. & locis aliis quibus expedire videritis, diebus solemnibus & festivis, quando major aderit populi multitudo publicari patenter & exponi, ut fideles nostri super hiis informati, nobis libentius temporaliter subveniant, & pro Nobis apud Deum votivis precibus intercedant; ad quod eos monitis efficacibus excitetis, taliter super hiis vos habentes quod vestram debeamus gratitudinem merito commendare. Teste Rege apud Westm. xxi. die Augusti.

Per ipsum Regem.

## N U M. LXXXIV.

Registr. Hemhale Episc.  
Wigorn. fol.  
xxxix.

f. Trafianda.

**E**Dwardus, &c. Universis & singulis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, Dominis Villarum, Mercatoribus, apud Evesham in Crastino Nativitatis B. Mariæ prox. futur. de Mandato nostro, seu Præmunitione, Conventuris, Salutem. Sciatis quòd Nos de fidelitate & Circumspectione providâ dilectorum & fidelium nostrorum, Venerabilis Patris Thomæ Episcopi Wigorn. W. de Bello-Campo, & Hug. de Cokesay plenam fiduciam reponentes, assignavimus & deputavimus Ipsos conjunctim & divisim, ad aliqua quæ in instanti Concilio nostro apud Westmonaster. per Nos, & per Prælatos, Magnates, & Proceres Regni nostri, & alios de Concilio ibidem existentes tractata fuerint, & quæ Nos & Statum ac Salvationem & Defensionem Regni nostri, Ecclesiæ sanctæ ejusdem, ac aliarum Terrarum nostrarum & Jurium nostrorum specialiter contingunt; & ad Intentionem nostram ac Voluntatem in hac parte, tam ad diem & locum prædictos quàm alibi in Comitatu Wigorn. ubi expedire viderint, cum continuatione & prorogatione dierum, Vobis plenius & serius exponendi, prout eis, & eorum cuilibet, per nos plenius est injunctum. Et ideò Vobis in fide & dilectione & Ligeantiâ quibus Nobis astricti estis firmiter injungendo Mandamus, quòd eisdem Episcopo, W<sup>mo</sup>, & Hugoni, in exponendâ Intentione & Voluntate nostrâ, & aliis Negotiis quæ Nos, & Vos, & dictum Regnum nostrum, & statum Ecclesiæ sic contingunt, cum omni diligentia pareatis, & etiam intendatis; & ea quæ sic Vobis exposita fuerint ex parte nostrâ consideretis, periculisq; imminentibus hiis diebus consideratis remotâ excusatione quâcunq; prudenter & effectualiter adimplere, prout ad Vos, & quemlibet vestrum noveritis pertinere. In cujus rei Testimonium has Literas nostras fieri fecimus Patentes. Teste apud Westmonaster. xxi Augusti Anno Regni nostri xi.

Per ipsum Regem.

Edwardus, &c. Thomæ Wigorn. & aliis ad quædam defensionem Regni nostri, S. Ecclesiæ, & aliarum Terrarum nostrarum contingentia in Comitatu Wigorn exponenda, assignatis, Salutem. Mittimus Vobis quandam Schedulam hiis inclusam super Oblationibus ad vitandam Guerram inter Nos, & Regem Franciæ, per Nos & nostros Nuntios sibi factis; Mandantes vobis & vestrum cuilibet, quòd contenta in dictâ Schedulâ die & loco in Commissionem vobis factâ expressis, Clero & Populo de Comitatu plenè & clarè exponi faciatis, Inducentes eos Viis & Modis quibus potestis, ut cum idem Rex nobis intentet Guerram fortissimam, nolens nec Paci, nec Pacis Tractatui consentire, per quod pro defensione publicâ importabilibus expensis subjiciemur, Nobis quatenus facultates suæ permiserint, largè subveniant, & subveniat quilibet eorundem: Taliter in hoc Vos habentes, quòd vestram debeamus Diligentiam providam meritò commendare. Teste apud Westmonaster. 28. Augusti Anno Regn. xi.

Per ipsum Regem.

LXXXV.



N U M. LXXXV.

*Mandatum pro Convocatione.*

**J**O. permissione Divinâ Cantuariensis Archiepiscopus, &c. Venerabili Fra-  
tri nostro Stephano London. &c. Urgentissimis Domini nostri Regis &  
Regni Angliæ Negotiis, nedum ipsius Regni statum, sed etiam totius Ecclesiæ  
Anglicanæ tranquillitatem tangentibus & quietem, quæ pro defensione eorum &  
bono publico, ac Periculis jam imminentibus evitandis, magnam & arduam Ac-  
celerationem requirunt, necessario ad præsens cogimur Prælatos & Clerum  
nostræ Cantuar. Provinciæ convocare; & ad hoc etiam faciendum Breve Reg-  
ium recepimus sub his Verbis.

Registr. Mon-  
iacute Episc.  
Eliens. fol.  
xxxviii.

Vid. *Pryn. Register. of Parl. Writs*, Vol. 1. p. 40.

Nos igitur super his cum quibusdam de nostris Fratribus, & aliis peritis tra-  
ctatu habito diligenti, Convocationem hujusmodi ex Causis præmissis fore de-  
crevimus faciendam. Quocirca vestræ Fraternitati committimus, quatenus  
sine moræ diffugio, Vice & Autoritate nostra omnibus & singulis Confratribus,  
Coepiscopis nostræ Cantuariens. Ecclesiæ Suffraganeis injungatis, seu faciatis  
inungi, ut iidem Episcopi omnes & singuli in eorum Diocesium præmuniant,  
seu faciant præmuniendo citari, omnes Decanos & Priores Ecclesiarum Cathe-  
dralium, ac singula Capitula Ecclesiarum hujusmodi, Archidiaconosq; & Abbates,  
exemptos & non exemptos, & Clerum cujuslibet Dioceseos, quod iidem Deca-  
ni, Priores, & Archidiaconi. & Abbates, personaliter, & quodlibet Ca-  
pitulum dictarum Ecclesiarum per unum, Clerusq; cujuslibet Dioceseos nostræ  
Provinciæ per duos sufficientes Procuratores compareant coram Nobis, seu no-  
stris Commissariis in Ecclesiâ S. Pauli London. in Crastino S. Michaelis prox-  
nunc futuri; ad Tractandum cum continuatione & prorogatione dierum sequen-  
tium, & locorum super arduis & urgentibus totius Regni, & Ecclesiæ Angli-  
canæ Negotiis, in hujusmodi Convocatione diffusius pertractandis, quæ mag-  
nam Celeritatem, & Consilium grande requirunt; nec non consentiendum hiis  
quæ ex deliberatione communi erunt ad honorem Dei, & Ecclesiæ suæ sanctæ,  
ac utilitatem totius Reipubl. ibidem concorditer Ordinata. Vos, etiam dictum  
Mandatum nostrum quatenus Vos, & Diocesim vestram London. concernit,  
exequi per omnia faciatis. De die verò receptionis præsentium, & quid fece-  
ritis in præmissis, Nos, vel nostros Commissarios dictis die & loco distinctè &  
apertè certificare curetis per literas vestras Patentes harum seriem, & præmu-  
nitorum, seu Citatorum Nomina continentes: Et cæteris Coepiscopis antedi-  
ctis, ut Nos vel nostros Commissarios hujusmodi die & loco singuli sigillatim  
modo debito de suo facto in eâ parte certificent, injungatis. Dat. apud Lambeth  
2 Kal. Septembr. A. D. 1337.

N U M. LXXXVI.

Rot. Claus. 12. E. 3, p. 2. m. 17. dorso.

*De Convocatione faciend. de Clero in Provincia Cantuar.*

A. D. 1338.

**R**EX venerabili in Christo patri J. eadem gratia Archiepiscopo Cantuar.  
totius Angliæ Primati, vel ejus (ipso in Remotis agente) Vicario generali,  
Salutem. Cum nuper assumpto Passagio nostro ad partes externas de Assensu Præ-  
latorum, Procerum, & Magnatum, Cleri ac Populi Regni nostri, pro arduis  
Negotiis Nos, & statum nostrum, ac Salvationem & honorem sanctæ Ecclesiæ  
Anglicanæ, & dicti Regni, contingentibus, volentes ut Pax & Quies dictorum  
Ecclesiæ & Regni, in absentia nostrâ inviolabiliter observarentur, & ea de  
Causa vobiscum habere Colloquium & Tractatum; vobis in fide & dilectione,  
quibus nobis tenemini firmiter injungendo mandaverimus, quod pensatis tantâ  
nostrorum, & dicti Regni Negotiorum arduitate, & periculis imminentibus,  
absq; Excusatione quacunq; Vos, vel dictus Vicarius vester, apud Norhampton



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in Craſtino Sancti Jacobi Apoſtoli jam præterito perſonaliter intereſſetis, cum Edwardo Duce Cornub. & Comite Ceſtriæ, filio noſtro Chariffimo, quem Cuſtodem dicti Regni noſtri conſtituimus, & cum cæteris Prælatiſ, Proceribus, & Magnatibus prædictis ſuper dictis Negotiis tractaturi, veſtrumq; Conſilium impenſur. Et quia Negotia prædicta Salvationem dicti Regni, & Eccleſiæ ſanctæ, ac Univerſorum, & Singulorum ipſius Regni, ſpecialiter concernebant, mandavimus vobis rogantes, quod præmuniatis Priorem & Capitulum Eccleſiæ veſtræ Cant. ac Archidiaconos, totumq; Clerum veſtræ Diœc. quod iidem Prior & Archidiaconi in propriis ſuis (perſonis) ac dictum Capitulum per unum, idemq; Clerus per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero habentes, dictis die & loco intereſſent, ad tractandum & conſulendum ſuper præmiſſis unâ vobiſcum, & aliis per Nos illuc tunc mittendis, & ad conſentiendum hiis quæ tunc ibidem pro Comuni Deſenſione, & Utilitate, divinâ favente clementiâ, contingerent ordinari: Verum quia tractatu aliquali ſuper præmiſſis ibidem habito, quædam Salvationem, & honorem dictorum Regni, & Eccleſiæ concernentia, propter inſtantem Meſſium neceſſitatem, & aliis de Cauſis ſupervenientibus, adhuc ordinanda & tractanda ſuperſunt. Vobis mandamus, vos rogantes, quod Episcopos, Prælatos, & Clerum veſtræ Provinciæ, apud Eccleſiam Sancti Pauli London. in Craſtino Sancti Jeronimi prox futur. convocari fac. Ita quod tam dicti Episcopos, quam Decani, & Priores Cathedralium Eccleſiarum, & Archidiaconi, ac Abbates, exempti & non exempti, quos expedire videritis, & quodlibet Capitulum dictarum Eccleſiarum Cathedralium per unum, & Clerus cujuſlibet Diœc. per duos Procuratores, ſufficientem Poteſtatem habentes, apud dictam Eccleſiam Sancti Pauli interſint in prædicto Craſtino Sancti Jeronimi ad tractandum, conſulendum, & ordinandum, ſuper præmiſſis unâ vobiſcum, & aliis per nos illuc tunc mittend. & conſentiendum hiis quæ tunc ibidem pro communi utilitate & deſenſione, divinâ favente Clementiâ contigerit ordinari. Teſte Edwardo Duce Cornub. & Comite Ceſtriæ, filio noſtro chariſſimo, Cuſtode Angliæ apud Norhampton quinto die Auguſti.

N U M. LXXXVII.

Rot. Clauſ. 13. E. 3. p. 1. m. 35. dorſo.

*De Convocatione Cleri Ebor. Provinciæ.*

1339.

**R**EX venerabili in Chriſto Patri W. eadem gratiâ Archiepiſcopo Ebor. Angliæ Primati, Salutem. Nuper tam vobis quam venerabili Patri J. Archiepiſcopo Cantuar. totius Angliæ Primati duximus demandand. quod idem Archiepiſcopus Cantuar. Prælatos & Clerum ſuæ Provinciæ apud Eccleſiam Sancti Pauli London. & vos veſtræ Provinciæ Prælatos & Clerum apud Eccleſiam veſtram Sancti Petri Ebor. ad certos dies præteritos convocari faceretis, ad tractandum, conſulendum, & ordinandum, ſuper aliquibus Deſenſionem, & Utilitatem Anglicanæ Eccleſiæ, & Regni noſtri contingentibus, ac aliquâ Subventionem nobis de veſtris, & ſuis bonis, propterea facienda. Et licet præfatus Archiepiſcopus Cantuar. ac Prælati, & Clerus ſuæ Provinciæ, quandam Decimam, ultra decimam triennalem jam currentem, nobis de bonis ſuis conceſſerint Eccleſiaſticis, & terminos Solutionis ſecundi Anni dictæ triennalis Decimæ anticipare, in Subſidium ſupportationis onerum, quæ pro deſenſione Eccleſiæ, & Regni prædictorum, ac recuperatione Jurium Coronæ noſtræ nos oporteret neceſſario ſuſtinere, Vos, & Prælati, ac Clerus dictæ veſtræ Provinciæ nihilominus Subſidium aliquod, in Convocatione veſtrâ prædictâ, quanquam vobis de Conceſſione per Clerum Cantuar. Provinciæ huiusmodi nobis ſic facta tunc conſtiterit evidenter, de veſtris & ſuis bonis Eccleſiaſticis tunc concedere renuiſtis, unde plurimum mirabamur: Et quia pericula ex hoſtili Alienigenarum aggreſſu, qui dictum Regnum, & ſanctam ejuſdem Eccleſiam invadere, & pro viribus deſtruere moluntur, multiplicare, & habundare, de diebus in dies, diſcoſcuntur; & eâ de cauſa pro tuitione eorundem oportet ſumptus & expenſas, ſicut novit veſtra diſcretio, neceſſario adaugere; advertentes quod omnes ipſius Regni ad Salvationem & Deſenſionem ejuſdem, ac Anglicanæ Eccleſiæ ſupradictæ, cujuſcunq; conditionis fuerint, ſive ſtatus, aſtringuntur, tantis eiſdem Regno imminentibus



bus periculis subvenire; Vobis mandamus rogantes quod ad certum diem, ad citius quo poteritis per vos præfigend. apud Ecclesiam vestram Sancti Petri Ebor. Clerum vestræ Provinciæ, videlicet, tam Episcopos, & Religiosos, exemptos & non exemptos, quam alias personas Ecclesiasticas quos videritis convocandos, convocari faciatis; & consideratis tantâ Ecclesiæ & Regni eorundem arduitate Negotiorum, & onerosis sumptibus, quos eâ de causâ exponere coarctamur, ac etiam subventionem per Clerum dictæ Cantuar. Provinciæ tam benevole nobis factâ, cum eisdem Prælati & Clero diligentius tractetis, eosdem nihilominus modis & viis quibus poteritis excitantes de tali Subsidio nobis per vos & ipsos, de vestris & suis bonis Ecclesiasticis, concedendo, quale nobis Prælati & Clerus præfatæ Cantuar. Provinciæ concesserunt, ut præmittitur, vel uberiori, prout imminens necessitas hoc exposcit; scituri quod quanto in subventionem hujusmodi faciend. vos, & ipsi, offenderitis promptiores, tanto exinde vobis & ipsis venturis temporibus, astringi volumus in agendis; Quosdam autem Fideles & Secretarios nostros ad diem prædictum mittere ordinavimus, ad exponendum vobis aliqua præmissâ contingentia, & informand. vos plenius de eisdem, & ad reportandum nobis quod in hac parte duxeritis faciendum; propter quorum absentiam, si tunc non venerint, dictum Negotium ulterius retardari nolumus seu differri. Teste Edwardo Duce Cornub. & Comite Cestriæ, filio nostro charissimo, Custode Angliæ apud Byflet viii<sup>o</sup> die Februarii.

Per ipsum Regem.

N U M. LXXXVIII.

*Mandatum pro Concilio Provinciali.*

A. D. 1341.

**J**ohannes permissione divinâ Cantuariensis Archiepiscopus, &c. Venerabili Patri nostro Domino Radulpho, dei gratiâ London. Episcopo, Salutem & Paternam in Domino Caritatem. Quamvis sacris sit Canonibus constitutum, quod Metropolitanî & Archiepiscopi & Primate, annis singulis legitimo Impedimento cessante pro excessibus corrigendis & moribus reformandis, debeant Provinciale Concilium celebrare; Nos tamen adversis tribulationibus Temporum, & assiduis Occupationibus circa Magna, aliisque variis Causis impediti, quod nostro incumberebat Officio in hac parte nequivimus hætenus adimplere. Nunc autem Opportunitate captatâ, seu verius Necessitate cogente, Provinciali coacto Concilio adversus excessus in nostrâ Cantuariensi Provinciâ indies contingentes medelam appetimus congruam adhibere. Nos igitur antiquorum Patrum vestigiis inhærentes, hujusmodi Provinciale Concilium de majoris partis Suffraganeorum nostrorum Consilio & Assensu evocandum decrevimus & solenniter celebrandum, ut fiant in eo, Domino adjuvante, quæ fuerint facienda secundum Canonicas Sanctiones. Quocirca Fraternitati vestræ committimus & mandamus quatenus Venerabiles Fratres nostros Episcopos & electos confirmatos, vel si qui eorum forsan absentes fuerint Vicarios ipsorum; nec non & Officialem nostrum Lincoln. Sede ibidem vacante, peremptoriè & præcisè citetis, seu faciatis citari; Decanos verò & Priores Ecclesiarum Cathedralium, Abbates, & Priores electivos, sub se plenum Conventum habentes; nec non Archidiaconos, Capitula, Conventus & Collegia universa; Clerumque cujusque Diocesis nostræ Provinciæ antedictæ, qui sua conspexerint interesse præmunire curetis, vel faciatis debite præmuniri, quod iidem Episcopi, electi, seu Vicarii eorundem, Officialisque noster prædictus, personaliter; Decanisque & Priores Ecclesiarum Cathedralium necnon Abbates, & Priores alii sub se plenum Conventum habentes, ac Archidiaconi, si eis expediens videatur; prædictaque Capitula, Conventus, & Collegia, per unum, Clerusque cujuslibet Diocesis per duos Procuratores idoneos, si sua crediderint interesse; & Causas vel Negotia habuerint in hujusmodi Concilio provinciali Tractanda; coram Nobis, & dicto Concilio legitime compareant in Ecclesiâ S. Pauli London. primo die juridico post Festum S. Lucæ Evangelistæ prox futur. super præmissis omnibus & singulis & aliis tunc exponendis ibidem Statum Ecclesiæ Religionis & Cleri, dictæ nostræ Provinciæ concernentibus, Tractaturi, suumque sanum & deliberatum Consilium & Consensum impensuri his quæ inspirante Domino ibidem contingeret utiliter ordinari; ulteriusque;

Registrum  
Sim. de Monte  
acuto Episc.  
Eliens. fol.  
lx. iv.



1341.

riusq; facturi & recepturi cum continuatione & prorogatione dierum tunc sequentium usq; ad finem ejusdem Concilii quod justitia suadebit. Eisdem etiam Fratribus nostris, Electis, & Vicariis, & Officiali nostro prædicto denuntiari faciatis expressè, quòd omnibus Ecclesiarum Prælati suarum Diocesium exemptis, non Mendicantibus, cujuscunq; fuerint Ordinis, Conditionis seu status, notificent manifestè, ac hujusmodi Prælati vestræ Dioceseos per vos volumus intimari, ut præfatis die & loco absq; suorum Privilegiorum præjudicio quibus per hoc non intendimus derogare, unà Nobiscum sufficienter intersint, si sibi viderint expedire, facturi in præmissis & ea contingentibus, quod superius est expressum. Ex cautela etiam abundanti Vobis injungimus, & per Vos dictis nostris Confratribus, Electis, Vicariis & Officiali prædicto injungi volumus & mandamus, ut Vos & Ipsi cum Religiosis & Clero vestræ suarumq; Diocesium super reformandis in Concilio supradicto deliberetis & deliberent circumspecti, ac in scriptis redigatis & redigant reformanda; ut super illis dictis diebus & loco plenior & maturior Informatio valeat obtineri, & quod expedit convenientius ordinari. Vos etiam dictum Mandatum nostrum quatenus Vos & Diocesim vestram London. concernit, exequi per omnia faciatis. De die verò receptionis præsentium, & quid feceritis in præmissis, nos dictis die & loco distinctè & aperte certificare curetis per literas vestras patentes harum seriem & Præmunitorum nomina vestræ London. Dioceseos in Cedula separatà, literis vestris Certificatoriis annexà, plenariè continentes; & cæteris Coepiscopis & Confratribus nostris, Electis, & Vicariis, & Officiali nostro hujusmodi similiter injungatis ut Nos præfatis die & loco sigillatim modo debito de facto suo certificent in præmissis, per literas eorum Patentes, harum seriem & Præmunitorum Nomina Diocesium eorundem in Cedula consimili continentes. Dat. apud Maghfeld x. Kal. Augusti Anno Dom. 1341. Et nostræ Translationis, viii°.

## NUM. LXXXIX.

A. D. 1342.

*Mandatum pro Concilio Provinciali.*

Liber Memorand, Tho: Beck.  
Episc. Lincoln.  
fol. 1.

Johannes providentiâ divinâ Cant. Archiepiscopus, &c. In nostro Provinciali Concilio London. celebrato, de Vestro, aliorumq; Confratrum Suffraganeorum & Co-episcoporum nostrorum ibidem præsentium, & Procuratorum absentium consensu, non sine magnæ sollicitudinis Studio provisâ Remedia ad quorundam correctionem excessuum, Reformationemq; morum, libertatem & immunitatem Ecclesiæ conservandam, in nostro Provinciali prox. convocando Concilio vobiscum, & cum Eis communicato Consilio, Dei nobis assistenti Præsidio, juxta juris exigentiam in publicum redigere notionem; super quibusdam verò Articulis ad proximum reservatis Concilium aliisq; arduis, quæ in depressionem Status Ecclesiastici atq; Cleri noviter emerferunt, vobiscum, &c. volentes habere Tractatum & Deliberationem, Provinciale Concilium de vestro & ipsorum Concilio ac Consensu die Lunæ prox. post Festum Translationis S. Edwardi Regis, viz. ij. Id Octobr. prox. futur. in Ecclesiâ S. Pauli London. ordinavimus celebrandum. Quocirca, &c. præmuniri curetis, quod Episcopi seu Vicarii eorundem personaliter: Decaniq; Priores Ecclesiarum Cathedralium, nec non Abbates & Priores, & alii sub se plenum Conventum habentes, ac Archidiaconi, si eis utile videatur; prædictaq; Capitula, Conventus, & Collegia, per unum singillatim, Clerusq; cujuslibet Dioceseos per duos Procuratores Idoneos, si sua prospexerint interesse, & Causas vel Negotia habuerint in hujusmodi Provinciali Concilio tractanda, coram Nobis, &c. compareant, &c. Prælati insuper Ecclesiarum exemptarum non Mendicantibus — nostræ Provinciæ, cujuscunq; fuerint Ordinis — volumus nuntiare, ut præfatis die & loco absq; suorum Privilegiorum præjudicio, quibus super hoc derogare nolumus, nobiscum intersint, si voluerint, &c. Dat. x. Kal. Septembr. Anno 1342.

NUM.



## N U M. XC.

*Breve pro Magno Concilio.*

A. D. 1344.

**E**Dwardus, &c. Venerabili viro Johanni electo Hereford. confirmato, Salutem. Quia pro quibusdam arduis & urgentibus Negotiis, tam honorem Dei & Ecclesiæ Anglicanæ, quam salubre Regimen Regni nostri, ac Salvationem & Defensionem ejusdem summè contingentibus, vobiscum & cum cæteris Prælati ipsius Regni ad Quinden. Pasch. prox. futur. apud Westmonaster. colloquium habere volumus & tractatum, vobis in fide & dilectione, quibus nobis tenemini firmiter injungimus & mandamus, quatenus postposita excusatione quacumq; consideratq; arduitate Negotiorum prædictorum dictis loco & tempore personaliter interitis, nobiscum & cum cæteris Prælati, ac aliis quos ibidem tunc interesse mandavimus, tractaturi, vestrumq; Consilium impensuri: Et hoc sicut Nos & Honorem nostrum ac Salvationem Regni nostri diligitis nullatenus omittatis. Teste meipso apud Westm. xxix die Martii Anno Regni nostri Angliæ xviii<sup>o</sup> Regni vero nostri Franciæ, v<sup>o</sup>.

Registr. 7<sup>o</sup>  
Trilleck, Episc.  
Hereford fol. iiii.

## N U M. XCI.

A. D. 1345.

**E**Dwardus Dei gratiâ Rex Angliæ & Franciæ, & Dominus Hybernæ, Venerabili in Christo Patri Wolstano eadem Gratiâ Wigorn. Episcopo, Salutem. Quia pro executione Guerræ nostræ Franciæ ad partes transmarinas in principio Mensis Martii prox. futur. proponimus, disponente Deo, transfretare; propter quod vobiscum, & cum aliis Prælati & Magnatibus Regni nostri Angliæ super Passagio prædicto, & aliis Negotiis Nos & Statum ejusdem Regni tangentibus Colloquium habere volumus & Tractatum; Vobis in fide & dilectione quibus nobis tenemini firmiter injungendo mandamus, quatenus omnibus aliis prætermisiss & quacumq; Excusatione cessante, sitis apud Westmonaster. in Crastino Purifications B. M. Virginis prox. futur. Nobiscum & cum cæteris Prælati & Magnatibus prædictis super præmissis tractaturi, vestrumq; Consilium impensuri; & hoc sicut Nos & Honorem nostrum, ac Expeditionem prædictam diligitis, nullatenus omittatis. Teste meipso apud Rockingham 26 Novembr. Anno Regn. nostr. Angliæ xix. & Franciæ vi<sup>o</sup>.

Registrum  
de Wolstani  
Braunssford.  
Episc. Wigorn.  
fol. clxxiv.

## N U M. XCII.

*Mandatum pro Concilio Provinciali.*

A. D. 1346.

**J**ohannes permissione divinâ Cantuariensis Archiepiscopus totius Angliæ Primas & Apostolicæ Sedis Legatus, venerabili Fratri nostro Radulpho Dei gratiâ London. Episcopo, Cantuariensis Ecclesiæ Suffraganeo, Salutem & Fraternalitatem in Domino Caritatem. Ignis etiam nostris meditationibus nos exardescit quotidie dum Anglicanam Ecclesiam modernis temporibus per Laicorum machinationes initas, & minatas eis, tam contra Clericos quam contra libertates jura & privilegia Ecclesiastica dolosas insidias durius solito conspiciamus infestari, intolerabilibus laceffiri injuriis, ejusq; jura & libertates undiq; concutiari. Unde nos volentes, ut tenemur, ad Honorem Dei, & ipsius Ecclesiæ suæ, Ope nobis possibili insurgere ex adverso pro Depravitate hujusmodi corrigend. seu reformand. prout nos angit ejusdem Ecclesiæ urgens Necessitas ex causis prædictis magnâ & diligenti cum quibusdam nostris Confratribus in eâ parte deliberatione præhabita, & interpellatione per ipsos nobis factâ sollicitè omnes & singulos Coepiscopos & Confratres nostros fore decrevimus celeriter convocandos. Quocirca Fraternitati vestræ committimus & mandamus firmiter injungentes, quatenus cum omni celeritate quâ fieri poterit, citetis seu citari faciatis peremptoriè venerabiles Fratres nostros Coepiscopos, electos confirmatos, & Suffraganeos dictæ nostræ Cantuariensis Ecclesiæ, absentiumq; si qui fuerint Vicarios generales ad comparendum coram Nobis aut nostris Commissariis in Ecclesiâ S. Pauli London. proximo die Juridico post Festum Inventionis S. Crucis prox.

Ibidem. fol.  
xcv. b.



A. D. 1346.

prox. futur. super præmissis & Reformatione ipsorum, ac aliis Anglicanæ Ecclesiæ Negotiis urgentibus, ( quæ ad præsens expressius tangere aut describere clarius certis ex Causis & necessariis omittimus ) unà nobiscum efficaciter tractaturos, suumq; exhibitori & impensuri consilium providum in eisdem pariter & consensum; ac etiam ordinaturi concorditer quæ ad Honorem Dei & ipsius Ecclesiæ, Virorumq; Ecclesiasticorum libertatem, ac securitatem, & commodum, utilius fuerint peragenda; facturiq; ulterius cum Continuatione & Prorogatione dierum tunc sequentium quod Negotiorum eorundem exponendorum distinctius qualitas exigit & requirit. Vos etiam præmunimus, & cæteros sic citandos per vos præmuniri volumus & mandamus, quod absentes in dicto Concilio nisi de evidenti ipsorum Impedimento & rationabili in eà parte coram Nobis vel nostris Commissariis tunc fecerint plenam fidem, nos illos tanquam inobedientes & Contumaces, quatenus justè poterimus juxta juris exigentiam puniemus. Vos insuper Dominum London. Episcopum tenore præsentium citamus peremptoriè, quod eisdem die & loco coram Nobis vel nostris Commissariis compareatis personaliter super præmissis tractaturi, vestrumq; Consilium impensuri, & cætera facturi, ut præmittitur, & prout fuerit optimum. De die verò receptionis præsentium & quid inde feceritis Nos vel hujusmodi nostros Commissarios, dictis die & loco certificare curetis per vestras Patentes literas hunc tenorem habentes. Et cæteris Coepiscopis electis & Vicariis supradictis ut Nos, vel nostros Commissarios, ipsis die & loco, singuli singillatim quid super hiis facere duxerint cum harum seriè certificent, injungatis. Dat. apud Croydon vii Kal. Martii Anno 1345.

N U M. XCIII.

*Breve Reg. pro Parlamento Archiepiscopo Ebor.*

Registrum  
Zouch Arch-  
Ebor. fol.  
cclviii.

Collat. cum  
Alio Exempl.  
I Quia.

¶ In loco ve-  
stri cum suffi-  
cienti potestate  
ad dictos.

† Super.

\* Edwardo  
Duce Cornu-  
biæ, &c. Dug-  
dal. fol. 217.

**E**Dwardus Dei Gratiâ Rex, &c. Venerabili in Christo Patri Willielmo eadem Gratiâ Archiepiscopo Ebor. Salutem. ¶ Cum de Avisamento Concilii nostri ordinavimus, quod super variis & arduis Negotiis tam Nos, & expeditionem Guerræ nostræ, ac nostra Jura, & Coronæ nostræ, in partibus transmarinis, quàm Statum & Defensionem Regni nostri Angliæ contingentibus, quoddam Parlamentum nostrum apud Westmonasterium die Lunæ prox. post Festum Nativitatis B. Mariæ V. prox. futur. teneatur, & ibidem cum Prælati, Magnatibus, & Proceribus dicti Regni nostri Angliæ tractatus & Colloquium habeantur, propter quod mandaverimus diversis Prælati Comitibus Baronibus, & aliis Proceribus dicti Regni nostri, quod consideratis dictorum negotiorum arduitate, & periculis imminentibus, cessante quâcunq; Excusatione dictis die & loco personaliter intersint, Nobiscum, seu cum Custode ejusdem Regni nostri, si tunc contigerit Nos abesse, super Negotiis prædictis tractaturi, suumq; Consilium impensuri. Et quia modernis temporibus super Salvatione & Defensione Marchiæ Scotiæ estis multipliciter occupati, Vobis in fide & dilectione quibus nobis tenemini firmiter injungendo mandamus, quod dictis Negotiis & Periculis per Vos debite ponderatis, aliquem idoneum Procuratorem in quo benè confiditis de Voluntate & Intentione vestris plenius informatum ¶ ad dictum diem & locum mittatis, ad consentiendum hiis quæ tunc per dictos Prælatos, Comites, & alios Proceres ordinari contigerit † in Negotiis antedictis. Et hoc sicut de Vobis confidimus, & Nos & honorem nostrum & vestrum, ac recuperationem Jurium nostrorum prædictorum, Salvationemq; & defensionem dicti Regni nostri Angliæ diligitis, nullatenus omittatis. Teste \* Leonello filio nostro Custode Angliæ apud Windfore 30 die Julii Anno Regni nostri Angliæ xx°. Anno verò Regni nostri Franciæ vii°.

N U M.



N U M. XCIV.

A. D. 1357.

Rot. Claus. 25 E. 3. m. 28. dorso.

*De Clero Ebor. Provinciae convocando.*

**R**EX venerabili in Christo patri W. eadem gratia Archiepiscopo Ebor. Angliæ Primati, Salutem. Quia cum Adversario nostro Franciæ Pacem vel Treugas habere nequivimus, set ipse terras nostras in partibus exteris indies destruere non desinit, & totam armatam potentiam, quam colligere poterit, ad fines Regni nostri Angliæ, & aliarum terrarum nostrarum invadend. & ad idem Regnum nostrum, & Populum eorundem Regni, & Terrarum, destruend. congregare facit, sicut certitudinaliter sumus informati; propter quod magnum posse hominum ad arma & armatorum, ad necessariam defensionem ipsorum Regni, & terrarum, contra tantam malitiam machinatum congregare, & ad hoc expensas importabiles apponere nos oportet, & eo prætextu venerabilis Pater S. Archiepiscopus Cantuar. Suffraganeos & Clerum suarum Dioc. & Provinciae Centuar. in Quindena Paschæ prox. jam futur. ad rogatum nostrum fecit convocari, pro competenti Subsidio nobis in hac parte concedendo: Vos in fide & dilectione quibus nobis tenemini rogamus, quatenus attentis necessitate nostra huiusmodi & Periculis quæ pro defectu defensionis huiusmodi verissimiliter evenire possent, Suffraganeos vestros, Decanos & Priores Ecclesiarum Cathedralium, Abbates & Priores, & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus & Collegia, totumq; Clerum vestrarum Dioc. & Provinciae ad comparendum coram vobis in aliquo certo loco per vos ipsis ad hoc statuendo, ad aliquem certum diem circiter Mensem Paschæ prox. futur. more solito convocari faciatis; & expositis eis dictis Negotiis ibidem ipsos ad aliquod competens Subsidium nobis, in allevationem tanti Oneris concedend. cum efficaciâ inducatis, & partes vestras ad hoc effectualiter apponatis: Nos de Qualitate Subsidii illius, ac de terminis solutionis ejusdem certificantes. Et hoc sicut Nos, & honorem nostrum, ac Salvationem & Defensionem dicti Regni, ac aliarum terrarum nostrarum, & Ecclesiæ sanctæ, diligitis, nullatenus omittatis. Teste Rege apud Westm. primo die Martii.

Per ipsam Regem.

N U M. XCV.

*Procuratorium ad Parliamentum.*

A. D. 1357.

**P**Ateat Universis per præsentis, quod Nos Capitulum Ecclesiæ B. Petri Ebor. ordinamus facimus & constituimus Venerabiles Viros Dominos Jo. de Winwick Thesaurarium Ecclesiæ nostræ Ebor. Henricum de Ingleby, & Davidem de Wellore, Confratres & Con-canonicos nostros conjunctim & eorum quemlibet per se divisim, & in solidum, ita quod non sit melior Conditio occupantis, sed quod unus eorum inceperit, quilibet eorum persequi valeat & finire, Procuratores nostros, ad comparendum pro Nobis, & nomine nostro in instanti Parlamento Domini nostri Regis Angliæ & Franciæ illustris apud Westmonaster. die Lunæ prox. post Septimanam Paschæ prox. futur. tenend. cum continuatione & prorogatione dierum subsequen-tium; ad Tractand. & consentiend. hiis quæ tunc ibidem de Communi Consilio ipsius Regni Angliæ divinâ favente Clementiâ contigerit ordinari. Ratum habentes & habituri quicquid Procuratores nostri, vel aliquis eorum nomine nostro fecerint vel fecerit in præmissis. In cujus rei testimonium sigillum nostrum præsentibus est appensum. Dat Ebor. secundo die Mensis Aprilis Anno Dom. 1357.

Registr. De-  
cani & Capit.  
Ebor. ab Ann.  
1352. fol. xxii.

NUM.



A. D. 1376.

Ibid. fol.  
xxvi.

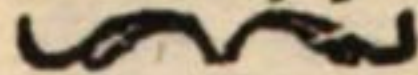
N U M. XCVI.

*Forma Procuratorii ejusdem Capituli pro Convocatione.*

**P**Ateat Universis per præsentes, quòd nos Capitulum Ecclesiæ B. Petri Ebor. Decano ejusdem in remotis agente, dilectum nobis in Christo Magistrum Jo. de Norton Curia Ebor. Advocatum nostrum verum & legitimum Procuratorem Excusatorem & Nuntium specialem ordinamus, facimus, & constituimus per præsentes; ad comparandum pro Nobis & Nomine nostro coram venerabili in Christo Patre Domino Alexandro Dei Gratiâ Ebor. Archiepiscopo Angliæ Primate, & Apostolicæ Sedis legato, ejusve Patris Commissariis pluribus aut uno per eum in hac parte specialiter deputatis seu deputandis in Ecclesiâ Cathedrali B. Petri Ebor. die Lunæ prox. futur. cum continuatione & prorogatione dierum subsequen- tium quatenus Opus fuerit, & ad tractandum in Convocatione occasione Subsidii de quo in Brevis Regio præfata Domino Archiepiscopo in hac parte directo fit mentio, dictis diebus & loco & faciendum unâ cum eodem venerabili Patre ejusve Commissariis prædictis, ac cæteris Prælati- & Procuratoribus Cleri, Civitatis, Dioceseos, & Provinciæ Ebor. super hiis quæ in dicto Brevis Regio continentur, suumq; super præmissis Consilium impendendum; & ad faciendum ulterius quod tunc ibidem de deliberato Consilio divinâ favente Clementiâ contigerit ordinari: Ratum & Gratum habentes & legitimum quicquid dictus Procurator noster nomine nostro fecerit in præmissis. In cujus rei Testimonium Sigillum nostrum est præsentibus appensum. Dat. in Capitulo nostro Ebor. xxi Julii Anno Dom. 1376.

N U M. XCVII.

A. D. 1369.

Registrum W.  
de Wittlesey  
Arch. Cant.  
fol. xvi. a.*Mandatum pro Convocatione Cleri Cantuar. Dioceseos.*

**W**illielmus, &c. dilecto filio officiali Archidiaconi nostri Cantuar. Salutem. In Parlamento nuper apud Westmonasterium convocato ex parte Domini nostri Regis coram nobis & nostris Confratribus aliisq; Prælati- & Proceribus Regni Angliæ, exposita fuerunt grandia pericula tam Ecclesiæ Anglicanæ quàm populo dicti Regni notoriè imminetia, oneraq; quamplurima & excessivè Gravia, propterea eidem Domino nostro Regi plus solito incumbetia, quæ absq; Subsidio tam Cleri quàm populi dicti sui Regni, prout liquet evidenter, non poterit supportare. Propter quod ex parte ejusdem Domini nostri Regis nobis attentius extitit supplicatum, ut de Decimâ triennali, in tribus Annis sequentibus, ad Festa videlicet Purificationis B. Mariæ, & Nativitatis S. Jo. Bapt. solvendâ, per Nos & Confratres nostros prædictos, tam pro Nobis, quàm pro Clero uniuscujusq; Nostrum provideri, & provideri facere curaremus. Nos verò intellectis Necessitatibus & Oneribus ejusdem Domini nostri Regis, sibi evidenter importabilibus, attentaq; Devotione quam idem Dominus noster Rex corditer gerit & semper gessit, erga Ecclesiam Anglicanam, tandem post magnam & diutinam Deliberationem & Altercationem, super præmissis inter nos habitam, Supplicationi suæ quantum in nobis potuerat duximus annuendum. Promittentes eidem quòd singuli nostrum subditos suos, hac de Causâ, quàm citò fieri posset, convocari faceremus, & ad concedendum pro se dictam Decimam induceremus quatenus ad uniuscujusq; nostrum attinet facultatem. Quocirca nos volentes quatenus ad nos, & nostros subditos pertinet præmissa convenienter effectui debito mancipare, vobis committimus, & in virtute S. Obedientiæ firmiter injungendo Mandamus quatenus Abbates, Priores, Præpositos, & Prælatos, Conventus, Capitula, & Collegia, ac Viros Ecclesiasticos quoscunq; exemptos & non exemptos singulorum Decanatum Archidiaconatus Cantuar. Beneficia & Bona Ecclesiastica in nostrâ Civitate, seu in hujusmodi Decanatibus habentia, Clerumq; singulorum hujusmodi Decanatum, ad certos locum & terminum competentes in singulis hujusmodi Decanatibus per vos in hac parte statuendis, nostrâ Autoritate, convocetis seu convocari faciatis peremptoriè coram vobis, & ibidem, in singulis viz. Decanatibus prædictis, singulis diebus & locis per vos sibi in hac parte statuendis, præ-  
sentes



sententes literas nostras, seu præsens nostrum Mandatum coram ipsis Abbatibus, Prioribus, Præpositis, & Prælati, ac Viris Ecclesiasticis, & Clero singulorum Decanatum prædictorum, publicetis, & Eas, seu ipsum nostrum Mandatum plenius exponetis, ad effectum ut interim plenè deliberare valeant super contentis in eodem. Citetis insuper, seu citari faciatis Abbates, Priores, Præpositos, Capitula, Conventus, & Collegia, ac Viros Ecclesiasticos quoscunq; bona & beneficia Ecclesiastica in Civitate & Diœcesi nostris habentia, exemptos & non exemptos, & Clerum singulorum Decanatum prædictorum, quod iidem Abbates, Priores & Prælati personaliter, singuliq; Conventus & singula Capitula & Collegia per suos Procuratores, Clerus autem singulorum Decanatum prædictorum per singulos suos Procuratores sufficienter institutos in hac parte, compareant coram Nobis, seu nostris, aut nostro, in hac parte Commissariis, seu Commissario, in Ecclesiâ nostrâ Christi Cant. die Lunæ prox. post Festum S. Jacobi prox. futur. cum continuatione & prorogatione dierum tunc sequentium & locorum, super hiis de quibus in dictis nostris literis plenius fit mentio, & aliis arduis Negotiis Ecclesiam Anglicanam & Clerum ejusdem concernentibus, tunc serius exponendis, suaq; Consilia, & Auxilia, super hiis impensuri; & ad consentiendum hiis quæ in dictis literis nostris continentur, & quæ ad honorem Dei & Ecclesiæ suæ, Utilitatemq; Regni & Reipublicæ ibidem, ex deliberatione communi, ut optavimus, contigerint ordinari; Facturiq; & Recepturi quod justum fuerit & hujusmodi Negotii natura & qualitas exigunt & requirunt. Prælati etiam & viri Ecclesiastici exempti, & non Mendicantibus, dictarum nostrarum Civitatis, & Diœcesis cujuscunq; fuerint Ordinis, aut Professionis, per vos volumus intimari, ut præfatis die & loco absq; suorum Privilegiorum in hac parte præjudicio, quibus per hoc derogari nolumus, interfint, facturi in præmissis, & ea tangentibus quod superius est expressum. De die verò receptionis præsentium, & quod feceritis in præmissis, nos, vel nostros in hac parte Commissarios, dictis die & loco plenè & distinctè certificetis per vestras literas Patentes, harum seriem, & Citatorum Nomina continentes. Porro cum dilectis filiis Priori & Capitulo nostris Cant. Mandatum nostrum in hac parte specialiter dirigamus, per vos nolumus ipsos ad Convocationem hujusmodi evocari. Dat. apud Cherrynge v Kal. Julii. Anno Dom. [1369.]

## N U M. XCVIII.

*Summonitio Convocationis Anno 43 Edw. III.*

**W**illielmus, &c. Venerabili Fratri nostro Simoni Dei gratiâ London Ibid. fol. xvii.  
Episcopo Salutem, & Fraternali in Domino Charitatem. Ingens & indissimulata Negotiorum necessitas arduorum nedum Anglicanæ concernentium Utilitatem Ecclesiæ, sed etiam Domini nostri Regis & Regni sui statum, tranquillitatisq; & quietis ejusdem, & Bonum publicum, ut speramus, multipliciter nos urget licet cum fastidio Prælatos & Clerum nostræ Cantuariensis Provinciæ convocare; & ad hoc etiam faciendum, cum frequenti & assidua ipsius Regis nostri instantiâ, Breve suum recepimus sub hiis verbis. Edwardus Dei gratiâ Rex Angliæ & Franciæ, & Dominus Hybernæ, venerabili in Christo patri Willielmo eadem gratiâ Archiepiscopo Cantuariensi totius Angliæ Primati, Salutem. Qualiter Negotia tam nos & statum nostri Regni quàm necessariam Defensionem ejusdem contingentia, ac onera nobis propter hoc incumbentia, vobis & aliis in ultimo Parlamento nostro existentibus plenius exposuimus, vos non latet: Ad quorum Onerum supportationem absq; adjutorio fidelium nostrorum non sufficimus sicut scitis: Per quod aliquod Subsidium congruum in supportationem tantorum Onerum, à vobis, & aliis de Clero Diœceseos, & Provinciæ vestrarum, in dicto Parlamento tunc præsentibus nobis concedi petivimus, sicut urgens Necessitas, & evidens Utilitas id exposcant. Nos ut dicta Negotia quæ Salvationem tam sanctæ Ecclesiæ, quàm Regni nostri Angliæ, concernunt, maturiori deliberatione valeant expediri, Vobis in fide & dilectione quibus nobis tenemini, Rogando Mandamus, quatenus attentis tam arduitate Negotiorum prædictorum, quàm periculis quæ per defectum Defensionis hujusmodi verisimiliter evenire possent, Suffraganeos vestros, Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Priores, & alios



alios electivos, exemptos & non exemptos, nec non Archidiaconos, Capitula, Conventus & Collegia, totumq; Clerum cujuslibet Dioceseos dictæ vestræ Provinciæ ad comparandum coram Vobis in Ecclesiâ S. Pauli London. vel alibi, prout expedire videritis, ad breviorum diem quem poteritis more solito convocari faciatis; " Et expositis eis dictis Negotiis ibidem ipsos ad aliquod com-  
 " petens Subsidium nobis in Auxilium supportationis dictorum Onerum conce-  
 " dendum cum Efficacia inducatis, & partes vestras ad hoc effectualiter appo-  
 " natis: Nos de qualitate Subsidio illius, & de Termino solutionis ejusdem  
 " certificantes. Et hoc sicut Nos & Honorem nostrum ac Salvationem & De-  
 fensionem Regni & Ecclesiæ diligitis nullatenus omittatis. Teste meipso apud Westmonaster. xi. die Octobris Anno Regni nostri Angliæ xliii. Regni verò  
 nostri Franciæ xx°. Quocirca Fraternitati vestræ committimus & manda-  
 mus, virtute S. Obedientiæ firmiter injungentes, quatenus venerabiles Fratres  
 nostros Episcopos omnes & singulos dictæ nostræ Provinciæ Suffraganeos no-  
 stros, & electos confirmatos, siqui fuerint, & absentium hujusmodi Episcopo-  
 rum Vicarios in spiritualibus Generales, & Custodes nostros Spiritualitatis in  
 Civitatibus & Diocesis Exon. Hereford. & Norwic. Sedibus ibidem Epif-  
 copatibus Vacantibus, Generales; citetis peremptoriè, & per eos Decanos,  
 & Priores Ecclesiarum Cathedralium, ac singula Capitula earundem, Archi-  
 diaconosq;, Abbates, & Priores Conventus sub se habentes, & alios Ecclesi-  
 arum Prælatos exemptos & non exemptos, Clerumq; cujuslibet Dioceseos  
 Provinciæ nostræ antedictæ citari peremptoriè & præmuniri volumus & man-  
 damus, quòd iidem Episcopi, electi, Vicarii Generales, ac Custodes nostri  
 prædicti, Decani, Priores hujusmodi Ecclesiarum Cathedralium, Archidiacono-  
 niq;, Abbates & Priores ac cæteri Ecclesiarum Prælati, tam exempti quàm  
 non exempti, personaliter; & quodlibet Capitulum Ecclesiarum Cathedra-  
 lium prædictarum per unum, Clerusq; cujuslibet Dioceseos nostræ Provinciæ  
 antedictæ per duos sufficientes Procuratores compareant coram Nobis, aut no-  
 stris in hac parte locum tenentibus seu Commissariis, si nos tunc (quod absit)  
 impediri contigerit, in Ecclesiâ S. Pauli London. die Lunæ prox. post Festum  
 S. S. Fabiani & Sebastiani Martyrum prox. nunc futur. ad Tractandum nobis-  
 cum cum continuatione & prorogatione dierum tunc sequentium & locorum,  
 super hiis de quibus in dicto Brevi Regio fit mentio, & aliis arduis & urgenti-  
 bus Negotiis Ecclesiam Anglicanam & Clerum ejusdem concernentibus ibidem  
 serius exponendis, suaq; Consilia & Auxilia, super eis impensuri, & ad con-  
 sentiendum hiis quæ ibidem ex deliberatione communi ad honorem Dei & Eccle-  
 siæ suæ, & Utilitatem Regni, & totius Reipublicæ, ut speramus, contigerit  
 concorditer ordinari; facturiq; ulterius & recepturi quod justum fuerit, &  
 Negotii hujusmodi Qualitas & Natura exigunt & requirunt. Vos autem dictum  
 Mandatum quatenus Vos & Diocesim vestram London. concernat, exequi per  
 omnia faciatis, & eidem nostro Mandato in omnibus pareatis cum Effectu. Te-  
 nore insuper præsentium peremptoriè Vos citamus quatenus eisdem die & loco  
 compareatis coram Nobis, seu nostris locum tenentibus & Commissariis, unà  
 cum aliis nostris Suffraganeis, ut præmittitur, tractaturi, facturi, nec non &  
 recepturi, quatenus ad Vos attinet, prout superius continetur. Prælati etiam  
 Ecclesiarum Exemptarum, non mendicantibus, vestræ ac aliorum Coepiscopo-  
 rum dictæ nostræ Provinciæ, Dioces. cujuscunq; fuerint Ordinis, per Vos, &  
 dictos Confratres nostros, prout Vos & unumquemq; ipsorum concernit volu-  
 mus intimari ut præfatis die & loco absq; suorum Privilegiorum hac in parte  
 præjudicio, quibus per hoc derogari nolumus, nobiscum intersint, facturi in  
 præmissis & ea tangentibus quod superius est expressum. Volumus insuper &  
 mandamus quòd intimetis, seu denuntiari faciatis, dictæ nostræ Provinciæ Coe-  
 piscopis & Confratribus ac Vicariis hujusmodi, Decanis, Abbatibus, Prioribus,  
 ac cæteris Ecclesiarum Prælati supradictis, quòd eos à personali comparatione  
 in hujusmodi Congregatione dictis die & loco per Nos, seu nostrâ Autoritate,  
 Deo annuente, celebrandâ, habere non intendimus istâ Vice excusatos, nisi ex  
 Causâ necessariâ tunc ibidem allegandâ etiam & probandâ; sed eorum contu-  
 macia, siqui forsitan absentes fuerint, secundum Juris exigentiam canonicè pu-  
 niatur. Vobis autem ut supra injungimus & mandamus quòd omnibus & singu-  
 lis dictis nostris Suffraganeis, Vicariis, & electis hujusmodi prædictis, ac dictis  
 nostris Custodibus injungatis, seu faciatis injungi, ut singuli eorum singillatim  
 de facto suo in hac parte quatenus pertinet ad eosdem, Nos, seu nostros locum  
 tenean-



tenentes & Commissarios nostros antedictos, dictis die & loco per literas eorum patentes, citatorum etiam Nomina continentes, distinctè & apertè certificent ut est moris. De die vero receptionis præsentium, & quid feceritis in præmissis, Nos, nostrosq; locum-tenentes & Commissarios prædictos eisdem die & loco, modo debito certificare curetis per literas vestras patentes harum seriem, & Citatorum Nomina vestræ Dioceseos in hac parte, in Cedula separata literis certificatoriis vestris hujusmodi annexa, plenius continentes. Dat. apud Cherrynge viii Id. Novembr. Ann. Dom. 1369. Et nostræ Translationis Secundo.

1369.

## N U M. XCIX.

Rot. Claus. 47. E. 3. m. 13. dorso.

## De Clero Convocando.

A. D. 1373.

**R**E X venerabili in Christo Patri W. eadem gratia Archiepiscopo Cantuariæ totius Angliæ Primati, Salutem. Qualiter nos de avisamento vestro, ac aliorum Prælatorum, Magnatum & aliorum de Consilio nostro, tam pro Expeditione Guerræ nostræ, ac Jurium nostrorum, & Coronæ nostræ, in partibus transmarinis, quam propter necessariam Defensionem Regni nostri Angliæ, & Ecclesiæ Anglicanæ, quam plures Dominos, & alios fideles & Ligeos nostros tam ultra mare ad partes transmarinas, quam super mare destinavimus vos, non credimus ignorare: Ad quorum Onerum supportationem absq; Adjutorio fidelium nostrorum non sufficimus, sicut scitis: Nos ut dicta Negotia quæ Salvationem tam sanctæ Ecclesiæ, quam Regni nostri prædicti, veraciter concernunt, maturiori deliberatione valeant expedire. Vobis in fide & dilectione quibus nobis tenemini rogando mandamus quatenus attentis tam arduitate Negotiorum prædictorum, quam periculis quæ pro Defectu Defensionis hujusmodi verisimiliter evenire possunt, Suffraganeos vestros, Decanos, & Priores Ecclesiarum Cathedralium, Abbates & Priores, & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia totumq; Clerum cujuscumque Dioc. dictæ vestræ Provinciæ, ad comparendum coram vobis in Ecclesia Sancti Pauli London, vel alibi prout expedire videritis, ad breviorum diem quem poteritis more solito convocari faciatis; & expositis eis dictis Negotiis ibidem, ipsos ad aliquod competens Subsidium, nobis in Auxilium Supportationis dictorum Onerum concedend. cum efficacia inducatis & partes vestras ad hoc effectualiter apponatis: Nos in Cancellaria nostra de quantitate Subsidii illius, ac de Terminis Solutionis ejusdem, certificantes. Et hoc sicut Nos & Honorem nostrum, ac Salvationem, & Defensionem Regni, & Ecclesiæ prædictorum, diligitis, nullatenus omittatis. Teste Rege apud Westm. quarto die Octobris.

## N U M. C,

## Liter. Reg. Abbati de Selby.

A. D. 1377.

**T** Resch, en Dieu; Il est bien cognuz au Reverent pere en Dieu l' Arcevesq; d' Everwik, & a vous auxi a ce que nos pensons coment en notre Parlement estient monstres plusons grandes causes pour quoy convenoit necessairement que les Dismes & Quinziemes a nous grautes au dit Parlement per le Clergie & per les Laque de notre Royaume pur la defense de notre dit Royaume & pur resister a la grande Ordenance faite per noz Ennemis encontre Nous & notre dit Royaume feussent hastiment paieez, & oyst bien le dit Arcevesque la grande Instance & Requeste sur ceo fait en notre dit Parlement tant per les Grants come per les Communs, consideranz & disanz expressement que sil y eust aucun delay en le payement des ditz Dismes & Quinzismes le Voyage ordenez a estre fait per notre Uncle D' espaign Duc de Lancastr, & les autres grandes de notre dit Royaume en defense & Sauvacion de l' Estat de mesme nre Royaume ne purreyt estre accomplez einz demoreroit le dit voiage non fait, & notre dit Royaume

Bibl. Cotton.  
Cleopatra. D. 3.  
fol. 187.



1377.

|| f. a Cœur.

aume en tres graunde peril. Et pour ceo l' Arcevesq; de Canterbire, & les autres Prelas & Clergie de sa Province veiantz les choses dessundets graunterent a paier lez ditz Dismes le primer jour de Marcz proschein venant, & en ceudismes Nous & notre Conseil que le dit Arcevesq; D' Everwike & les autres Prelas de sa Province que y estoyent graunterent & accorderent semblablement. Si avons entenduz que ascuns de Clergie de la Province D' Everwike nyent consideranz la graunde necessite & peril apparanz a present a nostre dit Royaume volroient delaier plus longement le paiement des ditz Dismes, encontre ce que feust acordez a notre dit Parlement, dont nous avons tres grande merueille & despleser. Et sur ceo escrivens au dit Arcevesq; D' Everwike en priant & requirant que consideres les choses fuidites & coment la Province D' Everwike, a condiz acustumez, en le temps de nostre tresch, Sire & Aiel le Roy que Dieux assoil, affere semblablement & auxi bien com ont fait ceux de la Province de Canterbire, il veulle cusi faire & acorder entre li & le Clergie de sa dit province que les ditz Dismes en sa dit Province D' Everwyke soient paieez le dit primer jour de Marcz, ou a teut la haste quils pussont estre leuez apres le dit jour toutz Excusations cessantz. Sur quoy tresch en Dieu nous vous prions & requirons en chargeantz le plus fermement que nous poions sur la foy & legeance que vous nous devez que en cestes choses vous vous aiez per tiel maner que nous vous en doions savoir greei & que nous puissions appercevoir que vous aviez || nostre honour & estat & l' Estat de notre Royaume siq; nous ne notre dit Royaume ne doins reputer a vous quel meschier que amegne si l' avant dit Viage soit en brief Defaut Destembez ou Delaiez si come vous en volez responder en temps avenir devant nous & notre Parlement en ce caas. Donne souz notre prive seal a Westm. le x jour de Fevrier.

## N U M. CI.

*Certificatorium Domino Regi directum pra Subsidio Concesso.*

Registr. Mel.  
ton Arch.  
Eborac. fol. vi.

|| f. imminere.

**S**erenissimo Principi & Domino, D. Ricardo, &c. Alexander, &c. Salutem. Breve vestrum Regium nuper recepimus in hæc Verba. Ricardus dei gratia Rex Angliæ & Franciæ, Dominus Hybernæ, venerabili in Christo Patri, &c. Salutem. Cum Inimici nostri inter se alligati, & undiq; hostiliter congregati, Regnum nostrum Angliæ in pluribus locis per terram, & per mare, sæpius invaserunt, Mala quamplurima & intollerabilia Nobis, & ligeis nostris perpetrando, & non solum de hoc contenti, dictum Regnum nostrum, & Ecclesiam sanctam, Nosq;, ac Populum nostrum Angliæ de die in diem se parent totis viribus subvertere, & destruere, nisi eorum malitiæ, adjuvante Deo, fortius Resistatur; Unde in Salvationem Status Ecclesiæ sanctæ, & Regni, ac Populi prædictorum, necessariam defensionem, sumptus ac Census, & Expensas inestimabiles, & aliquo tempore præterito magis solito grandiores effundere Nos oportet: Verum quia de copiâ Thesauri, vel honorum, in primordiis nostri Regiminis, nec mirum, penitus alieni, ad ipsorum Onerum ad sumptuum Supportationem absq; juvamine Fidelium nostrorum non sufficimus, sicut scitis, Vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quatenus consideratis tam arduitate Negotiorum prædictorum quàm grandibus periculis quæ Ecclesiæ & Regno prædictis oculatâ fide || ..... conspiciatis, attentis & debite consideratis Suffraganeos vestros, &c. ad comparandum coram Vobis in Ecclesiæ S. Petri Ebor. vel alibi prout expedire videritis ad breviorum diem quem poteritis more solito convocari faciatis & rei dictis Negotiis & periculis ibidem plenius expositis & declaratis ipsos ad Subsidium in hac parte competens & necessarium in supportationem dictorum Onerum, & sumptuum, nobis concedendum eò specialius, & cum Efficaciâ quâ magis sciveritis, vel poteritis, tantâ Necessitate causante inducatis, & partes vestras ad hoc effectualiter apponatis. Nos in Cancellariâ nostrâ de quantitate Subsidii illius, ac de Terminis solutionis ejusdem certificantes. Et hoc sicut Nos, & honorem nostrum, ac Salvationem & Defensionem Ecclesiæ, & Regni prædictorum, diligitis, nullatenus omittatis. Teste meipso apud Westmonasterium xxix. die Septembr. Anno Regni nostri primo cujus Brevis (vigore) Prælatos & Clerum nostrarum Civitatis, Diœceseos, & Provinciæ, ad diem Martis, videlicet primum



1377.

primum diem Mensis Decembris ultimò præterito, in Ecclesiâ nostrâ Eborac. Nobis tunc London. ex causâ Parliamenti vestri existentibus, convocari, & per certos nostros Commissarios ibidem hujusmodi Convocationem celebrari fecimus solemniter & teneri. Qui quidem Prælati & Clerus aliquod Subsidium notabile tunc concedere distulerunt; Licet ad hoc dicti Commissarii nostri ipsos viis & modis quibus poterant inducere laborarunt. Et propterea iidem Commissarii nostri præfatam Convocationem, ad diem Lunæ, videlicet quartum diem Januarii ex tunc proxime sequentem continuaverunt. Quibus die & loco personaliter interfuimus ac dictis Prælati & Clero inibi convocatis, omnia & singula in dicto Breui vestro Contenta, & alia quæ dictos Prælatos & Clerum ad concessionem Subsidii allicere debuerant exposuimus diligenter. Super quibus sic expositis habitâ deliberatione tam dicto die Lunæ quàm diebus sequentibus pleniori, dicti Prælati & Clerus allegarunt se variis quidem importabilibus Oneribus plus solito incumbens gravatos multipliciter & depressos, præsertim propter Hostiles Invasiones Scotorum, quos verissimiliter formidabant quasi in dies in foribus imminere. Demum tamen post longos tractatus per Nos cum eisdem habitos, dicti Prælati & Clerus Decimam Biennalem de bonis & Beneficiis suis Ecclesiasticis & Temporalibus spiritualibus annexis, primam videlicet Decimam integrè solvendam in Feste Inventionis S. Crucis prox. futur. & alteram in Festis S. Andreæ Apostoli, & Annuntiationis B. Mariæ V. ex tunc prox sequent. per æquales portiones secundum novam Taxam gratuito concesserunt. Postmodum vero xxvi<sup>o</sup> die Mensis Februar. recepimus literas vestras, sub privato Sigillo vestro nobis directas per quas nos Rogastis & firmiter Onerastis, quòd ratione Viagii Dom. Ducis Lancastriæ & aliorum Nobilium in ultimo Parlamento conditi, & concordati; accelerationem solutionis dictæ Biennalis Decimæ procurarem, & interponeremus ad hoc cum Effectu diligentia nostræ partes; Ac propterea de novo Convocari dictos Prælatos & Clerum nostræ Provinciæ faceremus. Nos verò semper Votis vestris complacere cupientes, Convocationem nostram die Lunæ videlicet xxii<sup>o</sup> mensis Martii celebrari fecimus & teneri. Quo die congregatis Prælati & Clero dictarum nostrarum Civitatis Diæceseos & Provinciæ; vestris literis prius eisdem, & nobis sub Sigillo privato directis, publicè lectis, diversa pericula quæ isti Regno, nisi Deus avertat, imminent in præsentem, ac alia quæ eos rationabiliter movere deberent ad conformandum se Concessionibus Prælatorum & Cleri Provinciæ Cantuariensis exposuimus, & exponi fecimus, multum. Considerantes tandem necessariam defensionem Ecclesiæ, Regni, & Populi prædictorum, ac volentes in Volts vestris, in vestris Primordiis, complacere quantum possint, Solutionem dictæ Biennalis Decimæ de Bonis & Beneficiis suis Ecclesiasticis & Temporalibus spiritualibus annexis faciendâ ad Festa Apostolorum Philippi & Jacobi, & B. Margaretæ Virg. prox. futur. per æquales portiones secundum novam Taxam liberaliter annuerunt, &c. Ad Regimen populi Vobis commissi conservet Vos altissimus per tempora longiora. Dat. apud Cawode xxiv. Mensis Martii Ann. Dom. MCCCLXXVII. Et nostræ Consecrationis Quarto.

N U M. CII.

Rot. Claus. 2 R. 2. m. 15. dorso.

De Clero convocando.

A. D. 1379.

**R**EX venerabili in Christo Patri S. eadem gratia Archiepiscopo Cantuar. totius Angliæ Primati, Salutem. Qualiter Inimici nostri Franciæ, & alii sibi adherentes inter se alligati, & undiq; hostiliter Congregati, Regnum nostrum Angliæ per terram & per mare sæpius invaserunt, mala quamplurima & intollerabilia Nobis, & Ligeis nostris, inferendo; & non solum de hoc contenti dictum Regnum nostrum, & Ecclesiam Sanctam, Nosq; & totam Linguam Anglicanam, subvertere & destruere de die in diem totis viribus se conantur, nisi eorum maliciæ adjuvante Deo fortius resistatur, vos non credimus ignorare: Unde in Salvationem Status Ecclesiæ sanctæ, & Regni, ac Populi nostrorum, necessariam defensionem, sumptus, ac census, & expensas inestimabiles nos effundere oportet. Verum quia ad ipsorum Onerum, & sumptuum supportationem



1379.

tionem absq; Juvamine fidelium nostrorum non sufficimus sicut scitis, vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quatenus tam arduitate Negotiorum prædictorum, quàm grandibus periculis quæ Ecclesiæ, & Regno prædictis, oculata fide imminere conspiciatis, attentis, & debite consideratis, Suffraganeos vestros, Decanos, & Priores Ecclesiarum Cothedralium, Abbates & Priores & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia, totumq; Clerum cujuslibet Dioc. vestræ Provinciæ, ad comparend. coram Vobis in Ecclesia Sancti Pauli London. vel alibi, prout expedire videritis, ad breviorum diem quem poteritis more solito convocari faciatis; & eis dictis Negotiis & periculis ibidem plenius expositis, & declaratis, ipsos ad Subsidiū in hoc casu competens, & necessarium, in supportationem dictorum Onerum, & sumptuum, concedend. eo specialius, & cum efficacia qua magis sciveritis, vel poteritis, tanta necessitate causante, inducatis; & partes vestras ad hoc effectualiter apponatis: Nos in Cancellaria nostra de Quantitate Subsidiū illius; ac de terminis Solutionis ejusdem, certificantes. Et hoc sicut nos, & honorem nostrum, ac Salvationem & Defensionem Ecclesiæ, & Regni prædictorum, diligitis, nullatenus omitatis. Teste Rege apud Westm. xvi<sup>o</sup> die Martii.

## N U M. CIII.

A. D. 1380.]

*Procuratorium pro Parlamento, & Convocatione Cleri.*

Registr. Mag-  
num Prior. &  
Capit. Wigorn.  
fol. cccvi. b.

**P**Ateat Universis per præsentis quod Nos Frater Walterus Prior, &c. dilectos nobis in Christo Magistros Jo. Blanchard Archidiaconum Wygorn. LLD. & Jo. Blanchard Cler. conjunctim & divisim & quemlibet eorum in Solidum, nostros veros & legitimos ordinamus, facimus, & constituimus Procuratores, Negotiorum Gestores, & Nuntios speciales, ad comparendum pro Nobis, & Nominibus nostris, in quibuscunq; Conciliis, Congregationibus, & Parlamento per D. nostrum Regem convocatis, & convocandis, in quibuscunq; locis per ipsum Dominum Regem assignatis, & assignandis: Nec non in quibuscunq; Convocationibus, Conciliis, & Congregationibus Prælatorum, & Cleri Cantuariens. Provinciæ etiam per R. in Christo Patrem & Dominum, D. Simonem Dei Gratia Cantuar. Archiepiscopum totius Angliæ Primatem & Apostolicæ Sedis legatum, ordinatis & ordinandis; coram ipso Domino nostro Rege, ac Cancellario, & aliis Ministris; ac etiam coram prædicto Reverendissimo Domino Archiepiscopo Cantuar. & suis Commissariis in eâ parte specialiter Deputatis, Necnon ad omnia & singula facienda, exercenda, & expedienda quæ nos facere possumus si personaliter ibidem interessemus: Et præcipuè ad consentiendum unâ cum cæteris Prælati & Clero prædictis, hiis quæ in hujusmodi Congregationibus, Conciliis, Parliamentis & Convocationibus, ad honorem Dei & Conservationem Ecclesiæ Anglicanæ, ac ad statum & Gubernationem Regni Angliæ contigerit ordinari. Et Nos W. Prior antecedens Ratum, & stabile, & firmum habebimus quicquid iidem Magistri Jo. Procuratores nostri fecerint, aut alter eorum fecerit in præmissis, & singulis præmissorum, sub Hypothecâ & Obligatione omnium bonorum nostrorum, ad Ministrationem nostram pertinentium, per præsentis. In quorum Testimonium, &c. 4. Octobr. Anno 1380.

## N U M. CIV.

E.li. fol. 249, *Processus Courtneii Archiepiscopi Cant. contra Hereticos. Ex Bibl. &c. Cleoyatra. Cotton.*

N U M.



**J**udicium sive Sententia *Willielmi de Berton* Cancellarii Universitatis *Oxon.*, A. D. 1382.  
& Convocationis Eiusdem Universitatis contra Errores quosdam Hæreticos  
in dicta Universitate sparsos per *Johannem Wickliffe* Anno v<sup>to</sup> Ricard. II.

Nomina Doctorum qui præsentī Decreto specialiter affuerunt,  
& eidem Unanimitè Consenserunt fuerunt hæc:

Magister *Jo. Lawdrey*: Et Alii Numero xii.

Prædicta condemnatio promulgata est publice in Scholis Augustinensium ipso  
*Johanne* sedente in Cathedra & determinante contrarium, sed Confusus est au-  
dita ista Condemnatione: — Sed tamen appellavit ad Regem, &c.

Epistola xii Judicum Universitatis *Oxon.* ad Synodum Cleri Cantuar.  
in S. Paulo Convocatam super Conclusionibus Erroneis e Libello  
*Johannis Wicklevi* extractis.

Nomina xii Judicum Oxoniensis Congregationis fuerunt hæc, sc.

Doctores in Theologia, iv.

Baccalaurei in Theologia, iv.

Studentes in Theologia, iv.

fol. 151.

Nomina Episcoporum Consentientium & Præsentium in Condemna-  
tione illarum Conclusionum xxiv Præmissarum *Johannis Wickliffe*.

1 Convocat.  
Maii 21:

*Willielmus* Archiepiscopus Cantuar'.

*Robertus* Episcopus London.

*Willielmus* [Landavenfis.]

*Johannes* Herefordensis.

*Willielmus* Winton'.

*Johannes* Dunelmensis.

*Radulphus* Sarum.

*Thomas* Roffensis.

*Johannes* Lincoln'.

*Thomas* Exon'.

Nomina Doctorum Theologiæ, Numero xvii.

Nomina Baccalaureorum Theologiæ, Numero viii.

Nomina Baccalaureorum Leg. Numero ii.

Conf. Spelm. Concil. Vol. ii. p. 629, 630, 631.

Hi omnes cum aliis Præsulibus erant Congregati in prima Convocatione facta  
pro Condemnatione Prædictarum Conclusionum Anno 1382. 21 die Mensis  
Maii in domo Fratrum Prædicatorum London. fol. 152.

In



A. D. 1382.

2 Convocatio  
Octav. Corp.  
Christi.

In *secunda vero Convocatione* facta pro eisdem Conclusionibus reprobandis eodem Anno & Loco quibus prius in die Octava Corporis Christi, ultra Eosdem qui prius fuerunt in prima Convocatione erant hii præsentēs, & in Earundem Conclusionum damnationem consentientes; Quorum nomina Subscribuntur:

Doct. Theologiæ Sæcularium, vii.

Doct. Legum, ii.

Baccalaur. Theologiæ, ii.

fol. 153.

3 Convocatio  
Maii 19.

In *tertia Convocatione* non fuerunt Aliqui Graduati novi præter Magistros *Nicolaum Hereford*, *Philippum Repingdon*, & *Johannem Aston*: Quibus tunc plane ad prædictas Conclusiones respondere nolentibus, scil. in domo Prædicatorum London. 14 Kal. Junii, præfixit Eis Archiepiscopus Cantuar'. 12 Kal. Julii diem peremptorium ad finaliter Respondendum.

4 Convocatio  
Jun. 20.

In hac igitur *quarta Convocatione* Illis tam ambigue respondentibus, non clare, damnavit Archiepiscopus Magistrum *Johannem Aston* pro sua pertinacia tanquam Hæreticum. Magistros autem *Nicolaum* & *Philippum* non damnavit tunc, sed supersedit, præfigens Eis diem alium ad octo dies ut comparerent coram se. Quos illo die comparentes jussit comparere iterum coram se primo die Julii in Ecclesia Christi Cant'. Quos quia ibi coram Eo comparere volebant pronuntiavit Contumaces, & Excommunicavit Eos solemniter cum Omnibus communicantibus & fautoribus Eorundem.

Confer Spelm. Concil. 2 Vol. p. 631, 632.

5 Congreg.  
Jul. 1.

In illa igitur *quinta Convocatione* ultra Eos qui fuerant in quatuor præcedentibus erant præsentēs, & in Condemnationem prædictarum Conclusionum consentientes Hii quorum nomina subscribuntur.

Doctores in Theologia, vi.

Baccalaurei in Theologia, iii.

Hæ igitur viginti quatuor Conclusiones erant damnatæ Solemniter *Londini* & *Cantuaria* cum præsentia decem Episcoporum; Triginta Doctorum Theologiæ; Sedecim Doctorum Legum; Tredecim Baccalaureorum Theologiæ; & quatuor, vel Plurium Baccalaureorum Juris Canonici & Civilis.

Epistola *Willielmi Cantuar'*. Archiepiscopi ad Fratrem *Johannem Stokys* Sacræ Paginæ Professore, Ordinis *Carmelitarum*, de processu nuper habito in diversis Congregationibus super Condemnatione viginti quatuor Articulorum Hæreticorum *Johannis Wicklevi* & Ejus Sequacium. Dat. in Manerio nostro de *Otteford* 28 die Mensis ..... Anno Dom. 1382. Et nostræ Translat. Anno 1<sup>o</sup>.

Extract. e MS. Bibl. Cotton. *Cleopatra E. ii.* fol. 149. & seq.  
Ubi hæc omnia fufius videat Lector qui plura desiderat.

N U M.



N U M. CV.

A. D. 1382.

Rot. Claus. 6 R. .2 p. 1. M. 3.

*De Procurando Clerum Eborum Provinciae ad concedendum Decimam, &c.*

**R**EX venerabili in Christo Patri A. eadem Gratia Archiepiscopo Eborum, Angliæ Primati, Salutem. Clara Memoria recordantes qualiter vicesimo Quarto die Septembris ultimo præterito exponentes vobis per Breve nostrum Regium mala quamplurima & intolerabilia Nobis & Ligeis nostris per hostium nostrorum invasionem sæpius illata qui nos Regnum nostrum Angliæ, ac Ecclesiam Anglicanam, omnino destruere absq; Intermissione sollicitè machinantur; Unde nos in Salvationem Status Ecclesiæ prædictæ ac Regni & Populi nostrorum defensionem necessariam, ac propter resistantiam Hostium nostrorum prædictorum, Censuræ & Expensas inestimabiles effundere oporteret, quas quidem Expensas perficere absq; fidelium nostrorum Juvamine non valeamus; Vobis rogando mandavimus, quod convocatis Prælati & Clero vestræ Provinciae, & Negotiis prædictis eis expositis & declaratis, ipsos ad Subsidium competens in hoc Casu, nobis in Supportationem Expensarum prædictarum concedend. induceretis, & ad hoc efficaciter apponeretis partes vestras; Vobis jam significamus, quod venerabilis Pater Willielmus Archiepiscopus Cantuar. cui pro hujusmodi Convocatione in Provincia sua faciendâ per Breve nostrum similiter mandavimus, aliq; Prælati ac Clerus dictæ Provinciae suæ unam Decimam de eorum Beneficiis Ecclesiasticis ejusdem Cantuar' Provinciae nobis certis Terminis solvendam, ad captandam nostram Regiam Benevolentiam gratuite concesserunt: Vobis de quo summe confidimus in fide & dilectione quibus nobis tenemini, iterum rogando mandantes, quatenus gravibus periculis, quæ Ecclesiæ & Regno prædictis patulo intuitu imminere conspiciatis, attentis debiteq; propensis, ac facta sine Dilatione Convocatione Prælatorum & Cleri vestræ Provinciae in Ecclesia Beati Petri Eborum, ut est moris, eisq; tam dictis Negotiis & Periculis quam Concessione Nobis per Clerum dictæ Cantuar. Provinciae, de Una Decima, ut præmittitur factâ, declaratis; Ipsos ad hujusmodi Decimam, seu aliud Subsidium competens & æquivalens, in supportationem expensarum prædictarum, & defensionem Ecclesiæ & Regni prædictorum, nobis concedend', & ad Festum Paschæ, seu aliam diem brevem & propinquum, cum omni sollicitudine quâ poteritis, & eo specialius quo maxima habetur necessitas, inducatis & procuretis; & circa hoc corditer & fideliter laboretis; pro quo vobis, cæterisq; Prælati ac Clero dictæ Provinciae vestræ, magis teneri volumus in futurum. Nos de Quantitate dicti Subsidii, cum concessum fuerit, ac de Termino seu Terminis solutionis ejusdem, certificantes indilatè. Et hoc sicut Nos & Honorem nostrum ac Salvationem & Defensionem Ecclesiæ & Regni prædictorum diligitis nullatenus omittatis Teste Rege apud Westm. xxviii<sup>o</sup> Die Januarii.

1. Per Regem ipsum.

2. Et Concilium.

N U M. CVI.

A. D. 1384.

*Protestatio Courtney Archiepiscopi Cantuar. in Parlamento A. 1384.*

Registr. Courtney, fol. lxxxi.

**M**emorandum; Quod xvii. die Mensis Decembris Anno 1384. Regis Ricardi viii<sup>o</sup> in pleno Parlamento ejusdem Domini Regis, die & Anno supradictis, tento apud Westmonaster. audito per Reverendissimum in Christo Patrem Dominum W<sup>m</sup> Dei Gratiâ Cantuariensem Archiepiscopum totius Angliæ Primatem & Apostolicæ Sedis legatum, quod Milites Comitatum, Cives Civitatum, & Burghenses Regni Angliæ, tunc ibidem pro dicto Parlamento convocati, dicto Domino nostro Regi quoddam Subsidium in Supportationem Oneris eidem Domino nostro Regi & Regno suo incumbentis, duas



1384.

Quintas decimas à Populo Regni sui levandas sub certâ conditione eidem Domino nostro Regi solvendas concesserunt; viz. "Quod Prælati & Clerus dicti Regni præfato Domino nostro Regi duas Decimas de Beneficiis suis Ecclesiasticis, ad Decimamolvere consuetis, simili modo concederent; Prout in quâdam Cedula indentatâ, Concessionem & Conditionem hujusmodi continente per eos porrectâ plenius apparebat; Statim præfatus Dominus Cantuariensis Archiepiscopus assistentibus sibi aliis Confratribus Suffraganeis suis tunc præsentibus coram dicto Domino Rege Episcopis & aliis Prælati, Comitibus Baronibus, & Populo in pleno Parlamento inibi congregatis, dixit expressè & publicè protestabatur; "Quod cum sancta Mater Ecclesia tam toto tempore dicti Domini Regis, quàm Progenitorum suorum, in plenâ suâ libertate perstitit, non potuit de Jure, nec debuit, ad conditionem hujusmodi observandam artari. Dixit insuper publicè idem Archiepiscopus, "Quod nunquam de cætero cum Clero suo super aliquo Subsidio Regi concedendo tractaret, nec Convocationem faceret hac de Causâ, donec dicta Conditio rejecta fuerit & deleta. Quâ Protestatione factâ, præfatus Dominus noster Rex volens, ut asseruit, Ecclesiam suâ pristinâ libertate gaudere, hujusmodi Conditionem de Cedula memoratâ extrahi sive abradi omninò præcepit, & fecit publicè tunc ibidem.

## N U M. CVII.

Rot. Claus. 16 R. 2. m. 23. dorso.

A. D. 1392.

## De Convocatione.

**R**EX venerabili in Christo Patri W. eadem gratia Archiepiscopo Cantuar. totius Angliæ Primati, Salutem. Quia sicut clare scitis ad subeundum & supportandum sumptuosa & immensa Onera, quæ nos pro Defensione & Salvatione Regni nostri ac Ecclesiæ sanctæ post præsentis Treugas & Guerrarum abstinentias inter Nos & Adversarios nostros nuperimè initas & firmatas facere oportebit, de Bonis nostris absq; fidelium Ligeorum nostrorum adminiculo non sufficimus nec valemus; Vobis in fide & dilectione quibus nobis tenemini rogando mandamus quatenus præmissis debito intuitu attentis & ponderatis Suffraganeos vestros, Decanos & Priores Ecclesiarum Cathedralium, Abbates & Priores, & alios Electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia, totumq; Clerum cujuslibet Dioc. vestræ Provinciæ ad comparend. coram vobis in Ecclesia sancti Swithuni Winton. vel alibi, prout expedire videritis in Crastino Purificationis Beatæ Mariæ proximo futur. more solito Convocari faciatis; & ipsos in hac parte ex Causâ predictâ, ad Subsidium in hoc casu competens & necessarium in Supportationem dictorum Onerum nobis concedend. eo specialius & efficacius quo magis sciveritis, aut poteritis, solícite inducatis, & partes vestras ad hoc diligenter & effectualiter apponatis: Nos in Cancellaria nostra de Quantitate Subsidii illius, & de Terminis Solutionis ejusdem, sub Sigillo vestro distincte & aperte certificantes. Et hoc sicut Nos & Honorem nostrum ac Salvationem & Defensionem Ecclesiæ Catholicæ ac Regni nostri prædicti diligitis nullatenus omittatis. Teste Rege apud Westm. xxi. die Decembris.

- 1 Per ipsum Regem.
- 2 Et Concilium.

NUM.



N U M. CVIII.

*Procuratorium Prioris Dunelm. pro Convocatione.*

A. D. 1398.

Regist. II d.  
Decan. & Ca-  
pitul. Dunelm.  
fol. 139. a.

**P**Ateat Universis per presentes Nos Johannem Priorem Ecclesiæ Cathedralis Dunelm. Ad comparandum in Convocatione Cleri xx<sup>o</sup> die instantis Mensis Junii coram Honorabili Viro Magistro Ricardo Clifford Decano Ecclesiæ Cathedralis Ebor. Guardiano privati Sigilli illuc per serenissimum in Christo Principem & Dominum nostrum Dominum Ricardum Dei Gratiâ Regem Angliæ & Franciæ illustrem transmittendo in eadem Ecclesiâ summo Mane ( ut asseritur ) celebrandâ, & ad Tractandum super certis Materiis & Negotiis statum Regis, & Regni & Ecclesiæ Anglicanæ concernentibus, unâ cum aliis Provinciæ Ebor. Prælati per literam privati sigilli vocatis & præmunitis ; Dilectos nobis in Christo magnæ Reverentiæ Virum Magistrum T. W. Canonicum Residentiar. dictæ Ecclesiæ Ebor. nec non Magistros I. S. &c. pro nobis in dictâ Convocatione die & loco limitat comparend. & interessend. Causas absentiae nostræ personalis Allegand. Proponend. & Proband. nec non super Materiis & Negotiis quibuscunq; pro tunc ibidem plenius exponend. Si & quatenus natura & qualitas præsentis Negotii hoc exposcant unâ cum aliis dictæ Provinciæ Prælati Tractand. & hiis quæ ibidem Divinâ favente Clementiâ ad statum Regis Regni & Ecclesiæ prædict. salubriter ordinari contigerint consentiend. nec non omnia alia & singula faciend. exercend. & expediend. quæ in præmissis, &c. Dat. 16. Junii, 1398.

N U M. CIX.

Rot. Claus. 22 R. 2. p. i. m. 30. dorso.

*De Convocatione.*

**R**EX venerabili in Christo patri R. eadem gratia Archiepiscopo Eborum Angliæ Primati, Salutem. Cum nuper pro sumptuosis & immensis Oneribus quæ Nos pro Defensione & Salvatione Regni nostri ac Marchiarum ejusdem, necnon Ecclesiæ sanctæ facere oporteret subeundis & supportandis venerabili patri Roberto nuper Archiepiscopo loci prædicti rogando mandaverimus quatenus Suffraganeos suos, Decanos & Priores Ecclesiarum Cathedralium Abbates & Priores & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus & Collegia, totumq; Clerum cujuslibet Dioc. suæ Provinciæ ad comparend. coram eo in Ecclesia Cathedrali beati Petri Eborum, vel alibi, prout expedire videret, ad certum diem jam præteritum convocari faceret, & ipsos in hac parte ex causa prædicta ad Subsidium competens & necessarium, in supportationem dictorum Onerum, nobis concedend. eo specialius & efficacius quo magis sciret aut posset, sollicitè induceret; & partes suas ad hoc diligenter & effectualiter apponeret; & nos in Cancellariâ nostra de quantitate Subsidii illius, & de termino Solutionis ejusdem, sub Sigillo suo certificaret; & quia nobis in Cancellariâ nostra prædicta utrum idem nuper Archiepiscopus hujusmodi Convocationem prætextu rogatus nostri prædict. fecerat necne, nondum est certificatum, vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quod si dicta Convocatio in vita ipsius nuper Archiepiscopi facta fuerit, ut est moris, tunc nos inde, ac de quantitate Subsidii nobis in Convocatione illâ concessi, si quod fuerit, & de termino Solutionis ejusdem, sub Sigillo vestro, reddatis certiores; & si forte nulla Convocatio ad dictum rogatum nostrum tunc facta extitisset, tunc præmissis debito intuitu attentis & ponderatis Suffraganeos vestros, Decanos & Priores Ecclesiarum Cathedralium, Abbates & Priores & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia, totumq; Clerum cujuslibet Dioc. vestræ Provinciæ, ad comparend. coram vobis in prædicta Ecclesia beati Petri, vel alibi, prout expedire videritis, 1<sup>o</sup> die Sept. proximo futuro more solito convocari fac. & ipsos in hac parte, ex causa prædicta, ad Subsidium



A. D. 1398. Subsidium in hoc casu competens & necessarium, in Supportationem dictorum Onerum, nobis concedend. eo specialius & efficacius quo magis sciveritis aut poteritis sollicitè inducat; & partes vestras ad hoc diligenter, & effectualiter apponatis: Et nos in Cancellaria nostra prædicta de quantitate Subsidii illius, & de terminis Solutionis ejusdem, sub Sigillo vestro distinctè & aperte certificetis. Et hoc sicut nos & honorem nostrum ac Salvationem, & Defensionem Ecclesiæ, & Regni prædictor. diligitis, nullatenus omittatis. Teste Rege apud Westm. 1<sup>o</sup>. die Augusti.

## NUM. CX.

Bibl. Cotton.  
Cleopatra. E. 2.  
fol. 224.

*Breve pro Concilio Oxon.*

**R**EX Venerabili in Christo Patri Jo. eadem gratiâ Episcopo Hereford. Salutem. Quibusdam certis de Causis nos specialiter & intimè moventibus, vobis sub fide & dilectione quibus nobis tenemini firmiter injungendo mandamus, quòd omnibus aliis prætermisissis, & excusatione cessante quâcunq; in propriâ personâ vestrâ sitis apud Villam nostram Oxon. die Lunæ prox. post Conversionem S. Pauli prox. futur. ad dicend. & declarand. Consilium & Avifamentum vestrum, de & super quibusdam materiis nefarium Schisma in Ecclesiâ Dei, quod dolendum est, multipliciter jam Regnum tangentibus per Universitatem nostram Oxon. ministrand. & ad consentiend. hiis quæ tunc de Avifamento & Consensu Cleri nostri contigerit affirmari; Et hoc nullatenus omittatis. Teste R. apud Westmonaster. ii die Januarii Anno Regni. xvii.

*Consimilia Brevia directa sunt.*

J. Episcopo Aſſavenſi.  
H. Lincoln.  
Priori Ecclesiæ Christi Cant.  
Abbati S. Augustini Cant.  
Abbati de Byland.  
Abbati de Leycestre.

Priori Ecclesiæ Christi Suthampton.  
Priori S. Swithini Winton.  
Decano Sarum.  
Decano Lincoln.  
Decano Exon.  
Cancellario Ebor.

Et xiv. Aliis.

## NUM. CXI.

Rot. Claus. 22. R. 2. p. 1. m. 1. dorso.

*De Convocatione.*

**R**EX venerabili in Christo patri R. eadem gratia Archiepiscopo Eborum, Angliæ Primati, Salutem. Cum venerabilis pater Rogerus Archiepiscopus, cæteri; Confratres Coepiscopi ac Suffraganei sui, & alii Prælati, & Clerus Cantuar. Provinciæ, in ultimâ Convocatione Prælatorum & Cleri in Ecclesia sancti Pauli London. 2<sup>o</sup> die Martii proximo præterito, per ipsum Archiepiscopum facta, pro defensione Regni nostri ac Ecclesiæ Anglicanæ Nobis unam Decimam & medietatem unius decimæ, de beneficiis Ecclesiasticis, taxatis & ad decimam solvere consuetis, beneficiis pauperum Monialium, Religiosorum, Collegiorum, & Hospitalium, duntaxat exceptis, concesserint; unam videlicet medietatem inde in Festo Sancti Martini Episcopi tunc proximo futuro, alteram medietatem in Festo Nativitatis sancti Johannis Baptistæ tunc proximo sequend. & tertiam medietatem in Festo Sancti Martini ex tunc prox. sequend. fideliter persolvend. Et quia satis clare scitis ad subeund. & supportand. sumptuosa & immensa Onera quæ nos pro Salvatione, & Defensione dicti Regni nostri, ac Marchiarum ejusdem, necnon Ecclesiæ sanctæ facere oportebit de bonis nostris absq; fidelium ligeorum nostrorum adminiculo non sufficimus nec valemus; Vobis in fide & dilectione quibus nobis tenemini rogando mandamus, sicut pluries mandavimus, quatenus præmissis debito intuitu attentis & ponderatis, Suffraganeos vestros, Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Priores,



Priores, & Alios Electivos, Exemptos & non Exemptos, Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Diocef. vestrae Provinciae ad comparandum coram vobis in Ecclesia Cathedrali beati Petri Eborum, vel alibi, prout expedire videritis, die Lunae in tertia septimana Quadragesimae, prox. futur. more solito Convocari faciatis, & ipsos in hac parte ex causa praedicta ad Subsidium in hoc casu competens & necessarium, ad supportationem dictorum onerum nobis concedendum eo specialius & efficacius quo magis sciveritis, aut poteritis, sollicitè inducatis, & partes vestras ad hoc diligenter & effectualiter apponatis: Nos in Cancellaria nostra de quantitate Subsidii illius, & de terminis solutionis ejusdem, sub Sigillo vestro distincte & aperte, citra Octavum diem, eundem diem Lunae proximo sequent. Certificantes. Et hoc sicut Nos, & honorem nostrum, & Salvationem, & defensionem Ecclesiae Catholicae, ac Regni nostri praedicti, diligitis, nullatenus omittatis. Teste Rege apud Westmonaster. xxii die Januarij.

A. D. 1398.

## N U M. CXII.

## Breve Reg. pro Convoc. Cleri Cantuar.

**H**ENRICUS Dei Gratia, &c. Venerabili, &c. Quibusdam arduis & urgentibus negotiis, Nos & Statum Regni nostri, ac honorem & utilitatem Ecclesiae Anglicanae contingentibus, intime concernentibus, Vobis in fide & dilectione quibus nobis tenemini Rogando Mandamus, quatenus praemissis debito intuitu attentis & ponderatis, universos & singulos Episcopos Cantuariensis Provinciae, ac Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Priores, & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Dioc. ejusdem Provinciae ad comparandum coram Vobis in Ecclesia Cathedrali Sancti Pauli London, vel alibi, prout melius expedire videritis, citra crastinum. S. Michaelis prox. futur. more solito convocari faciatis; Ad tractandum, concordandum, consentiendum, & concludendum, super praemissis & aliis quae sibi clarius exponentur tunc ibidem ex parte nostra: Et hoc sicut Nos, & Statum dicti Regni nostri, & honorem & utilitatem Ecclesiae praedictae, diligitis, nullatenus omittatis. Teste meipso apud Westmonast. xx die mensis Julii, anno Regni nostri tertio.

A. D. 1402.

Registr. Arundel. Archiep. Cant. par. 1. fol. 554.

## N U M. CXIII.

## Breve pro Subsidio; &amp; Decima Levanda.

**H**enricus Dei Gratia Rex Angliae, Venerabili Patri W. Winton Episcopo, &c. Cum Vos, caeterique Confratres vestri, ac alii Praelati, & Clerus Cantuar. Provinciae in ultima Convocatione Praelatorum & Cleri in Ecclesia Cathedrali Sancti Pauli London, 21 die April. prox. praeter. incepta, & usque ad sextum diem Maij tunc proximo sequent. continuata, facta pro defensione Ecclesiae & Regni Anglicani, Nobis concesseritis, & concesserunt, de Beneficiis & Officiis quibus temporalia vel spiritualia annectuntur Ecclesiasticis quibuscunque totius Provinciae praedictae, non taxatis, nec ad decimam solvere consuetis, excedentibus summam Centum Solidorum juxta veram aestimationem Valoris Annui Eor. fiend. per Episcopos Locorum, in quibus Beneficia & Officia praedict. situat. existunt, unum Subsidium, videlicet de viginti solidis duos solidos solvend. in Fest. Nativit. Sancti Joh. Baptistae proximo futur. ad dispositionem & utilitatem nostras convertendas, ac etiam de quibuscunque Beneficiis Ecclesiasticis dictae Provinciae Cantuariensis taxatis, & ad decimam solvere consuetis (beneficiis pauperum Monialium & Hospitalium, ac Beneficiis in partibus Walliae & Marchiis ejusdem, & aliis per guerras, vel mare, destructis, de quibus stabitur Certificatoriis Ordinariorum duntaxat exceptis) Medietatem Unius Decimae solvend. in Festo Sancti Martini, in Hyeme proximo futur. ad solvendum debita mutuata, ac alia debita nostra juxta discretionem Consilii nostri; & aliam medietatem Unius Decimae solvendae primo die Maij ex tunc prox. sequenti, ad utilitatem

A. D. 1404.

Registr. Wickham. par. ii. Lib. 4. fol. 46.



A. D. 1404. *W* litem nostram, ac defensionem dicti Regni nostri, &c. Vobis mandamus, quod aliquos viros fide dignos de Clero vestræ Diocesis pro quibus respondere volueritis, ad Subsidium & Decimam prædictam in Diocesi vestra prædicta, juxta formam Concessionis prædictæ levandum & colligendum, prout moris est, assignari & Deputari faciatis; Ita quod nobis de Subsidio & Decima prædicta ad eadem festa in forma prædicta respondeatur: Thesaurarium, & Barones de Schaccario nostro, de nominibus Eorum, quos ad hoc deputaveritis intra Festum Sancti Botulphi proximo futur. distincte & aperte certificantes: Et hoc sicut nos & honorem nostrum, & Salvationem Ecclesiæ & Regni prædicti diligitis, nullatenus Omittatis. Teste Meipso apud Westm. 17 Maij, Anno Regni nostri quinto.

## N U M. CXIV.

Rot. Claus. 5. H. 4. p. 2. m. 9. dorso.

De Convocatione facienda.

A. D. 1404. *W* Ex Venerabili in Christo Patri R. eadem Gratia Archiepiscopo Eborum, Angliæ Primati, Salutem. Quia, sicut clare scitis, ad Subeundum, & Supportandum Sumptuosa & Immensa Onera, quæ Nos pro defensione & Salvatione Regni nostri, ac Marchiarum Eiusdem, nec non Ecclesiæ sanctæ, facere oportebit de Bonis nostris, absque fidelium Ligeorum nostrorum adminiculo, non Sufficimus nec Valemus; Vobis in fide & dilectione, quibus nobis tenemini, Rogando Mandamus, quatenus præmissis debito intuitu attentis & ponderatis, Suffraganeos vestros, Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Priores, & Alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujusslibet Diocesis vestræ Provinciæ, ad comparendum coram Vobis in Ecclesia Cathedrali Beati Petri Eborum, vel alibi, prout expedire videritis, citra festum Sancti Johannis Baptistæ proximo futurum more solito Convocari faciatis, & ipsos in hac parte, ex Causa prædicta, ad Subsidium in hoc casu competens & necessarium, in Supportationem dictorum Onerum Nobis concedend. eo specialius & efficacius, quo magis sciveritis, aut poteritis, sollicitè inducatis, & partes vestras ad hoc diligenter & effectualiter apponatis: Nos in Cancellaria nostra de quantitate Subsidii illius, & de terminis Solutionis ejusdem, sub Sigillo vestro distincte & aperte certificantes. Et hoc sicut Nos & Honorem nostrum, ac Salvationem & Defensionem Ecclesiæ Catholicæ, ac Regni nostri prædicti diligitis, nullatenus omittatis. Teste Rege apud Westm. vi die Maij.

## N U M. CXV.

Mandatum pro Concilio Provinciali.

A. D. 1408.  
Regi str. Arundel. Arch.  
Cant. part. i.  
fol. lxxi.

*W* Thomas permissione divina, &c. Venerando Fratri Nostro Domino Ricardo, Dei gratia London Episcopo, Salutem & Fraternalam in Domino Charitatem. Vox in Excelso audita est lamentationis, fletus, & luctus Rachel, i. e. Sanctæ Matris Ecclesiæ plorantis filios suos Christiani nominis Athletas; sed lacrymæ suæ diuturnæ fletu siccantur in maxillis, quia non est qui consoletur eam ex omnibus Charis Ejus: Luget namque mortem millium dum unicæ Columbæ Dei militantis Ecclesiæ secundum caput monstruose appositum, membra quæq; alteræ parti adhærentia, etsi in se salva, aspersione sanguinis monstruosa, bona & utilia tanquam infructuosa suspendet, tanquam mala abscindit & putrida, ac tanquam maledicta Excommunicationis Censura percellit; interdicit Regna sibi adversantia; Ecclesiarum suspendit Organa; Reges & Prælatos discernit, Primates Officio, Clerum, populum, & vulgus Excommunicationis mucrone condemnat; Sic ut vix sciat Ovis Erronea ubi veri Pastoris caulas inveniet. Cujus quæso musica, his solide ponderatis, non vertetur in Luctum? Sed væ! væ! proch-



proch dolor ! lacrymæ viduæ ascendunt in Excelsum, sed Dominus Exauditor non delectatur in illis. Quæsit Ecclesia cum lacrymis pœnitentiæ locum, sed jam per xxx annos & ultra clamans, non invenit eum, schismate perdurato, spesque pulcherrima de & super unione Sanctæ Matris Ecclesiæ per Dominum nostrum Papam & suos Cardinales in sua Creatione promissa, juramentisque, ac votis Eorundem firmata, jam redit ad frustra, posteriorque pestis supervenit priori deterior. Nam etsi omnes aquæ (Dominus scilicet noster Papa & Cardinales) congregatæ sint in locum unum, Civitatem Lucan. Terra tamen apparet arida, eo quod os putei aquas recipientis Lapide grandi, utinam non vanæ gloriæ cupidine, stat obstrusum ; nec supervenit Jacob, aut alius quisquam cœlesti dono imbutus, qui lapidem amoveat ab ore putei, ut fluminis impetus lætificet Civitatem Dei. Scribunt namque Cardinales Domino nostro Regi ac nobis & cæteris Confratribus nostris Suffraganeis, quod Dominus noster Papa contra formam in voto, juramento, ac diversis tractatibus expressam, & ipsis Cardinalibus inconsultis, quin verius expresse reclamantibus, novos creavit Cardinales, ipsisque antiquis Cardinalibus mandata & injunctiones tam importabilia indixit, ut ipsi omnes & singuli ab eisdem mandatis & injunctionibus ab ipsoque Papa irrationabiliter & secundum non rectam informationem decernente, ad ipsumet secundum rectam rationem, & melius informatum, decreturum ; Item ab ipso Papa Vicario Christi in terris, ad Dominum nostrum Jesum Christum, qui judicaturus est vivos & mortuos, & Seculum per ignem ; Item ad Generale Concilium, a quo, & in quo solent gesta summorum Pontificum quæcunque judicari possint, decerni & judicari ; Item ad Papam & Pontificem futurum, cuius est gesta inordinata sui prædecessoris in melius reformare, appellarunt, ac metu majoris mali quidam Eorum pedestres & rebus omnibus spoliati, quidam vero Equestres, Novem videlicet in numero, de Civitate Lucana, & a Præsentia Domini nostri Papæ usque in Civitatem Pisanam recesserunt, de unitate Ecclesiæ, nisi aut divinitus, aut sagacitate humana, gratiosius provideatur, diffisi. Supplicant igitur iidem Cardinales, Collegium videlicet antiquum, tam Domino nostro Regi, quam Nobis & Suffraganeis nostris, de bona assistentia in facto unionis, quia ipsi, Collegium Cardinalium, ad hoc effectualiter laborarunt juxta vires : Dominusque noster Rex per nos aditus & consultus tanquam Christianissimus Pugil & Athleta Ecclesiæ, suum ad hoc auxilium, consilium, & favorem, in omnibus pollicetur, in omnibus animo satis prompto, & ultra quam dicendum est ad præsens præparato. Nos igitur considerantes quod hoc maledictum Schisma ultra omnia anteriora diutius noscitur perdurasse, quodque mala infinita & notoria quæ hic causa brevitatis recitare non expedit exinde provenerunt, Nos tamen de Regno Angliæ, quod tamen dolenter referimus, modicum hucusque circa unionem laborare curavimus, cujus prætextu Anglicani nominis fama noscitur diminuta: Volenti igitur quod segniter egimus provida emendatione corrigere, & ut eo sagacius fiat, quo plurimorum firmetur discreto consilio, ob hanc causam tantum, & non aliam, Prælatos & Clerum nostræ Cantuariensis Provinciæ ad certos diem & locum infra scriptos duximus convocand. de & super hac sancta & salubri materia unionis Sanctæ Matris Ecclesiæ tractaturos, suaque sana consilia & assensum impensuros, ulteriusque factur. quod ipsius materiæ arduitas exigit & requirit. Quo circa Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos dictæ nostræ Cantuariensis Ecclesiæ Suffraganeos infra dictam nostram Cantuariens. Provinc. constitutos, & absentium Episcoporum hujusmodi si qui fuerint Vicarios in spiritualibus generales citetis peremptorie, & per eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula earundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes, & alios Ecclesiarum Prælatos, Exemptos & non Exemptos, nec non cæteros magnæ Literaturæ viros providos pariter & maturos uniuscujusque Diocesis. quos ipsi Suffraganei nostri in eorum Diocesis. ad interessendum tractatui materiæ unionis antedictæ senserint necessarios, Clerumque cujuslibet Diocesis. Provinciæ antedictæ, quod compereant coram nobis aut nostris in hac parte locum tenentibus, vel Commissariis, si nos, quod absit, tunc impediri contigerit, in Ecclesia Sancti Pauli London xxij die mensis Julii proximo futuri, cum continuatione & prorogatione dierum tunc sequentium & locorum ; omnes videlicet Venerandi Fratres nostri Episcopi Suffraganei, cæterique Prælati, personaliter, & meliori quo poterunt suffulti consilio sicut super Deo in die extremi judicii, nobisque ac Regi, ac Regno Angliæ in eventum voluerint respondere: Capitula vero



A. D. 1408. vero Ecclesiarum Cathedr. per unum, ad minus, fide dignum sufficienter Literatum providum & discretum, Clerusque cujusque Diœcesis per duos Procur. con-  
similes, pariter & potentes, qui suis sumptibus & expensis absque pauperis Cleri  
dispendio poterunt interesse, ad tractandum super materia Unionis Ecclesiæ su-  
pradiçtæ, ipsis tunc ibidem plenius exponenda, suaque consilia & auxilia super  
ea impensur. & ad consentiendum, his quæ ibidem ex deliberatione communi ad  
honorem Dei & Ecclesiæ contigerit, concorditer ordinari; facturique ulterius, &  
recepturi quod justum fuerit, & prædicti negotii qualitas exigit & requirit. De-  
nunciantes eisdem Venerandis Fratribus nostris, ac cæteris Prælati, Virisque lite-  
ratis supradictis, atque Procuratoribus pro Capitulis Cathedralium Ecclesiarum,  
aut pro Clero in forma supradicta electis, quod ipsos aut ipsorum aliquem ista  
vice nullo modo habebim. excusatos vel excusatum, Imo in casu quo non com-  
paruerint modo supradicto, acriori modo quo poterimus puniemus absentes, &  
eo gravius & ferventius, quo nos & Deum, cujus causa agetur ibidem, in non ve-  
niendo duxerint contemnendos. Tenore etiam præsentium perempt. vos cita-  
mus, quod eisdem die & loco coram nobis, vel locum nostrum tenentibus, aut  
Commissariis personaliter compareatis, superdicto negotio una cum aliis Suffra-  
ganeis nostris ut præmittitur tractaturi, facturiq; & recepturi quatenus ad vos at-  
tinet, prout superius continetur, Præsensque Mandatum nostrum quatenus Ve-  
stras Civitatem, Diœcesem concernit exequi per omnia faciatis. Prælati quoque  
Ecclesiarum exemptarum, non mendicantibus, vestræ & aliorum Venerabilium  
Fratrum nostrorum Coepiscoporum dictæ Provinciæ Diœces. cujuscunque fue-  
rint ordinis per vos & Confratres vestros, prout vos & unumquemq; vestrum  
concernit, volumus intimari, ut prætatis die & loco absque præjudicio privilegio-  
rum suorum in hac parte, quibus per hoc derogari nolumus, nobiscum intersint,  
facturi & recepturi in præmissis & ea contingentibus, quod superius est expres-  
sum. Vobis etiam ut supra injungimus & mandamus, quod omnibus & singulis Ve-  
nerandis Fratribus nostris Coepiscopis & Suffraganeis nostris antedictis, &  
Vicariis hujusmodi injungatis, seu faciatis injungi, quod singuli eorum singillatim  
de facto suo, quatenus pertinet ad eosdem, nos seu locum nostrum tenentes, vel  
Commissarios dictis die & loco per suas Literas Patentes Citatorum nomina con-  
tinentes, distincte certificent, & aperte; Vosq; pari forma Nos, vel Nostros  
Commissarios quatenus ad vos attinet, eisdem die & loco more solito debite cer-  
tificetis literis vestris patentibus habentibus hunc tenorem. Insuper quia non  
modicum, imo permaximum & ex ipsis rerum argumentis probatissimum solet  
fortiri effectum de precatio justæ assidua; ac difficile, imo verius impossibile sit, ut  
non impetretur quod multorum unanimi ac assidua petitione, non ad cujusquam  
commodum temporalem, sed ad Dei laudem & prosperationem suæ militantis  
Ecclesiæ juste postulatur; dicente Domino in Evangelio, Quicquid orantes  
petitis, credite & fiet vobis; Fraternitati vestræ committimus & mandamus,  
quatenus omnibus & singulis Coepiscopis & Suffraganeis nostris antedictis vice  
& auct. nostris cum omni celeritate qua poteritis vestris literis harum seriem  
continentibus denunciatis, & eisdem districtius injungatis, ut eorum singuli in  
Ecclesiis suis Cathedralibus, & aliis Ecclesiis Conventualibus & Collegiatis, tam  
regularibus quam secularibus, nec non Paroch. Ecclesiis suarum Civitatum &  
Diœcesium diebus Dominicis & Festivis, suos Subditos, Clericos & Laicos effi-  
caciter moneant & inducant, seu moneri faciant, & induci, quod ipsi universi &  
singuli Omnipotenti Deo, in cujus manu sunt corda Regum, ut Christianissi-  
mum Regem nostrum Zelo Unionis Ecclesiasticæ, ut præmittitur, beatissimæ ac-  
censum in eo firmissime stabilire, ipsumque sic stabilitum ad tam sanctum, tam-  
que salubre Propositum exequendum dirigere & conservare dignetur; ac Nobis  
& Clero nostro antedicto ad sui Nominis gloriam congregandis medius existe-  
re, nostrisque sensibus scientiæ suæ Lumen in hac Ecclesiæ suæ Causa summe ne-  
cessarium infundere, sicque dona gregis suæ nobis & unicuique nostrum divide-  
re, ut ea quæ sibi placita sunt, & ad enervationem præfati horrendi schismatis  
tam diu proch dolor! continuati, tendere valeant decernere, & ordinare possimus,  
in Missarum Solemnis, Sermonibus publicis, & Processionibus consuetis, quas  
propterea singulis quartis & sextis Feriis eo ferventius & solertius quo poterit  
fieri volumus & mandamus, orationes devotas Jenuniis, Eleemosinis, & aliis chari-  
tatis operibus vallatas & ornatas effundant & faciant a suis Subditis & Parochia-  
nis effundi. Vos autem, Venerabilis Frater, præmissa in Ecclesia vestra Ca-  
thedrali ac aliis Conventualibus, Collegiatis, & Parochialibus Ecclesiis vestra-  
rum



rum Civitatis & Diœcesis modo simili faciatis & demandetis efficaciter obser- A. D. 1408.  
vari. Et ut fidelium mentes ad hujusmodi devotionis opera propensius excitemus,  
de Dei omnipotentis immensa misericordia, & beatissimæ Virginis Mariæ, ma-  
tris ejusdem, ac beatorum Petri & Pauli Apostolorum ejus, nec non Sanctorum  
Alphegi & Thomæ Martyrum, Patronorum nostrorum, omniumque Sancto-  
rum meritis & precibus confident. ipsis fidelibus quibuscunque per nostram Pro-  
vinciam antedictam ubilibet constitutis de peccatis suis vere pœnit. contritis  
& confessis præmissa ut prædicit. facientibus, quadraginta dies indulgentiæ con-  
cedimus per præsentis, & a vobis, cæterisque Confratribus & Suffraganeis no-  
stris similes indulgentias petimus elargiri. Dat. in Manerio nostro de Lam-  
bith, xxv die mensis Junii, Anno Domini Millesimo quadringentesimo octavo,  
& nostræ Translationis Anno Duodecimo.

## N U M. CXVI.

## Mandatum pro Concilio Provinciali.

**T**HOMAS permissione Divina Cant. Archiepiscopus, totius Angliæ Primas, A. D. 1408.  
& Apostolicæ Sedis Legatus, Venerabili Fratri nostro Domino Ricardo Registr. Bei  
Dei Gratia, London Episcopo, Salutem & fraternam in Domino Charitatem. ford Wint.  
Naturalis Dispositio, quæque tantum ad unitatem dinoscitur inclinata, ut ab ipsa fol. vi.  
recedens vix in Natura aliquid reperiatur esse perfectum, quod & apes unum de  
minimis animalium recognoscit, dum sub uno Principe seu præposito avolans, na-  
turæ suæ utilia prædisponit: Multo ergo magis una electa Dei sancta mater Eccl.  
quæ non solum naturalibus præceptis sed ab uno Deo, uno Dom. ac unico summo  
Pastore, sub una fide, uno baptismo, una spe, & uno spiritu, aliisque diversis,  
supernaturali ratione, verbo & opere ad ipsam unionem multipliciter est in-  
structa, ipsius unitatis vincula amplexabitur indefesse, & sub uno Capite Vicario  
Christi in terris sua gubernacula omnia solidabit, quæ tamen, quod dolenter  
referimus, diuturno jam tempore sub diviso Capite, sed prætenso, lamen-  
tabiliter fuisse dinoscitur lacerata. Ad cujus reformationem aciem mentis no-  
stræ jam pridem, prout nobis possibile fuit, convertentes, ex certis causis  
rationabilibus tunc expressis, pro viis & modis, ad unionem Ecclesiæ directivis  
bona ac diligenti Industria reperiendis, Prælatos & Clerum nostræ Cantuariensis  
Provinciæ ad xxiii diem mensis Julii ultimo præteritum, in Ecclesia Cathed-  
rali Sancti Pauli London fecimus Convocari. In qua convocatione laudetur  
ipse qui [Cujusque] Unitatis & perfectionis caput est & finis, sub uno Spiritu ab  
ipso Deo, ut speramus, Divinitus inspirato, præhabitoque Domini nostri Regis  
benigno ac favorabili consensu & favore de nonnullis ad ipsam Unionem præpa-  
ratoriis honestis & inductivis, communiter disposuimus, quæ ad præsens, eo  
quod pluribus nota sunt, non expedit recitare. Veruntamen adveniente post-  
modum in Regnum Angliæ Reverendissimo in Christo Patre & Domino, Domi-  
no Cardinali Burdegalensi, tam perfide dignos relatus ejusdem coram Domino  
Rege, ac nobis & pluribus Confratribus nostris Suffraganeis, aliisque Prælati  
Regni, & Proceribus solemnem propositionem emisit, quæ per literas Collegii Car-  
dinalium quarum quædam domino nostro Regi, quædam nobis, & quædam  
aliis Confratribus nostris transmissæ sunt, inque clara luce quod Collegia Car-  
dinalium utriusque partis sunt unita, & ad unionem Ecclesiæ Dei omnino dis-  
posita, & ad hunc finem in Civitate Pisarum ad Festum Annuntiationis Beatæ  
Mariæ prox. futur. Generale Concilium de obedientia utriusque partis, ex con-  
sensu Regum & Principum, atque Communitatum, celebrare intendunt, ac  
Unionem Ecclesiæ infallibiliter, ut seperatur, ibidem reformare: Quo Consi-  
lio nos & Confratres nostros Suffraganeos, Ecclesiarumque Cathedralium Capi-  
tula, & cæteros Prælatos, exemptos & non exemptos, personaliter, si pote-  
runt, alioquin ipsorum Procuratores sufficienter instructos, tractaturos, factu-  
ros, & recepturos, nec non & suum consensum & auctoritatem in his qui ibidem  
agentur præbituros, volunt interesse, & ex eadem Causa nos convocant, pro-  
ut in literis inde confectis, & in Prælatorum atque Cleri inferius descripta Con-  
vocatione realiter exhibendis, omni volenti inspicere, manifeste liquebit; Quod  
utique sanctum & salubre propositum ob negligentiam cujusquam non convenit



A. D. 1408. retardari, sed viis & modis possibilibus cum omni diligentia & ferventissimo studio, semota quacunque vecordia, expediri. Nos igitur considerantes, quod tantum factum & insolitum, sumptuosumque, absque Prælatorum & Cleri nostræ Cantuariensis Provinciæ deliberatione, eorumque mutuo contractatu ad honorem Dei & Ecclesiæ suæ, Regniq; Angliæ Specialem non posset disponi, seu ad finem debitum & honorabilem deduci cum effectu, de consensu Domini Regis & Confratrum nostrorum tunc præsentium Consilio, ex Causa præmissa Prælatos & Clerum nostræ Cantuariensis Provinciæ, ad xiv diem mensis Januarii prox. futur. duximus convocandos, ad effectum ut consilium & auxilium in Consolationem Dominæ Gentium Sanctæ Matris Ecclesiæ a diu desolatæ facilius inveniamus, dum a pluribus illa quærimus, nec erit cuique grato filio onerosum onus pro matre modice supportat'. Quocirca Fraternitati vestræ Committimus & Mandamus, quatenus omnes & singulos dictæ nostræ Cantuariens. Ecclesiæ Suffraganeos infra dictam nostram Cantuariensem Provinciam constitutos, & absentium Episcoporum hujusmodi, siqui fuerint, Vicarios in Spiritualibus generales, citetis peremptorie, & per eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula earundem, Archidiaconos, Abbates, & Priores, Conventus sub se habentes, & alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuslibet Diocæs. Provinciæ antedictæ, quod compareant coram nobis, aut nostris in hac parte locum tenentibus, vel Commissariis, si nos (quod absit) tunc impedire contigerit, in Ecclesia Sancti Pauli London, xiv die mensis Januarii prox. futur. cum continuatione & prorogatione dierum tunc sequentium, & locorum, Omnes videlicet Venerabiles Fratres nostri Episcopi Suffraganei, cæterique Prælati, personaliter, & meliori quo poterunt suffulti Consilio, sicut Sanctæ Matris Ecclesiæ cupiunt unionem; Capitula vero Ecclesiarum Cathedralium per unum ad minus fide dignum, sufficienter literatum, providum; Clerusque cujusque Diocæs. per duos consimiles, pariter & potentes, qui suis sumptibus & expensis, absque pauperis Cleri dispendio, poterunt interesse; Ita tamen, quod non sint illi Cleri Procuratores, qui cum hoc in ultima Convocatione, de qua supra fit mentio, fuerant onerati; de & super materia superscripta eis tunc ibidem serius exponenda tractaturi, suaque consilia & auxilia super Ea impensur. & ad consentiendum his quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ contigerit concorditer ordinari; facturique ulterius & recepturi quod justum fuerit, & prædicti Negotii qualitas exigit & requirit. Denunciantes eisdem Venerabilibus Fratribus nostris, ac cæteris Prælati Procuratoribusque Capitulorum & Cleri prædictorum, quod ipsos, aut ipsorum aliquem, ista vice nullo modo habebimus Excusatos vel Excusatum; Imo in Casu quo non comparuerint modo supradicto, acriori modo quo poterimus absentes, puniemus, & eo gravius & ferventius, quo nos & Deum, cujus causa agetur ibidem in non veniendo duxerint contemnendos. Tenore etiam præsentium peremptorie vos citamus, quod eisdem die & loco coram nobis, vel locum nostrum Tenentibus, aut Commissariis, personaliter compareatis, super dicto Negotio, una cum aliis Suffraganeis nostris, ut præmittitur tractaturi, facturique & recepturi, quantum ad vos attinet, prout superius continetur; præsensque mandatum nostrum quatenus vestras Civitatem & Diocæs. concernit, exequi per omnia faciatis. Prælati quoque Ecclesiarum exemptarum, non mendicantibus, vestrorum, & aliorum Venerabilium Fratrum nostrorum Coepiscoporum dictæ Provinciæ Diocæs. cujusunque fuerint ordinis, per vos & Confratres vestros, prout vos, & unumquemque vestrum concernit volumus intimari, ut præfatis die & loco, absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus nobiscum interfuit, facturi, & recepturi in præmissis, & Ea contingentibus, quod superius est expressum. Vobis etiam, ut supra injungimus & mandamus, quod omnibus & singulis Venerabilibus Fratribus nostris Coepiscopis, & Vicariis hujusmodi injungatis, seu faciatis injungi, quod singuli eorum singillatim de facto suo, quatenus pertinet ad eosdem, nos, seu locum nostrum tenentes, vel Commissarios, dictis die & loco per suas Literas patentes citatorum nomina continentes, distinte certificent & aperte: Vosque pari forma, nos vel nostros Commissarios, quatenus ad vos attinet, eisdem die & loco more solito debite certificetis literis vestris patentibus habentibus hunc Tenorem. Insuper quia non modicum, imo permaximum, & ex ipsis rerum argumentis probatissimum sortiri solet effectum deprecatio justæ assidua, ac difficile, imo verius impossibile sit ut non impetretur quod



quod multorum unanimi ac assidua petitione, non ad cuiusquam commodum A. D. 1408.  
 temporale, sed ad Dei Laudem, ac prosperationem suæ militantis Ecclesiæ, iuste postulatur; dicente domino in Evangelio, Quicquid orantes petitis, credite & fiet vobis: Fraternitati vestræ committimus & mandamus, quatenus omnibus & singulis Coepiscopis & Suffraganeis nostris antedictis, vice & auctoritate nostris cum omni celeritate qua poteritis vestris literis harum seriem continentibus denuntietis, & eisdem districtius injungatis, ut eorum singuli in Ecclesiis suis Cathedralibus, & aliis Ecclesiis Conventualibus & Collegiatis, tam regularibus, quam secularibus, nec non Parochialibus Ecclesiis suarum Civitatis & Diocesis diebus Dominicis & Festivis, suos subditos Clericos & Laicos efficaciter moneant & inducant, seu moneri faciant & induci, quod ipsi universi & singuli omnipotenti Deo, in cujus manu sunt posita cuncta, ut Sacrum illud generale Concilium præmunitum, annuente Domino celebrandum, dirigere & prosperare dignetur, Christianissimumque Regem nostrum Zelo unionis Sanctæ Ecclesiæ Dei Beatissime accensum, in eo firmissime stabiliri, Ipsumque sic stabilitum ad tam sanctum, tamque salubre propositum exequend. dirigere & conservare; ac nobis, & Clero nostro antedicto, ad sui nominis gloriam congregandam, medius existere, nostrisque sensibus scientiæ suæ lumen in hac Ecclesiæ suæ causa Summe necessarium infundere, sicque Dona gratiæ suæ nobis & unicuique nostrum dividere, ut ea quæ sibi placita sunt, & ad enervationem præfati horrendi Schismatis tam diu, proch dolor! continuati, tendere valeant discernere pariter & ordinare possimus in hac dicta Causa, prout Nobis, & Unicuique nostrum attinet, in missarum solemniis, Sermonibus publicis, & processionibus consuetis, quas propterea singulis quartis & sextis feriis eo ferventius & solennius quo poterit fieri, volumus & mandamus, Orationes devotas, Jeuniis Eleemosynis, & aliis Charitatis Operibus vallatas, & ornatas, effundant & faciant a suis subditis & parochianis effundi. Vos etiam, Venerabilis Frater, præmissa in Ecclesia vestra Cathedrali, ac aliis Conventualibus, Collegiatis, & Parochialibus Ecclesiis vestrarum Civitat. & Diocesis. modo simili faciatis & demandetis Efficaciter observari. Et ut fidelium mentes ad hujus Devotionis opera propensius excitemus, de Dei omnipotentis immensa misericordia, & Beatissimæ Virginis Mariæ Matris ejusdem, ac Beatorum Petri & Pauli Apostolorum ejus, nec non Sanctorum Alphegi & Thomæ Martyrum, Patronorum nostrorum, omniumque Sanct. meritis & precibus confidentes ipsis fidelibus quibuscunque per nostram Provinciam antedictam ubilibet constitutis, de Peccatis suis vere pœnitentibus, contritis & confessis præmissa ut prædicitur facientibus, Quadraginta Dies Indulgentiæ, toties, quoties concedimus per præsentem; Et a vobis, cæterisque Confratribus & Suffraganeis nostris similes Indulgentias petimus elargiri. Dat. in Manerio nostro de Lambith, Ultimo die Mensis Novembris, Anno Domini Millesimo Quadringentesimo Octavo: Et nostræ Translationis Anno Tertio Decimo.

## N U M. CXVII.

## Mandatum pro Concilio Provinciali.

**H**enricus, &c. Venerabili Fratri nostro, Domino Ricardo Dei Gratia, London Episcopo, &c. Olim a Sanctis Patribus salubriter novimus institutum, ut Metropolitanis singulis annis cum suis Suffraganeis non omittant Concilia celebrare, in quibus de Corrigendis excessibus, & moribus, præsertim in Clero Reformandis tractatum cum Dei amore habeant diligentem. Nos igitur, licet immeriti, Cantuariens. Provinciæ in Anglicana Ecclesia, jure Metropolitico præfidentes, volentes splendorem solitum Cleri Provinciæ antedictæ, velut Lucernam super Candelabrum positam cunctis qui in domo sunt perfectius rutilare, Considerantes juxta sapientis eloquium, quod multitudo prudentium sanitas est orbis terrarum, & in rebus arduis id quod a pluribus quæritur, mediante Altissimo, facilius reperitur, Concilium Provinciale ex Causis prædictis & aliis statum & utilitatem Ecclesiæ præfatæ concernentibus, tempore & loco subscriptis, duximus Convocandum. Quocirca Fraternitati Vestræ committimus & mandamus, quatenus omnes & singulos nostræ Cantuariens. Provinciæ Suffraganeos

A. D. 1414  
 Registr. Clif-  
 ford. Lond. fol.  
 lxiii.



A. D. 1414.

neos infra dictam nostram Cantuariensem Provinciam constitutos, & absentium Episcoporum hujusmodi, si qui fuerint, Vicarios in Spiritualibus generales, citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes, & Alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuslibet Diœces. Provinciæ antedictæ, quod compareant Coram nobis, aut nostris in hac parte locum tenentibus, vel Commissariis, si nos (quod absit) tunc impediri contigerit, in Ecclesia Sancti Pauli London; primo die mensis Octobris proxim. futur. cum continuatione & prorogatione dierum tunc sequentium & locorum; Omnes videlicet Fratres Episcopi Suffraganei, & cæteri Prælati superius nominati, & etiam hi qui Jurisdictionem Ecclesiasticam obtinent, & exercent personaliter; Capitula vero Ecclesiarum Cathedralium per unum, ad minus, fide dignum, sufficientem, providum, & discretum Procuratorem; Clerusque cujuslibet Diœces. per duos consimiles, pariter & potentes, ad tractandum nobiscum de, & super præmissis, & ea concernentibus ipsis tunc ibidem seriosius exponend. suæque consilia & auxilia super Eis impensur. & ad consentiend. his quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerit, concorditer Ordinari, facturique, ulterius & recepturi, quod præmissorum qualitas exigit & requirit. Denunciantes eisdem Venerabilibus Fratribus nostris, ac per Eos Decanis, Archidiaconis, & cæteris Prælati, exemptis & non exemptis, Jurisdictionem Ecclesiasticam obtinentibus, ut præmittitur, & exercentibus, nec non Procuratoribus pro Capitulis Ecclesiarum Cathedralium, aut pro Clero in forma superscripta electis, quod ipsos, aut Eorum aliquem a personali Comparitione in hujusmodi Congregatione excusatos, seu excusatum nullo modo habere intendimus ista vice; imo in casu quo non comparuerint modo supradicto, ipsorum, qui absentes fuerint, contumaciam juxta juris exigentiam canonice puniemus. Tenore etiam præsentium peremptorie, vos citamus, quod eisdem die & loco coram nobis, vel locum nostrum Tenentibus, aut Commissariis, personaliter compareatis, de & super præmissis, una cum aliis Suffraganeis nostris, ut præmittitur, tractaturi, facturique ulterius & recepturi, quatenus ad vos attinet, prout superius continetur; præsensque mandatum nostrum, quatenus Vestras Civitatem & Diœces. concernit, exequi per omnia faciatis. Prælati quoque Ecclesiarum exemptarum non mendicantibus vestræ & aliorum Venerabilium Fratrum nostrorum Coepiscoporum dictæ Provinciæ, Diœces. cujusunque fuerit Ordinis per Vos & Confratres nostros, prout Vos, & unumquemque vestrum concernit, volumus intimari, ut præfatis die & loco, absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, nobiscum intersint facturi, & recepturi in præmissis & ea contingentibus, quod superius est Expressum. Vobis etiam, ut supra injungimus & mandamus, quod omnibus & singulis Venerandis Fratribus nostris Coepiscopis & Suffraganeis antedictis, & Vicariis in Spiritualibus hujusmodi injungatis, seu faciatis injungi; quod singuli Eorum singillatim de facto suo, quatenus pertinet ad Eosdem, nos, seu locum nostrum tenentes, vel Commissarios, dictis die & loco per suas literas patentes Citatorum nomina continentes, distincte certificent & aperte, Vosque pari forma, Nos, vel Commissarios nostros, quatenus ad Vos attinet, eisdem die & loco more solito debite Certificare curetis, literis vestris patentibus habentibus hunc tenorem. Dat. in Manerio nostro de Lambith, xviii die mensis Augusti: Anno Domini M CCCC XIV. & nostræ Translationis Anno Primo.

NUM.



N U M. CXVIII.

Rot. Claus. 2. H. 5. m. 14.

*De Essendo coram Archiepiscopo Cantuar. in Convocatione sua.*

**R** Ex dilecto sibi Magistro Stephano L'escrope, Cancellario Universitatis nostræ Cantabr. Salutem. Cum, ut accepimus, diversæ Dissensiones, Discordiæ, & Debata, inter quosdam Magistros, Regentes & non Regentes, & graduatos Scholares Juris Civilis & Canonici, Universitatis prædictæ, Occasione cujusdam Statuti in eadem Universitate jam noviter, ut dicitur, editi, motæ & subortæ existant; Nos Dissensiones, Discordias, & Debata, hujusmodi inter partes prædictas cessari & sopiri volentes, Vobis mandamus, quod in propria persona vestra sitis coram Venerabili Patre Henrico, Archiepiscopo Cantuariensi, & Confratribus suis, primo die Octobris prox. futur. apud Ecclesiam Sancti Pauli London, in Convocatione Cleri Cantuariens. Provinciæ ibidem, tunc celebrand. ad finem, quod de Remedio opportuno in hac parte inter partes prædictas in Convocatione prædicta ordinari & provideri poterit, pro perpetuo duraturo: Vobis insuper injungentes, quod ordinari faciatis, quod quatuor personæ sufficientes ex una parte, & quatuor personæ sufficientes ex altera parte, sufficientem potestatem a partibus prædictis habentes juxta sanam discretionem vestram de assensu partium prædictarum ad hoc eligend. tunc sint ibidem ex causa supradicta, & habeatis ibi nomina prædictarum octo personarum, & hoc Breve. Teste Rege apud Westm. xvii die Septembris.

A. D. 1414.

Per ipsum Regem.

N U M. CXIX.

Copia Literæ missæ Regi Henrico Vto,  
ab Universitate Oxoniæ.

Ex MS. in Bibl. Colleg. Corp. Christi Oxon. Num. 183.

**C**hristianissimo Principi, Catholicæque Fidei strenuissimo defensori, Henrico, divina magnificentia Regi Angliæ ac Franciæ, ac Domino Hiberniæ, &c. sui devotissimi Oratores Regiæ Majestatis literis ad subscriptum negotium nuper Oxoniæ convocati, subjectionem debitam, & suo temporali Regimine regni cœlestis solium fæliciter promereri. Rex Regum, & Dominus Dominantium, de excelso Cœlorum Throno prospiciens Almæ matris Ecclesiæ tunicam inconsutilem vesanis Hæreticorum latratu & morsibus lacerari: ut plane conspiciamus, sublimavit cornu Christi sui, & dedit imperium Regi suo: Dum Vestram, Serenissime Princeps, inclitam dignitatem in regalis eminentiæ solium sublimavit. Exsurrexit enim Deus, ut inimici ejus funditus dissipentur, dum orbi terrarum illuxit fælicissimus dies ille, quo perhennis Triumphator Imperii Regiæ Majestatis Gladium, velut redivivo nobili Machabæo vestræ celsitudini cœlitus condonavit; in quo, nedum sui populi, sed & summi sui muniminis adversarios dejici cœlesti favore concessit. Quot putamus hunc diem infæliciter prævenissent strages Principum, quot neces Nobilium, quot cum Deo regnantium Regum & Patrum Basilicæ dirutæ, quot Civitates everse; nisi nuper aspirante paracletovestra fortitudo, Sattelitum Antichristi proditoriam malitiam Christianissima victoria castigasset? Fecit enim magna in nobis qui potens est, ut auris audiens tanti beatificet celebritatem tituli triumphalis. Quod enim in oriente piissimi, & divinitus sublimati Constantinus, Marcianus, & Theodosius imperantes, hoc in occidenti pari victoria triumphans de complicibus Antichristi, ne totus vergetur occidens in occasum, vestra, gratiosissime Prin-

A. D. 1414.



A. D. 1414. ceps, meruit eminentia Christiana, fatis etiam ostendit Religiosissimus Miles Christi, quod autentica scripta clamat, quia pax & tranquillitas Reipublicæ alias Universalis Ecclesiæ pace noscitur dependere, nec poterit quisquam recte terrena regere, nisi noverit Dominica pacificando tractare. Cum igitur, insignissime Princeps, in Ecclesiæ pullutantia perversa reprimitis, tantam rempublicam sublevatis, & de vestri Regni pacifica prolixitate tractatis. Hinc & de regno gemiscentis Ecclesiæ scandala penitus extirpentur, pulchraque Rachel desinat ejulare. Sane || dignitatis est regia sublimitas Sacerdotes suos humiles convocare, & utinam sine macula habentes in lege Domini voluntatem. Parentes igitur Regiæ sanctissimæ jussioni distinximus tractantes in Ecclesia notabiliores defectus, distinctos articulavimus, articulatos vero sub castigato compendio subscribimus Regiæ claritati. Suppliciter deprecantes, quatenus Regali prudentia suadente celebranda sancta Synodus Prælatorum de Vineâ Sancti Naboth, sic spinas pullulantes ac tribulos refecet scandalorum, ut Christi vineis per ordinem complantatis Unitatis & Pacis prospera Successio propagetur, quam semper vestro regno dispensare dignetur spiritus, per quem Reges regnant, & Principes Dominantur. Amen.

|| Dignata.

## Articuli concernentes reformationem Universalis Ecclesiæ.

### *Articulus primus de Jure Pape.*

Quamvis de pleno jure sanctissimi in Christo Patris & Domini nostri, Domini Joannis Papæ xxiii, non sit ullatenus diffidendum, sua tamen Cessio libera & ultronea, nec non cæterorum contententium de Papatu, foret opus alti meriti & mercedis, si per eam verisimiliter tanquam membra in uno vero capite possent cuncti Christicolæ || . . . . . unde pium videtur dictum Dominum nostrum & cæteros contententes ad hoc inducere mediis allectivis.

|| Uniri.

### *Secundus de Assumptione Cardinalium.*

Quia in primitiva Ecclesia varias Synodos celebrari legimus, unam de substitutione Mathiæ, aliam de Electione vii Diaconorum, valde videtur consonum, summum Pontificem non debere quenquam in Cardinalem assumere nisi de majoris partis suorum Fratrum consilio & assensu: nec alio modo procedere ad provisionem Episcopatum juxta stylum, quo utitur, ita scribens, de consilio Fratrum nostrorum, &c.

### *Tertius de restitutione Patrimonii Crucifixi.*

Vineam hæreditariam Sancti Naboth noluit Deus impune transferri, quanto magis nec Patrimonium Crucifixi, scriptum quippe est, Reddite quæ sunt Cæsaris Cæsari, & quæ sunt Dei Deo. Tributum Cæsaris, inquit Ambrosius, non negetur, & quod Ecclesiæ Dei est Cæsari, utique non debetur, quia jus Cæsaris esse non potest Templum Dei. A majori ergo ut credimus temporalibus Viris tradenda non est Christi hæreditas possidenda: Placeat igitur, ut in manus virorum, seu Dominorum temporalium Prioratus Alienigenarum non tradatur cum Ecclesiis Domino consecratis.

### *Quartus de promotione Universitatis.*

Quia Studii Generalis Universitas diversis regnis statui & nutriri debuit, ut ipsorum Lampas illuminans, purgans, & proficiens, terras & patrias adjacentes illuminans per doctrinam difficilium dubiorum, purgans a tenebris hæresium & errorum, proficiens exemplis virtutum & morum. Ne igitur deficiente oleo lampadis lux & lumen simul deficiant, placeat virtuosus studentibus providere.

Quintus



*Quintus de Symonia.*

Quia Sedes Apostolica antiquitus dicebatur . . . sancta, quod sanctum recepit, vel sanctum efficit, aut cito dejicit: Cujus tamen contrarium, quadam arte Magica jam molitur . . . . . conturbatorum Symon Magus hæresim ab eo dictam Symoniacam, tam Apostolica, quam Sanctorum Patrum antiquitas omnium hæresium errorumque Charibdin de Ecclesiæ finibus affugare satagit, placeat igitur ad Extirpationem hujus Hæreseos effectualiter laborare.

*Sextus de Indulgentiis.*

Sicut alias Angelorum Manna cibum dulcissimum Israeliticus populus quodam Consilio indemnitate fastidio in nauseam & horrorem vertebat, sic hodie indulgentiarum papalium tam larga, tam prodiga, & tam frequens concessio a plerisque venalis creditur, sicque populo quasi contemptibilis jam vilescit: quosdam vero procliviores efficit ad peccandum, & ad opera poenitentiae tardiores: Et ideo videtur expediens ordinare remedium in præmissis.

*Septimus de creatione & translatione Episcoporum.*

Quia nimium excessiva feoda, quæ in Episcoporum creationibus & translationibus eorundem Sedes precepit Apostolica, nec non primorum fructuum reservationes nullo juris scripto fulcitæ cedunt in nimis grave scandalum dictæ sedis, totiusque Ecclesiæ Christianæ, Quam electiones & translationes hujusmodi sunt dissimiles, & minus dissonæ prioribus in tempore Apostolorum, & longe post tempora eorundem! Placeat ordinare remedium in præmissis, ut domi dormiat avaritia, & ab Ecclesia sponsa Christi exulet Symonia, qua plures Ecclesiastici his diebus flebiliter polluantur.

*Octavus de Executione feodorum Curie Romanæ.*

Quia etiam ex mirabili gravitate excessum feodaliū, quos pro literis super indulgentiis, absolutionibus, gratiis, provisionibus & similibus percipiunt Officarii dictæ sedis, datur occasio inferioribus Prælati, Clericis & Laicis similia faciendi: sicque omnia judicantur venalia, & de Symoniaca pravitate suspecta, placeat ergo fælix remedium invenire & ut hujusmodi feoda rationabiliter restringantur.

*Nonus de indignis Prælati & Curati.*

Marcus Evangelicus, & B. Antonius, ut Episcopatu & Sacerdotio reputarentur indigni, suos pollicem & auriculam ressecabant antiquitus: Quibus aliqui jam succedunt tempore non virtute, moribus & scientia; sacris indigni; qui ad præfata omnia impudenter se ingerunt, & admissi cæci cæcos ducunt; & ambo in foveam simul cadunt, sicque laqueus ruinæ populi sacerdotes mali, & ideo videtur expediens pro communi utilitate Ecclesiæ, his malorum vitiis viriliter obviare.

*Decimus de malis ministris Prælatorum.*

Est & malum sequens ex priore pessimum inter alia, quæ videntur sub sole, quod Pontifices, & cæteri in dignitate positi, contra consilium circumscripti; idcirco tales sibi provident ac constituunt ministros & Judices super plebem, ante quorum oculos non est Dei timor, in quibus non est veritas, sed cupiditas radix omnium vitiorum; imo quamvis lex bona sit si quis ea legitime utatur; talium tamen ministrorum laquei & abusus illegitimi penes totum a lege Domini illegitimant Christianissimum: Placeat ergo remedium invenire.

Unde-



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*Undecimus de commendis Episcoporum.*

Quia contra consilium Elisei Prophetæ relictis vacuis vasa plena inutiliter super-impleri videntur, dum Episcopis conceduntur Beneficia alia in Commendam, quod tamen universalis Ecclesiæ non videntur cedere ad emendam, placeat hunc morbum curare congrua medicina, &c.

*Duodecimus de carnalitate Prælatorum.*

Quia cæca carnalitas Syon edificat in sanguinibus, & commutat Jerusalem in pomorum custodiam; dum suos consanguineos aut nepotulos & imberbes comatulos ad animarum curam assumere non verentur; Placeat ergo tales excessus restringere in futurum.

*Tertius Decimus de avaritia eorundem.*

Quia a Propheta ad Sacerdotem omnes student avaritiæ, protendentes laqueos in capturam pecuniæ, in tantum, quod plerique Prælati quosdam sibi familiares promovent, ut de eorum beneficiis terram sibi detorqueant, & eorum beneficia pro minori ætate in manibus suis detineant. Placeat, &c.

*Quartus Decimus de Religiosis Beneficiatis.*

Quia præcordia fatuorum, sicut rota curri, & quasi axis versatilis cogitatus eorum, qui in Scandalum & Jacturam totius Religionis mittentes manum ad aratrum, & obliquo oculo respicientes retro pingues impetrant personatus. Placeat, &c.

*Quintus Decimus de promotis armigeris.*

Cum cedat ad subversionem & scandalum antiqui regiminis Ecclesiæ, . . . . juvenes tanquam armis insolentes, qui nec horas dicunt canonicas, nec habitu vel tonsura distinguunt. a Laicis Præbendas in Ecclesia occupant & Capellas; igitur ne deteriora contingant, deponant Prælati desidiam, & legis Edictum aspere exerceant contra tales, &c.

*Sextus Decimus de Pastoribus revocandis ad curam.*

Quia conqueritur Scriptura de Pastoribus pascentibus semetipsos; quales moribus se ostendunt, qui ut mercenarii a curis effugiunt, ut Lupi tamen rapaces gregem dilaniant, nec voces, sed vellera gregis agnoscunt. Diligentia studeat prælatorum tales specialiter ad sua beneficia revocare curatos, qui extra suam curam voluptatibus & marsupiis vacant implendis in Civitatibus in Dominorum Curiis & Officiis solliciti in compotis & coquinis. Ac pro cæteris placeat ordinare, qui in Cathedralibus, Universitate, & aliis Officiis occupari videntur honeste, ut limitandis temporibus sub pœna taxanda dispensatio non excuset, quin suas curas teneantur interim visitare.

*Septimus Decimus de pluralitate beneficiorum.*

Cum pauci valde curam unicam aut proprias animas vix sufficiant gubernare, ut post tubam sciatur novissimam mira doctis censetur præsumptio, quod his diebus tot inscii plus anhelantes rei mundanæ, cupidi, quam animarum saluti, tot sibi Beneficia audeant cumulare: quod sine causa purgandi non constat esse prohibitum a Canonicis institutis. Cui quidem præsumptuoso periculo vicinam esse sensimus præfatis a quam pluribus congeriem pinguum præbendarum. Tantæ igitur cupiditatis voragini apponat discretio moderamen.

*Decimus*



*Decimus octavus de excessivis Conviviis Collegiatorum.*

Cum in quibusdam Cathedralibus, Collegiatisve Ecclesiis hujus regni tam grandia sunt statuta, ut quasi insanis Jeroboam illa ponantur venalia, quæ a benefactoribus fuerant gratis data; sicque pauperiores Canonici, si ad honorem Ecclesiæ & cultum divinum ampliandum personaliter residere voluerint, propter nimiam tamen exactionem pecuniarum, expensarum & sumptuum, quas dicta statuta requirunt effectualiter in dictis Ecclesiis residere non possunt. Unde fit quod pauci || . . . . . quarundam Ecclesiarum omnes possessiones & proventus earundem contra justam conscientiam nimis applicant sibi ipsis; sicque de multis personis idoneis Ecclesiæ sacro-sanctæ subtrahitur, & divinis obsequiis & fundatoribus multipliciter derogatur. Ipsis conveniens appareat nimis remedium, si sine talibus sumptibus & pomposis conviviiis Canonici ad deservendum altari participandi æque cum Residentibus in una saltem Ecclesia libere forent admissi. || f. flagitii.

*Decimus Nonus de Mercantia Beneficiorum.*

Quia sub ficta veritatis imagine fraus vera coram Deo, uti credimus, proprium decipiens inventorem sub colore justitiæ glebas cum jure patronatus ultra omnes metas justii pretii sub spe beneficii in proximo vacaturi non sine intentione corrupta mercatur communiter his diebus; & quia expressius conscientiæ || corruptela ostendit viri religiosi perpetuo Dominis temporalibus suas alienant possessiones, hoc pacto præhabito, ut de proprio vel propriando beneficio sint securi; alii per alias . . . . . cas & Symoniæ cautelas inferni voragine se immergunt per medias mercandi personas & alia commercia fraudulenta. Ac si cuncta videntem Cautelarum velamine vitarentur cæcarum Compellantur igitur si placeat sine more dispendio tales Symoniaci sic adepta beneficia resignare, quia ab illo intoxicationis veneno aliter mundari non possunt, & provideatur artius de futuro pro Symoniacis celerius castigandis, ne promereantur vindictam Ecclesiæ Anglicanæ. || f. Corruptelam.

*Vicesimus de Appropriatione Ecclesiarum.*

Quia ab ortu . . . . . Schismatis pestilentis per Suggestiones varias subdolas & Sinistras facta est multiplex Ecclesiarum appropriatio, & presertim mensis Episcopalibus ac etiam Monasteriis in bonis temporalibus sufficienter dotatis. Unde gravis suboritur parochianorum desolatio pauperum subducitur hospitalis recreatio, & quod his deterius est cura negligitur animarum, placeat igitur habita requisitione Debita Appropriationes hujusmodi revocare, & pro futuris provide obviare.

*Vicesimus primus de exili portione Vicariorum.*

Quia plures nimis appropriantur Ecclesiæ, in quibus perpetui non subsistantur Vicarii, sed Sacerdotes ad nutum remotivi, qui cum vix annuales habeant minus curant. Ac ubi instituti sunt Vicarii assignatur eis portio tam exilis, quod se ipsos congrue sustentare nequeunt, neque suos recreare pauperes parochianos, ut tenentur. Placeat, &c.

*Vicesimus Secundus de Exemptionibus Religiosorum.*

Quia Viri Religiosi Exemptionum privilegia impetrantes, quod nullos de Gloriosa Christi familia fecisse legimus in Scripturis; delinquent enim frequenter tanto audacius quanto a jugo correctionis ordinariæ longius retraxere cervices; plurimum videtur expediens quod exceptiones hujusmodi cum discretione semper provida revocentur; eo quod inter religiosos exemptos Brigæ oriuntur detestabiles; quibus horribiliter scandalizantur, favor minuitur, ac possessiones ac prædia eis collata, unde Deo deserviant, in litibus consumuntur: prout in ordine Cisterciensi & Cluniacensi per Angliam satis patet.



A. D. 1414.

*Vicesimus Tertius de punitione exemptorum.*

Quia Religiosi exempti suadente Diabolo, frequenter carnalibus vitiis polluntur nec puniuntur a Prælatiis propriis, sed peccata continuant impunita. Videtur expediens statuere, ut locorum Ordinarii ad puniendos & reformandos omnes religiosos plenam habeant potestatem, & presertim pro crimine fornicationis, quod committitur extra Claustrum, &c.

*Vicesimus Quartus de Excessibus Ordinariorum.*

Episcopi quidam his diebus & eorum Archidiaconi recipiunt feoda excessiva pro institutionibus, permutationibus, confirmationibus Electionum, installationibus Prælatorum, & literis Ordinum & pro testamentorum probationibus summas recipiunt excessivas; acquietando finaliter executores illorum finale compoto non audito: jure tamen scripto in oppositum acclamante. Ideo videtur expediens ut ubi sunt feoda de jure solvenda limitentur ad certum. Dum tamen pro literis ordinum, institutionum, installationum, & presentationum nihil solvat penitus in futurum.

|| solvatur.

*Vicesimus Quintus de Visitationibus Episcoporum.*

Quamvis cunctæ Visitationes juridice ad correctionem criminum ordinentur, & non propter pecunias congregandas; quidam tamen Ordinarii his diebus non solum ut defectus corrigant, sed ut colligant, suas Visitationes exercent: || dele. || contra intentionem juris scripti equitantes cum familia nimis magna, quod & illorum subditos gravat, & monet aliquos exemptionum privilegia impetrare. Et quidam Archidiaconorum recipiunt procuraciones a Clero ut visitationes omittant, quas ex Officio exercerent. Videtur ergo expediens in præmissis de remedio providere, &c.

*Vicesimus Sextus de Mitris Abbatum.*

Quoniam Abbates & Priores dignitatem Pontificii non attingunt, sed statum obtinent inferiorem, patens illorum præsumptio demonstratur, dum prece suorum ordinum bullas adquirunt ut possint uti mitra atque sandaliis cæterisque insigniis Episcoporum. Et ideo, ut unusquisque ea vocatione maneat, qua vocatus est, & alienentur a Religiosis hujusmodi signa superbia, videtur congruum atque expediens statuere in generali Concilio quod non liceat Religiosis utendo Episcoporum insigniis transgredi statum suum, sed ut cum devoto Vicario Eusebio & Benedicto, suisque Sociis Sanctis Patribus, de his que pertinent statui suo humiliter sint contenti; Tales || . . . . . mitrati, ut ait Bernardus, si eis nomen conferre privilegiorum posset || . . . . . multo auro redimerent, ut possent pontifices appellari.

|| f. Domini.  
|| f. acquisitio.*Vicesimus Septimus de Infidelibus Baptizandis.*

Plerumque proclamatur a pluribus, quod si Pagani & || fideles suæ gentilitatis errore deposito, [\* &] sacri Baptismatis fonte voluerint expurgari, bona illorum temporalia Ecclesiæ confiscantur, quod multos Judæorum, ut creditur, trahit a baptismo. Pium igitur esset & meritorium toti Concilio ordinare remedium in præmissis. Cum enim Philippus baptizavit Eunuchum, Currum suum ab eo non abstulit neque bona, quæ secum attulit ad baptizandum.

|| f. Infideles.  
\* dele.*Vicesimus Octavus de Juramentis Extortis.*

Quia non videtur consonum quempiam juramento constringi ne in causa justa || f. debeat. || . . . . . sui juris remedia postulare. Cumque Patroni varii pauperes promovendo Vicarios de non prosequenda augmentatione suæ portionis quantumlibet rationabiliter assignatæ juramentum ab eis exigunt & extorquent. Videtur expediens juramenti hujusmodi obviare, ac etiam remedium ordinare, ne Vicarii vel



vel Rectores ad solvendas pensiones ignotas juramentis similibus astringantur. A. D. 1414.

*Vicesimus Nonus de Extraneis Beneficiatis.*

Cum juxta Salvatoris sententiam singuli curam habentes animarum teneantur pascere gregem Christi pabulo doctrinæ Salvatoris, & Lupos effugare ab ovibus suis suæ prædicationis latratu: Quidam tamen || . . . . . promoventur in Regno Angliæ ipsius Regni idioma penitus ignorantes quique ad informandum subditos indisponuntur ut muti. Ideo videtur expediens ordinare, ut nullus ad beneficia Ecclesiastica promoveatur in aliquo regno, nisi idioma vulgare ejusdem Patriæ sufficienter intelligat, & . . . loquatur. || f. Extranei.

*Tricesimus de Literis Dominorum.*

Quia nimium importunis literis Dominorum & precibus, quæ plerisque patronis sunt species violenta jubendi ad Beneficia Ecclesiæ plurimum promoventur indigni & quod magis detestabile & Deo displicens est quam plurimi temporales Patroni maledicto quodam commercio præsentationes Ecclesiarum, ac etiam licentias permutandi vendunt damnabiliter pacto publico vel fraudulentis cautelis. Vivax igitur istis vitiis remedium apponatur, &c.

*Tricesimus Primus de Prærogativis Ecclesiarum Cantuariensis & Eboracensis.*

Quoniam Prærogativa Ecclesiarum Cantuariensis & Eboracensis, quæ nunquam || determinatur in jure inferiores Episcopos, aliosque Ordinarios atque subditos visitando plurimum inquietavit. Ex qua eoque plena determinatione non agnoscitur, multa juri dissona consequuntur, & potestas ordinariis attributa ab executione debita impeditur & sæpius || . . . . . Utile, igitur videtur & expediens toti Ecclesiæ Anglicanæ, quatenus ad quos & quot casus talis prærogativa extendi debeat, in generali consilio declaretur. || f. Determinantur. || f. Enervatur.

*Tricesimus Secundus de Confessionibus per Fratres audiendis.*

Cum nulla juris sanctio ad humani ingenii varietatem sufficiat, nec ad decisionem lucidam suæ nodosæ ambiguitatis attingat; quare vix aliquid adeo certum statuitur, || quoniam ex causis emergentibus revocari possit in dubium. Quia igitur inter Sæculares curatos & religiosos mendicantes gravis & continua est altercatio, utrum per statutum Domini Clementis Capitulo Dudum, vel Domini Johannis Cap. Vas Electionis, aut aliquid simile derogatum sit in toto vel in parte illi antiquo statuto concilii Generalis omnis utriusque sexus. Placeat ergo Prælati Ecclesiæ ambiguitatem tollere in præmissis. || f. Quod non.

*Tricesimus Tertius de Subtractione Parvulorum per eosdem.*

Quia notabilitas gravioris culpæ videtur invita subtractio alieni parvuli vel infantis, quam equi vel bovis. Cumque Religiosi mendicantes, plerosque parvulos absque consensu suorum parentum claustris vel domibus intrando furripiant. Fiat ordinatio in Generali concilio, qua ætate hujusmodi juvenes debeant tam stricti Ordinis assumere habitum & tonsuram.

*Tricesimus Quartus de Confessionibus.*

Quoniam frequenter in vilibus & horrendis peccatis parochiani plurimi nobiles & ignobiles utriusque sexus nimio pudore ligati Curato proprio confiteri renuunt, eis datur absolutio talis qualis a Fratре incio & ignaro, expedit Prælati Ecclesiæ remedium apponere in præmissis.

*Trice-*



A. D. 1414.

*Tricesimus Quintus de Prædicationibus eorundem.*

Quia Verbum Domini ut venale contemnitur, dum plerique mendicantium sine mora & medio post Sermonem mendicant. Igitur ut vitetur Scandalum expedire videtur, ut a mendicatione in Ecclesiis Fratres abstineant in futuro.

*Tricesimus Sextus de indigne Ordinatis.*

Quia Regularium quorumcunque, sicut & Secularium turba multa insolens & indocta ad sacros ordines indies convolare non cessat. Placeat ordinare quod eorum singuli cujuscunque Religionis aut Conditionis extiterint a Ministris Episcopi ordinantis in receptione Ordinum, & præsertim Subdiaconi, strictam examinationem subeant in futurum.

*Tricesimus Septimus de Ordinatis in Roma.*

¶ f. Quos ad. Quia quosdam illad Ordinis Sacerdotalis fastigium Ecclesia Anglicana non admittit, sed tanquam inhabiles & indignos repulit Romana sæpe Curia, quantumlibet inscios & ignaros quasi idoneos ordinatos remittere consuevit. Fiat supplicatio summo Pontifici quatenus providere dignetur de remedio, ne tales illiterati simplices & ignari amodo in scandalum curiæ & totius Ecclesiæ ad sacros ordines promoveantur.

*Tricesimus Octavus de Sacerdotibus Fornicariis.*

Quia carnalis vita & lubrica Sacerdotum universam hodie scandalizans Ecclesiam & eorum publica fornicatio penitus impunita, nisi forte levi & latente pœna pecuniaria, perniciosis cæteris trahitur in Exemplum; Sanctum igitur videtur ad expurgationem Ecclesiæ, quod Sacerdos cujuscunque ordinis extiterit, si publicus fornicator, existat a Celebratione missarum abstinere per tempus limitatum in jure & pœnas in publico subeat corporales.

*Tricesimus Nonus contra Falsas Prædicationes Quæstorum.*

¶ f. deleantur. Quia inverecondi Quæstores turpissimos suos quæstus ad firmam sumunt cum Symone, indulgentias vendunt cum Gyese, & adquisita consumunt cum filio prodigo inhoneste, sed quod magis est detestabile, cum non sint sacris ordinibus constituti publice prædicant ac false prætendunt, quod absolvendi a pœna & a culpa tam superstites quam defunctos plenam habeant potestatem, cum aliis blasphemis quibus populum spoliant ac seducunt, & verisimiliter ad tartara secum trahunt, præstantes spem frivolam & audaciam ad Peccandum. Abusus igitur hujusmodi sectæ pestiferi ab Ecclesiæ Limitibus ¶ deleatur.

*Quadragesimus de Capellanis honoris.*

Quia dispensatio consueta plerisque realibus, sed suppressis Apostatis, ut nominales fiant Capellani honoris, notabilis est dispensatio Religionum; cederet ut videtur ad religionis commodum & honorem, si levis suggestio non moneret summum Pontificem cum Religiosis hujusmodi de cætero dispensari.

*Quadragesimus Primus de Violatione Festivalium Dierum.*

Cum, ut legitur in Scriptura, tam violatio Sabbati, quam inhonoratio templi ab ipso Domino graviter sint punitæ. Erat autem vir quidam lapidatus ad mortem, quia ligna collegit in Sabbato, & Christus dejecit præcipitanter vendentes & ementes in Templo. Sanctum opus esset Principibus & Prælatibus Ecclesiæ per statuta pœnalia & censuras Ecclesiasticas refrænare hujusmodi mala, quæ jam abundant in plebe, publicum forum & nundinas diebus Dominicis & Festis exercente etiam plus solito & in locis sacratis. Per hæc autem mala vehementer



menter Deus offenditur, devotio contemplationis subtrahitur, & fides etiam A. D. 1414. Christiana non modicum vulneratur.

*Quadragesimus Secundus de Reformatione Hospitalium.*

Quia ad pauperum & debilium sustentationem fundantur hospitalia & dotantur, quibus ejectis Magistri hospitalium & custodes eorum bona convertunt in usus proprios & consumunt, & id malum accidit in non paucis Abbatibus, Prioratibus, & Ecclesiis Collegiatis, quibus multæ possessiones & prædia conferuntur, ut ex eis omni anno certa portio distribuatur pauperibus & egenis, in hoc casu causam . . . defendere, ut tenentur.

*Quadragesimus Tertius de Extirpatione Hæreticorum.*

Quia Christianæ Religionis fides solida radix est & basis, pro salute Ecclesiæ fiat juris executio de Episcopis, quorum si quis super expurgando de sua Diocesi hæreticæ pravitatis fermento negligens fuerit aut remissus, cum idem certis indiciis apparuit mox ab Episcopali Officio deponatur.

Quia maxima laus est Christiani Principis Christi Ecclesiam defendere ab infastis; Placeat Majestati Regiæ, quatenus sui Officarii publicis deputandi Officiis, Vicecomites scilicet, Majores, Ballivi, &c. quocunque nomine censeantur in suorum officiorum receptione juramentis specialibus astringantur, ut capiendo, tenendo, & puniendo hæreticos seu Lollardos Episcopis pro viribus favent & assistant.

*Quadragesimus Quartus de Anglicatione Librorum.*

Quia diversorum librorum & tractatum inepta translatio simplices idiotas doctrinis variis & peregrinis abducit, placeat Regiæ Majestati statuere, quod libri & tractatus novelli ab ortu Schismatis Anglicani confiscari valeant & eorum possessionibus subtrahi, donec per sciolos non suspectos ipsorum in linguam maternam translatio comprobetur.

*Quadragesimus Quintus de nimio apparatu Clericorum.*

Quia quidam solo nomine Clerici, habitu milites, actu neutri, & dum utriusque ordinis esse cupiunt utrumque deserunt & confundunt: Qui tot mortibus digni sunt quot ad suos subditos exempla perditionis transmutant. Placeat ergo ordinarius luxus vestium splendorum & ornatus superfluous a viris Ecclesiasticis & eorum vernaculis non tam per . . . dictatas, quam actu secutas sit effectualiter interdictus.

*Quadragesimus Sextus de Oppressionibus Ecclesiasticorum.*

Quoniam vera Charitas refrigescit, & crudelis iniquitas nunc abundat, jura & libertates Ecclesiæ per secularem potentiam impugnantur, decimæ retrahuntur, Vicarii simplices & Rectores per vim & violentiam opprimuntur, & de falsis criminibus . . . Duodenæ Conductæ per malitiam indictantur, & dum sanguis damnatur innoxius, non audet multorum simplicitas Sacerdotum legis procurare remedia, dum mortis periculum pertimescunt: sed vel redimunt injustas vexationes hujusmodi cum bonis Ecclesiæ, aut ne perdant vitam cum pecuniis dimissa cura Gregis Domini fugere ex patria astringuntur. His igitur malis crebrescentibus remedium dignetur apponere Regia Celsitudo, & quod magna Carta de foresta in defensione Ecclesiæ executioni debitæ demandetur cum statutis cæteris optimis.

Explicit, &c.



A. D. 1416.

N U M. CXX.

## Mandatum pro Convocatione.

A. D. 1416.

Registr. Chich-  
ley fol. iii. a.

**H**enricus, &c. Venerabili Fratri nostro Domino Ricardo Dei gratia London Episcopo Salutem, & Fraternalis dilectionis continuum incrementum. Licet nostræ mentis intentio postquam Cantuariensis Ecclesiæ (cui donante Altissimo presidemus) regimen assumpsimus, ad hoc summis studiis testante Deo elaborare curaverit, ut tam Prælatorum quam Cleri nostræ Provinciæ sumptibus, laboribus, & expensis, consideratis variis & plus solito eisdem incumbentibus Oneribus, provisione paterna; quantum in nobis est, ut convenit, parceremus; verum tamen causarum & Negotiorum inopinate emergentium necessitas, quæ ipsorum deliberationem exposulat, nos impellit ut ipsos in his præsertim quæ maturo Consilio & Deliberatione indigent ad nostræ sollicitudinis relevamen sæpius convocemus: Hoc sane dicimus; & tam Vobis quam Ipsi pro eo & ex eo, ad præsens intimare curavimus, quod literas diversas, tam Excellentissimo Principi Domino nostro Regi, quam Nobis, de Concilio Generali Constantiæ, & præsertim per Venerabiles Fratres nostros Bathon. & Sarum Episcopos, per vos, ac cæteros nostræ Provinciæ Suffraganeos Procuratores, ad dictum Generale Concilium destinat' super diversis materiis negotium Unionis Sanctæ matris Ecclesiæ a cunctis Christianis optat' transmissas concernent' sollicite intuentes, plura concepimus ex eisdem quæ tam ad regni Angliæ honorem, quam ad ipsius sacratissimæ unionis Expeditionem felicissimam sub bono & maturo . . . Consilio celeriter pertractand. Considerantes igitur quod materiæ in literis ipsis contentæ Ipsorum Prælatorum & Cleri Provinciæ nostræ Cantuariensis exposcunt auxilium, consilium pariter & assensum; Volentes etiam ut id quod ipsos, ac Ecclesiæ Anglicanæ, imo & Regni Angliæ honorem concernere dinoscitur, ab ipsis, ut decet, communiter approbetur; Regiis ad hoc persuasionibus & monitis instigati; Venerabili Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos Coepiscopos & Suffraganeos nostros, ac Electos si qui sint in nostra Cant. Provincia constitut. & absentium huiusmodi Coepiscop. si qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie; & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Earundem; Archidiaconosque Abbates & Priores, Conventus sub se habentes; ac alios Prælatos Ecclesiarum, Exemptos & non Exemptos; Clerumque cujuscunque Diocesis Provinciæ nostræ antedictæ, citari & peremptorie præmuniri volumus & mandamus; quod iidem Episcopi, Electi, Vicarii Generales, Decani, Priores, Archidiaconi, ac cæteri Ecclesiarum Prælati, Exempti & non Exempti, Personaliter; & quodlibet Capitulum Ecclesiarum Cathedralium per Unum, Clerusque cujuscunque Diocesis antedictæ nostræ Provinciæ per duos Sufficientes Procuratores compareant coram Nobis, aut nostro in hac parte Locum tenente, seu Commissario, si nos tunc (quod absit) impediri contigerit, in Ecclesia Sancti Pauli London, primo die Mensis Aprilis proximo futuro, ad tractandum nobiscum, cum continuatione & prorogatione dierum tunc sequentium, & locorum, super arduis & urgentibus causis & negotiis, Statum & Utilitatem Ecclesiæ, & Regni Angliæ concernentibus, ipsis tunc ibidem serius Exponend. suæque Consilia & Auxilia super eis impensur. & ad consentiend. his quæ ibidem ex deliberatione communi ad honorem Dei & Ecclesiæ suæ contigerit concorditer ordinari; facturique ulterius, & recepturi, quod huiusmodi negotiorum qualitas exigit & requirit. Vos etiam dictum Mandatum nostrum, quatenus Civitatem & Diocesem vestras concernit, exequi per omnia faciatis; & eidem Mandato nostro in omnibus pareatis cum effectu. Tenore insuper præsentium peremptorie vos citamus, quatenus eisdem die & loco compareatis coram Nobis nostrisve Locum tenentibus, & Commissariis, una cum aliis Suffraganeis Nostris ut præmittitur tractaturi, facturi, nec non & recepturi, quatenus ad vos, prout superius continetur, attinet. Prælati etiam Ecclesiarum Exemptarum, non mendicantibus Vestræ & Aliorum Coepiscoporum dictæ nostræ Provinciæ Diocesis cujuscunque fuerint Ordinis, per vos & dictos Confratres nostros, prout vos [&] unumquemque eorum concernit, volumus intimari, ut præfatis die & loco absque præjudicio privilegiorum suorum in hac parte quibus nolumus derogari, Nobiscum intersint, facturi & recepturi in præmissis



missis & ea contingent. quod superius est expressum. Volumus insuper, & mandamus, quatenus intimetis seu intimari & denuntiari faciatis dictæ nostræ Provinciæ Coepiscopis, & Confratribus, & Electis si qui sint, Decanis, Abbatibus, Prioribus, & Archidiaconis, ac Cæteris Ecclesiarum Prælati supradictis, quod Eos a personali comparitione in hujusmodi Convocatione dictis die & loco nostra Auctoritate, Deo Annuente, faciend. Excusatos habere non intendimus ista vice, nisi ex causa necessaria tunc ibidem alleganda etiam & probanda; sed eorum Contumacia, si qui forsan absentes fuerint, secundum juris exigentiam canonice punietur. Vobis etiam, ut supra, injungimus & mandamus, quod omnibus & singulis dictis nostris Suffraganeis, & Vicariis hujusmodi injungatis, seu faciatis injungi; ut singuli Eorum singillatim de facto suo in hac parte, quatenus pertinet ad Eosdem, nos, seu loca nostra Tenentes, & Commissarios antedictos, dictis die & loco per literas Eorum patentes, Citatorum nomina continent' distincte & aperte Certificent, ut est moris; De die vero receptionis præsentium, & quid feceritis in præmissis; Nos, nostrosve Locum tenentes, & Commissarios antedictos eisdem die & loco modo debito certificare curetis, per literas vestras patentes harum seriem, & citatorum nomina Vestræ Diocesis in hac parte, in cedula separata hujusmodi literis vestris Certificatoriis annectenda, plenius continentes. Dat. in Manerio nostro de Lamhith, Sexto die mensis Martii, Anno Domini Millesimo Quadringentesimo Decimo Quinto; Et nostræ Translationis Anno Secundo.

A. D. 1416.

## N U M. CXXI.

## Mandatum pro Concilio Provinciali.

**H**enicus Permissione Divina Cantuariensis Archiepiscopus, totius Angliæ Primas, & Apostolicæ Sedis Legatus; Venerabili Fratri nostro Domino Ricardo, Dei Gratia London Episcopo, Ipsove in Remotis agente ejus in Spiritualibus Vicario Generali, Salutem & Fraternalam in Domino Charitatem. Olim a sanctis Patribus salubriter novimus institutum, ut Metropolitanis singulis Annis cum suis Suffraganeis Provincialia non omittant Concilia celebrare; in quibus de Corrigendis excessibus & moribus, præsertim in Clero, Reformandis, tractatum cum Dei timore habeant diligentem. Nos igitur qui licet immeriti Cantuariensi Provinciæ, in Ecclesia Anglicana Jure Metropolitico præsidemus, Concilium Provinciale ex causis prædictis, & aliis Statum & Utilitatem Ecclesiæ præfatæ, ac honorabilium Universitatum Oxoniæ & Cantabrigiæ illuminationem concernentibus, tempore & loco subscriptis duximus convocand. Quocirca vobis committimus & mandamus quatenus omnes & singulos nostræ Cantuariensis Ecclesiæ Suffraganeos infra dictam Provinciam nostram constitutos, & absentium Episcoporum hujusmodi, si qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Earundem; Archidiaconosque Abbates, & Priores Conventus sub se habentes, & Alios Ecclesiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuslibet Diocesis Provinciæ nostræ antedictæ, quod compareant coram Nobis, aut nostris in hac parte locum tenentibus, seu Commissariis, si nos (quod absit) tunc abesse contigerit, in Ecclesia Cathedrali Sancti Pauli London xxvito die mensis Novembris proximo futur. cum continuatione dierum tunc sequentium, si oporteat, & locorum; Omnes videlicet Venerabiles Fratres nostri Episcopi Suffraganei, cæterique Prælati, & Absentium Episcoporum Vicarii Generales, nec non Archidiaconi, & Ecclesiarum Cathedralium Decani personaliter, & meliori quo poterunt suffulti Consilio, Capitula vero Ecclesiarum Cathedralium per unum, vel duos Canonicos, sive Monachos, ipsarum Ecclesiarum Confratres, sufficienter literatos, providos, & discretos, ita quod Unus Eorum, ad minus, si Canonici sint, sit de actualiter Residentibus in Eisdem; Conventualium vero, in eventum quo Eorum Prælati ex causis necessariis comparere non poterunt, per unum de Confratribus in Conventu magis idoneum; Clerusque cujuslibet Diocesis per duos consimiles sufficientes Procuratores, ad tractandum nobiscum de & super præmissis, & aliis arduis & urgentibus negotiis, statum & utilitatem Ecclesiæ Anglicanæ, splendorumque Uni-

A. D. 1417.

Registr. Chich-  
ley fol. x.

versi-



A. D. 1417. versitatum prædictarum Oxon. & Cantabrig. per nos diutinus affectatam, ac Graduatorum in eisdem proficientiam concernentibus, ipsis tunc ibidem serio-  
 sius Exponendis, suaque consilia & auxilia super eis impensuri, & ad consenti-  
 endum his quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ  
 suæ contigerint Ordinari, facturique ulterius & recept' quod præmissorum qualitas  
 & natura exigunt & requirunt. Denuntiantes eisdem Venerabilibus Confratribus  
 nostris, & Eorum Vicariis Generalibus, ac per eos Decanis, Archidiaconis, ac  
 cæteris Prælatiis, Exemptis & non Exemptis, jurisdictionem Ecclesiasticam sic  
 ut præmittitur obtinentibus, & exercentibus; nec non Procuratoribus pro ca-  
 pitulis Ecclesiarum Cathedralium, ac pro Clero in forma supradicta electis,  
 quod Ipsos, aut Eorum Aliquem, a personali comparitione in hujusmodi con-  
 gregatione excusatos, seu excusatum, nullo modo habere intendimus ista vice;  
 imo in casu quo non comparuerint modo supradicto, contra Absentes eo gravius  
 procedemus, quo quidam confratrum nostrorum cum pluribus Prælatiis & Cle-  
 ricis sint in Concilio Generali Constantiens. & alibi in Regni & Ecclesiæ nego-  
 tiis occupati; quidam vero, quod dolenter referimus, ab hac luce subtrahunt;  
 quidam etiam variis Infirmitatibus quo minus dictæ convocationi interesse pote-  
 runt sint detenti. Tenore etiam præsentium peremptorie Vos citamus, quod  
 eisdem die & loco compareatis personaliter coram Nobis, aut Commissariis no-  
 stris, seu locum tenentibus prædictis, de, & super, præmissis & ea concernen-  
 tibus nobiscum una cum aliis Prælatiis, & Clero prædicto tractaturi, facturique  
 ulterius & recepturi, quatenus ad vos attinet, quod superius continetur; præ-  
 sensque Mandatum nostrum, quatenus Civitatem & Diocesis London concernit  
 exequi per omnia faciatis. Prælatiis quoque Ecclesiarum Exemptarum non men-  
 dicantibus Vestræ & Aliorum Venerabilium Confratrum nostrorum Coepisco-  
 porum dictæ Provinciæ, Diocesis cujuscunque fuerint ordinis, per vos & con-  
 fratres nostros, prout vos & unumquemque vestrum concernit, volumus intima-  
 ri ut præfatis die & loco absque præjudicio privilegiorum suorum in hac parte,  
 quibus per hoc derogari nolumus, nobiscum intersint facturi & recepturi in  
 præmissis & ea concernentibus quod superius est expressum. Vobis etiam, ut  
 supra, injungimus & mandamus quod omnibus & singulis Venerabilibus Confra-  
 tribus nostris Coepiscopis & Suffraganeis, ac Vicariis in Spiritualibus Generali-  
 bus injungatis, seu faciatis injungi, quod singuli eorum singillatim de facto suo,  
 quatenus ad eos attinet, Nos, seu Locum nostrum Tenentes, vel Commissarios  
 distincte certificent & aperte; Vosque pari forma pro Civitate & Diocesi Lon-  
 don dictis die & loco debite certificare curetis, Vestris & Eorum Literis paten-  
 tibus habentibus hunc tenorem. Dat. in Manerio nostro de Lameth, xiii die  
 mensis Octobris, Anno Domini Millesimo Quadringentesimo Decimo Septimo.  
 Et nostræ Translationis Anno Quarto.

N U M. CXXII.

Rot. Claus. 7 Henr. V. m. 5. D.

*De Convocatione facienda.*

A. D. 1419. **R**EX Venerabili in Christo Patri Henrico, eadem Gratia Archiepiscopo  
 Eborum, Angliæ Primati, Salutem. Quia, sicut clare scitis, ad subeun-  
 dum & supportandum sumptuosa & immensa Onera quæ Nos pro defensione &  
 salvatione Regni nostri ac Ecclesiæ sanctæ præsentibus guerris inter nos & ad-  
 versarium nostrum Franciæ durantibus facere oportebit, de bonis nostris absque  
 fidelium ligeorum nostrorum adminiculo non sufficimus, nec valemus; Vobis in  
 fide & dilectione quibus nobis tenemini Rogando mandamus, quatenus præmis-  
 sis debito intuitu attentis & ponderatis, Universos & Singulos Episcopos vestræ  
 Provinciæ, ac Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Prio-  
 res, & alios Electivos, Exemptos & non Exemptos; nec non Archidiaconos, Ca-  
 pitula, Conventus, & Collegia, totumque Clerum cujuscunque Diocesis ejusdem  
 Provinciæ, ad comparandum coram Vobis in Ecclesia Cathedrali beati Petri Ebo-  
 rum, vel Alibi, prout melius expedire videritis, in Octab. Epiphaniæ Domini  
 proximo futur' more debito convocari faciatis, ad Tractandum, Concordan-  
 dum,



dum, Consentiendum, & Concludend. super præmissis, & aliis quæ sibi clarius A. D. 1419.  
exponentur tunc ibidem ex parte nostra: Et hoc sicut Nos, & Statum Regni  
nostri, ac honorem & utilitatem Ecclesiæ prædictæ, diligitis, nullatenus omit-  
tatis. T. præfato Custode apud Westm. 22 die Nov.

## N U M. CXXIII.

Approbatio Pacis inter Regna Angliæ & Franciæ nuper Conclusæ.  
E. Rot. Parl. 9 Hen. V. num. 18.

1420.

**M**emorandum quod cum Tretis vicesimo primo die Maii, Anno Domini  
MCCCCxx & Regni Serenissimi & metuendissimi Domini nostri Regis  
Henrici Quinti Octavo, inter Serenissimum Illustrissimum Principem Dominum  
Carolus Dei Gratia Francorum Regem, patrem suum, & Eundem metuendis-  
simum Dominum nostrum Regem; & inclita Angliæ & Franciæ Regna, Eorun-  
dem Regnorum subditos & subjectos pax finalis & perpetua, largiente pacis Au-  
ctore, conclusa fuerit pariter & concordata: In cujus pacis tractatu inter cætera  
continetur quod dicta pax nedum per dictos Dominos Reges jurari, set etiam  
per *tres Status* utriusque Regni debeat Laudari Acceptari & Approbari; quam  
quidem pacem idcirco idem Serenissimus Rex Franciæ pro parte sua in verbo  
Regio, nec non ad Sancta Dei Evangelia per ipsum corporaliter tacta, de pura  
& spontanea voluntate sua promisit, & in propria Persona sua juravit se obser-  
vaturum, ac omnia & singula in dicta pace contenta sine dolo & fraude impletu-  
rum; nec non ad maiorem firmitatem stabilimentum & robur pacis prædictæ,  
idem Illustrissimus Princeps Rex Francorum, per *tres Status Regni sui*, viz. *Præ-  
latorum & Cleri*, nec non *Procerum & Nobilium*, ac etiam *Civium, Burgensium Ci-  
vitatum Villarum ac Communitatum* dicti regni, præfatos *tres Status* facientium  
& representantium, quos ad Aulam Pallacii sui apud Sanctum Paulum Civitatis  
Parisiens. propter expeditionem præmissorum evocari fecit ad sextum diem men-  
sis Decembris Ultimo præteriti eandem pacem laudari & approbari fecit, ac de  
ipsius mandato Eis super hoc vivæ vocis Oraculo facto, præhabita matura deli-  
beratione decimo die ejusdem Mensis Decembris ipso Domino Rege in Regali  
folio sedente loco prædicto eandem pacem, ac omnia & singula contenta in ea-  
dem, ipsi *tres Status*, prout ex tenore dictæ pacis astringebantur, approbarunt,  
laudarunt, acceptarunt, & auctorizarunt, sicut in Actis inde confectis plenius  
continetur: Volensque idem Serenissimus Dominus noster pro parte sua dictam  
pacem, & omnia & singula contenta in eadem, modo consimili per ipsum, &  
*tres Status Regni sui* jurari, firmari, & roborari, prout ex dictæ pacis tenore  
astringitur & obligatur, dictam pacem bene & fideliter in omnibus se observa-  
tutum in verbo regio & ad Sancta Dei Evangelia per ipsum corporaliter tacta  
juravit & promisit; ac dictos *tres Status*, viz. *Praelatos & Clerum, Nobiles &  
Magnates*, nec non *Communitates* dicti Regni sui ad Secundum Diem Mensis Maii  
Anno Regni sui Nono ad Palatium suum Westm. London. ad Majora firmita-  
tem & robur pacis prædictæ, nec non propter alias Causas suum Statum Regium  
ac dicti Regni utilitatem concernentes, juxta morem & consuetudinem ejusdem,  
fecerat congregari; coram quibus *Status* idem Serenissimus Dominus noster  
Rex per Venerabilem in Christo Patrem Dominum Thomam Dei Gratia Du-  
nelmen. Episcopum suum Cancellarium tenorem dictæ pacis, & omnes & sin-  
gulos Articulos ejusdem seriose exponi fecit, & specificè declarari: Mandavit  
insuper idem Dominus noster Rex eidem Cancellario suo quod dicti *tres Status*  
tenorem dictæ pacis inspicerent & visi tarent, quibus sic diligenter & mature  
per actis, ipsi *tres Status* considerantes, censescentes, & reputantes dictam pacem  
laudabilem, necessariam, & utilem utrisque regnis & subditis Eorundem, im-  
mo & toti Christianitati, ipsam pacem & omnia & singula contenta in eadem ip-  
sius Domini nostri Regis ut prefertur Mandato, velut *tres Status* dicti regni sui,  
approbarunt, laudarunt, auctorizarunt, & acceptarunt, ac eandem se, & Eo-  
rum quemlibet, pro se suisque hæredibus Successoribus bene & fideliter perpe-  
tuis futuris temporibus, quantum ad eos & singulos eorum pertinet, observa-  
turos & impleturos promiserunt.



A. D. 1424.

N U M. CXXIV.

Par le Roy.

E Registro Abatiæ de Evelham MS. in Bibl. Cotton. Titus. c. ix. fol. 18. a.

**T**Ryfti and wel by loved yn God, for certeyn Matiers chargeable concernyng the Worshiþe of God, as wel as the Goode of youre Ordre wyth his Grace we wolle and charge you streitly that ye do come togedre, not only the Fadres, bote also tho that ben Clerks ant othere that been notable Persones yn every House of the same Ordre, yn as gret Nombre as is goodly possible to assemble unto oure Abbeye of Westminster, the vth Day of May next comynge. Ant seythe that non suche as is byfore seid be excused fro the said Congregation withoute so reasonable ant evident a Cause that by alle Reson oythe to be except as yeo ant they both desiren to eschue our Indignation. Yeven under oure Signet of the Egle, yn the Absence of our Other, at our own Town of Lycestre the xxvth Day of Marche.

N U M. CXXV.

Mandatum pro Convocatione.

A. D. 1421.

Registr.  
Chicheley,  
fol. xxiii. b.

**H**ENRICUS permissione Divina Cant. Archiepiscopus, &c. Venerabili fratri nostro Domino Ricardo, Dei Gratia London Episcopo Salutem, &c. Fraternaliter in Domino Caritatem. Magna & ardua tam Ecclesiæ quam Regni negotia, quæ vobiscum & aliis confratribus nostris London nuper dum essemus communicavimus, & quæ pro eorum Expeditione nostra Communi deliberatione, maturiore egebant consilio, nos inducunt ut cum omni celeritate possibili, De Dei misericordia, ope, & Gratia confisi, provinciale Concilium celebremus. Vestræ idcirco Fraternitati tenore præsentium committimus & mandamus quatenus omnes & singulos nostræ Cantuariens. Ecclesiæ Suffraganeos infra dictam nostram provinciam Cantuariens. constitutos, & absentium Episcoporum huiusmodi si qui fuerint vicarios in Spiritualibus generales citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Catholicarum, ac singula Capitula Earundem; Archidiaconos, Abbates, & Priores Conventus sub se habentes, & alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuscunque Dioc. Provinciæ nostræ antedictæ, nec non Universitatum [Oxon.] & Cantebrigg. Cancellarios, cæterosque omnes & singulos Ecclesiasticam Jurisdictionem obtinentes, cujuscunque Conditionis, Status, aut Gradus extiterint, quod compareant Coram nobis, aut nostris in hac parte locum tenentibus, seu Commissariis, si nos (quod absit) tunc impediri contigerit, in Ecclesia Sancti Pauli London quinto die Mensis Maii prox. futur. cum continuatione & prorogatione dierum tunc sequentium & locorum; Omnes videlicet venerabiles fratres nostri Episcopi & Suffraganei, ac cæteri Prælati, & Decani Ecclesiarum Cath. & Archidiaconi superius nominati, nec non prædicti Cancellarii personaliter; Capitula vero Ecclesiarum Cath. ac cæteri qui Jurisdictionem obtinent Ecclesiasticam, ut præmittitur, per Unum ad minus fide dignum sufficienter litteratum, providum, & discretum; Clerusque cujuscunque Dioc. per duos consimiles compareant procuratorem & procuratores, ad tractand. nobiscum de & super præmissis & ea concernentibus, ipsis tunc ibidem seriosius exponendis, suæque consilia & auxilia super Eis impensuri; & ad consensendum hiis quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerit ordinari; facturique ulterius, & recepturi quod præmissorum qualitas exigit & requirit: Denunciantes eisdem venerabilibus fratribus nostris ac per eos Decanis, Archidiaconis, ac cæteris Prælati, exemptis & non exemptis, nec non procuratoribus pro Capitulis Cath. Ecclesiarum, aut pro Clero, in forma prædicta Electis, quod ipsos, aut eorum aliquem, a personali comparitione in huiusmodi Convocatione excusatos seu excusatum, nullo modo habere intendimus ista vice, immo in casu quo non comparuerint modo supra dicto ipsorum qui absentes fuerint contumaciam juxta juris exigentiam canonice puniemus. Tenore



nore etiam præsentium peremptorie vos citamus quod eisdem die & loco coram Nobis, vel Locum nostrum tenentibus, aut Commissariis personaliter compareatis, de & super præmissis una cum aliis Suffraganeis nostris, ut præmittitur, tractaturi, facturique & recepturi, quatenus ad vos attinet, quod superius est expressum. Vobis insuper, ut supra, injungimus & mandamus quod omnibus & singulis prælatis Ecclesiarum Exemptarum, non mendicantibus, vestræ & aliorum venerabilium fratrum nostrorum Coepiscoporum dictæ provinciæ nostræ Dioc. cujuscunque fuerint Ordinis, per vos & ipsos Confratres nostros prout vos & Unumquemque Vestrum concernit, effectualiter intimetis, ut præfatis die et loco absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, Nobiscum intersint facturi & recepturi in præmissis, & ea concernentibus, quod superius continetur. Singulis etiam venerabilibus fratribus nostris Coepiscopis & Suffraganeis nostris antedictis & Eorum Vicariis in Spiritualibus hujusmodi injungatis, seu faciatis injungi, quod singuli Eorum singillatim de facto suo quatenus pertinet ad Eosdem, Nos, seu Locum nostrum tenentes, vel Commissarios, dictis die & loco per suas literas patentes Citatorum nomina continentes, distincte certificent & aperte: Vosque pari forma Nos, vel Commissarios nostros, quatenus ad vos attinet eisdem die & loco more solito debite certificaretis Literis Vestris Patentibus habentibus hunc tenorem sigillo vestro sigillat. Dat in manerio nostro de Otteford xiv die mensis Marci Anno Domini Millesimo cccmo xxmo, Et nostre Translationis Anno Septimo.

## N U M. CXXVI.

## Mandatum pro Conovatione.

**H**enricus permissione Divina Cantuar. Archiepiscopus totius Angliæ primas, & Apostolicæ sedis Legatus Venerabili Fratri nostro Domino Johanni Dei Gratia Londoniensi Episcopo, Salutem & Fraternali in Domino Caritatem. Magna nunc arduis & urgentibus negotiis Defensionem Fidei juriumque & libertatum Ecclesiæ Anglicanæ, nec non utilitatem Reipublicæ ac Statum & Prosperitatem Regis & Regnicolarum Eiusdem concernentibus nos impellit necessitas, Prælatos & Clerum nostræ Cantuariens. Provinciæ convocare. Fraternitati igitur Vestræ committimus & mandamus quatenus omnes & singulos dictæ nostræ Cant. Ecclesiæ Suffraganeos infra nostram provinciam constitutos, & absentium Episcoporum, si qui fuerint, vicarios in Spiritualibus Generales, ac Diocesium vacantium Custodes Spiritualitatis & Officiales, citetis seu citari faciatis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes; & alios Ecclesiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuslibet Dioc. provinciæ nostræ antedictæ citari peremptorie & præmuniri volumus & mandamus, quod iidem Episcopi, Suffraganei nostri, vicarii Generales, Decani, & Custodes sive Officiales, Abbates Priores, Archidiaconi, ac Cæteri Ecclesiarum Prælati, Exempti & non Exempti, Personaliter, & quodlibet Capitulum Ecclesiarum Cath. per unum de Capitulo Graduatam, vel magis idoneum; dictique singuli Abbates, sive Priores Conventus sub se habentes obstante impedimento legitimo per unam Religiosam personam de Conventu Graduatam, si quæ sit, seu alias per unam magis idoneam de eodem Conventu, Clerusque cujuslibet Dioc. Provinciæ antedictæ per duos procuratores Graduatos ejusdem Dioc. seu alias, si non fuerint, per duos sufficientiores & habiliores Dioc. in Eorum beneficiis realiter Residentes, compareant coram nobis aut nostris in hac parte Locum tenentibus vel Commissariis, si nos tunc (quod absit) impediri contigerit, in Ecclesia Cath. Sancti Pauli London, die lunæ prox. post dominicam qua contat. in Ecclesia Misericordias Domini, viz. xv die mensis Aprilis prox. futur. cum Continuatione & Prorogatione dierum tunc sequentium, si oporteat, & locorum; ad tractand. nobiscum de & super præmissis, & ea concernentibus, ipsis tunc ibidem serius exponendis, suaque Consilia & auxilia super eis impensuri, & ad consentiendum hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ contigerit concorditer ordinari; facturique

A. D. 1426

Registr.  
Chicheley,  
fol. lxx. a.



A. D. 1414. neos infra dictam nostram Cantuariensem Provinciam constitutos, & absentium Episcoporum hujusmodi, si qui fuerint, Vicarios in Spiritualibus generales, citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes, & Alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuslibet Diocesis. Provinciæ antedictæ, quod compareant Coram nobis, aut nostris in hac parte locum tenentibus, vel Commissariis, si nos (quod absit) tunc impediri contigerit, in Ecclesia Sancti Pauli London; primo die mensis Octobris proxim. futur. cum continuatione & prorogatione dierum tunc sequentium & locorum; Omnes videlicet Fratres Episcopi Suffraganei, & cæteri Prælati superius nominati, & etiam hi qui Jurisdictionem Ecclesiasticam obtinent, & exercent personaliter; Capitula vero Ecclesiarum Cathedralium per unum, ad minus, fide dignum, sufficientem, providum, & discretum Procuratorem; Clerusque cujuslibet Diocesis. per duos consimiles, pariter & potentes, ad tractandum nobiscum de, & super præmissis, & ea concernentibus ipsis tunc ibidem seriosius exponend. suaque consilia & auxilia super Eis impensur. & ad consentiend. his quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerit, concorditer Ordinari, facturique, ulterius & recepturi, quod præmissorum qualitas exigit & requirit. Denunciantes eisdem Venerabilibus Fratribus nostris, ac per Eos Decanis, Archidiaconis, & cæteris Prælati, exemptis & non exemptis, Jurisdictionem Ecclesiasticam obtinentibus, ut præmittitur, & exercentibus, nec non Procuratoribus pro Capitulis Ecclesiarum Cathedralium, aut pro Clero in forma superscripta electis, quod ipsos, aut Eorum aliquem a personali Comparitione in hujusmodi Congregatione excusatos, seu excusatum nullo modo habere intendimus ista vice; imo in casu quo non comparuerint modo supradicto, ipsorum, qui absentes fuerint, contumaciam juxta juris exigentiam canonice puniemus. Tenore etiam præsentium peremptorie, vos citamus, quod eisdem die & loco coram nobis, vel locum nostrum Tenentibus, aut Commissariis, personaliter compareatis, de & super præmissis, una cum aliis Suffraganeis nostris, ut præmittitur, tractaturi, facturique ulterius & recepturi, quatenus ad vos attinet, prout superius continetur; præsensque mandatum nostrum, quatenus Vestras Civitatem & Diocesis. concernit, exequi per omnia faciatis. Prælati quoque Ecclesiarum exemptarum non mendicantibus vestræ & aliorum Venerabilium Fratrum nostrorum Coepiscoporum dictæ Provinciæ, Diocesis. cujusunque fuerit Ordinis per Vos & Confratres nostros, prout Vos, & unumquemque vestrum concernit, volumus intimari, ut præfatis die & loco, absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, nobiscum intersint facturi, & recepturi in præmissis & ea contingentibus, quod superius est Expressum. Vobis etiam, ut supra injungimus & mandamus, quod omnibus & singulis Venerandis Fratribus nostris Coepiscopis & Suffraganeis antedictis, & Vicariis in Spiritualibus hujusmodi injungatis, seu faciatis injungi; quod singuli Eorum singillatim de facto suo, quatenus pertinet ad Eosdem, nos, seu locum nostrum tenentes, vel Commissarios, dictis die & loco per suas literas patentes Citatorum nomina continentes, distincte certificent & aperte, Vosque pari forma, Nos, vel Commissarios nostros, quatenus ad Vos attinet, eisdem die & loco more solito debite Certificare curetis, literis vestris patentibus habentibus hunc tenorem. Dat. in Manerio nostro de Lambith, xviii die mensis Augusti: Anno Domini M CCCC XIV. & nostræ Translationis Anno Primo.



N U M. CXVIII.

Rot. Claus. 2. H. 5. m. 14.

*De Essendo coram Archiepiscopo Cantuar. in Convocatione sua.*

**R** Ex dilecto sibi Magistro Stephano L'escrope, Cancellario Universitatis nostræ Cantabr. Salutem. Cum, ut accepimus, diversæ Dissensiones, Discordiæ, & Debata, inter quosdam Magistros, Regentes & non Regentes, & graduatos Scholares Juris Civilis & Canonici, Universitatis prædictæ, Occasione cujusdam Statuti in eadem Universitate jam noviter, ut dicitur, editi, motæ & subortæ existant; Nos Dissensiones, Discordias, & Debatas, hujusmodi inter partes prædictas cessari & sopiri volentes, Vobis mandamus, quod in propria persona vestra sitis coram Venerabili Patre Henrico, Archiepiscopo Cantuariensi, & Confratribus suis, primo die Octobris prox. futur. apud Ecclesiam Sancti Pauli London, in Convocatione Cleri Cantuariens. Provinciæ ibidem, tunc celebrand. ad finem, quod de Remedio opportuno in hac parte inter partes prædictas in Convocatione prædicta ordinari & provideri poterit, pro perpetuo duraturo: Vobis insuper injungentes, quod ordinari faciatis, quod quatuor personæ sufficientes ex una parte, & quatuor personæ sufficientes ex altera parte, sufficientem potestatem a partibus prædictis habentes juxta sanam discretionem vestram de assensu partium prædictarum ad hoc eligend. tunc sint ibidem ex causa supradicta, & habeatis ibi nomina prædictarum octo personarum, & hoc Breve. Teste Rege apud Westm. xvii die Septembris.

A. D. 1414.

Per ipsum Regem.

N U M. CXIX.

Copia Literæ missæ Regi Henrico Vto,  
ab Universitate Oxoniæ.

Ex MS. in Bibl. Colleg. Corp. Christi Oxon. Num. 183.

**C**hristianissimo Principi, Catholicæque Fidei strenuissimo defensori, Henrico, divina magnificentia Regi Angliæ ac Franciæ, ac Domino Hiberniæ, &c. sui devotissimi Oratores Regiæ Majestatis literis ad subscriptum negotium nuper Oxoniæ convocati, subjectionem debitam, & suo temporali Regimine regni cœlestis solium fœliciter promereri. Rex Regum, & Dominus Dominantium, de excelso Cœlorum Throno prospiciens Almæ matris Ecclesiæ tunicam inconsutilem vesanis Hæreticorum latratu & moribus lacerari: ut plane conspiciamus, sublimavit cornu Christi sui, & dedit imperium Regi suo: Dum Vestram, Serenissime Princeps, inclitam dignitatem in regalis eminentiæ solium sublimavit. Exsurrexit enim Deus, ut inimici ejus funditus dissipentur, dum orbi terrarum illuxit fœlicissimus dies ille, quo perhennis Triumphator Imperii Regiæ Majestatis Gladium, velut redivivo nobili Machabæo vestræ celsitudini cœlitus condonavit; in quo, nedum sui populi, sed & summi sui muniminis adversarios dejici cœlesti favore concessit. Quot putamus hunc diem infœliciter prævenissent strages Principum, quot neces Nobilium, quot cum Deo regnantium Regum & Patrum Basilicæ dirutæ, quot Civitates everse; nisi nuper aspirante paracletovestra fortitudo, Sattelitem Antichristi proditoriam malitiam Christianissima victoria castigasset? Fecit enim magna in nobis qui potens est, ut auris audiens tanti beatificet celebritatem tituli triumphalis. Quod enim in oriente piissimi, & divinitus sublimati Constantinus, Marcianus, & Theodosius imperantes, hoc in occidenti pari victoria triumphans de complicibus Antichristi, ne totus vergetur occidens in occasum, vestra, gratiosissime Princeps

A. D. 1414.



A. D. 1414. ceps, meruit eminentia Christiana, satis etiam ostendit Religiosissimus Miles Christi, quod autentica scripta clamat, quia pax & tranquillitas Reipublicæ alias Universalis Ecclesiæ pace noscitur dependere, nec poterit quisquam recte terrena regere, nisi noverit Dominica pacificando tractare. Cum igitur, insignissime Princeps, in Ecclesiæ pullutantia perversa reprimitis, tantam rempublicam sublevatis, & de vestri Regni pacifica prolixitate tractatis. Hinc & de regno gemiscentis Ecclesiæ scandala penitus extirpentur, pulchraque Rachel desinat ejulare. Sane || dignitatis est regia sublimitas Sacerdotes suos humiles convocare, & utinam sine macula habentes in lege Domini voluntatem. Parentes igitur Regiæ sanctissimæ jussioni distinximus tractantes in Ecclesia notabiliores defectus, distinctos articulavimus, articulatos vero sub castigato compendio subscribimus Regiæ claritati. Suppliciter deprecantes, quatenus Regali prudentia suadente celebranda sancta Synodus Prælatorum de Vinea Sancti Naboth, sic spinas pullulantes ac tribulos refecet scandalorum, ut Christi vineis per ordinem complantatis Unitatis & Pacis prospera Successio propagetur, quam semper vestro regno dispensare dignetur spiritus, per quem Reges regnant, & Principes Dominantur. Amen.

|| Dignata.

## Articuli concernentes reformationem Universalis Ecclesiæ.

### *Articulus primus de Jure Papæ.*

Quamvis de pleno jure sanctissimi in Christo Patris & Domini nostri, Domini Joannis Papæ xxiii, non sit ullatenus diffidendum, sua tamen Cessio libera & ultronea, nec non cæterorum contententium de Papatu, foret opus alti meriti & mercedis, si per eam verisimiliter tanquam membra in uno vero capite possent cuncti Christicolæ || . . . . . unde pium videtur dictum Dominum nostrum & cæteros contententes ad hoc inducere mediis allectivis.

|| Uniri.

### *Secundus de Assumptione Cardinalium.*

Quia in primitiva Ecclesia varias Synodos celebrari legimus, unam de substitutione Mathiæ, aliam de Electione vii Diaconorum, valde videtur consonum, summum Pontificem non debere quenquam in Cardinalem assumere nisi de majoris partis suorum Fratrum consilio & assensu: nec alio modo procedere ad provisionem Episcopatum juxta stilum, quo utitur, ita scribens, de consilio Fratrum nostrorum, &c.

### *Tertius de restitutione Patrimonii Crucifixi.*

Vineam hæreditariam Sancti Naboth noluit Deus impune transferri, quanto magis nec Patrimonium Crucifixi, scriptum quippe est, Reddite quæ sunt Cæsaris Cæsari, & quæ sunt Dei Deo. Tributum Cæsaris, inquit Ambrosius, non negetur, & quod Ecclesiæ Dei est Cæsari, utique non debetur, quia jus Cæsaris esse non potest Templum Dei. A majori ergo ut credimus temporalibus Viris tradenda non est Christi hæreditas possidenda: Placeat igitur, ut in manus virorum, seu Dominorum temporalium Prioratus Alienigenarum non tradatur cum Ecclesiis Domino consecratis.

### *Quartus de promotione Universitatis.*

Quia Studii Generalis Universitas diversis regnis statui & nutrir debuit, ut ipsorum Lampas illuminans, purgans, & proficiens, terras & patrias adjacentes illuminans per doctrinam difficultum dubiorum, purgans a tenebris hæresium & errorum, proficiens exemplis virtutum & morum. Ne igitur deficiente oleo lampadis lux & lumen simul deficiant, placeat virtuosus studentibus providere.

Quintus



*Quintus de Symonia.*

Quia Sedes Apostolica antiquitus dicebatur . . . sancta, quod sanctum recepit, vel sanctum efficit, aut cito dejicit: Cujus tamen contrarium, quadam arte Magica jam molitur . . . . . conturbatorum Symon Magus hæresim ab eo dictam Symoniacam, tam Apostolica, quam Sanctorum Patrum antiquitas omnium hæresium errorumque Charibdin de Ecclesiæ finibus affugare satagit, placeat igitur ad Extirpationem hujus Hæreseos effectualiter laborare.

*Sextus de Indulgentiis.*

Sicut alias Angelorum Manna cibum dulcissimum Israeliticus populus quodam Consilio indemnitate fastidio in nauseam & horrorem vertebat, sic hodie indulgentiarum papalium tam larga, tam prodiga, & tam frequens concessio a plerisque venalis creditur, sicque populo quasi contemptibilis jam vilescit: quosdam vero procliviores efficit ad peccandum, & ad opera penitentiae tardiores: Et ideo videtur expediens ordinare remedium in præmissis.

*Septimus de creatione & translatione Episcoporum.*

Quia nimium excessiva feoda, quæ in Episcoporum creationibus & translationibus eorundem Sedes precepit Apostolica, nec non primorum fructuum reservationes nullo juris scripto fulcitæ cedunt in nimis grave scandalum dictæ sedis, totiusque Ecclesiæ Christianæ, Quam electiones & translationes hujusmodi sunt dissimiles, & minus dissonæ prioribus in tempore Apostolorum, & longe post tempora eorundem! Placeat ordinare remedium in præmissis, ut domi dormiat avaritia, & ab Ecclesia sponsa Christi exulet Symonia, qua plures Ecclesiastici his diebus flebiliter polluuntur.

*Octavus de Executione feodorum Curia Romana.*

Quia etiam ex mirabili gravitate excessum feodaliū, quos pro literis super indulgentiis, absolutionibus, gratiis, provisionibus & similibus percipiunt Officarii dictæ sedis, datur occasio inferioribus Prælatiis, Clericis & Laicis similia faciendi: sicque omnia judicantur venalia, & de Symoniaca pravitate suspecta, placeat ergo fælix remedium invenire & ut hujusmodi feoda rationabiliter restringantur.

*Nonus de indignis Prælatiis & Curatis.*

Marcus Evangelicus, & B. Antonius, ut Episcopatu & Sacerdotio reputarentur indigni, suos pollicem & auriculam ressecabant antiquitus: Quibus aliqui jam succedunt tempore non virtute, moribus & scientia; sacris indigni; qui ad præfata omnia impudenter se ingerunt, & admissi cæci cæcos ducunt; & ambo in foveam simul cadunt, sicque laqueus ruinæ populi sacerdotes mali, & ideo videtur expediens pro communi utilitate Ecclesiæ, his malorum vitiis viriliter obviare.

*Decimus de malis ministris Prælatorum.*

Est & malum sequens ex priore pessimum inter alia, quæ videntur sub sole, quod Pontifices, & cæteri in dignitate positi, contra consilium circumscripti; idcirco tales sibi provident ac constituunt ministros & Judices super plebem, ante quorum oculos non est Dei timor, in quibus non est veritas, sed cupiditas radix omnium vitiorum; imo quamvis lex bona sit si quis ea legitime utatur; talium tamen ministrorum laquei & abusus illegitimi penes totum a lege Domini illegitimant Christianissimum: Placeat ergo remedium invenire.

Unde-



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*Undecimus de commendis Episcoporum.*

Quia contra consilium Elisei Prophetæ relictis vacuis vasa plena inutiliter super-impleri videntur, dum Episcopis conceduntur Beneficia alia in Commendam, quod tamen universalis Ecclesiæ non videntur cedere ad emendam, placeat hunc morbum curare congrua medicina, &c.

*Duodecimus de carnalitate Prælatorum.*

Quia cæca carnalitas Syon edificat in sanguinibus, & commutat Jerusalem in pomorum custodiam; dum suos consanguineos aut nepotulos & imberbes comatulos ad animarum curam assumere non verentur; Placeat ergo tales excessus restringere in futurum.

*Tertius Decimus de avaritia eorundem.*

Quia a Propheta ad Sacerdotem omnes student avaritiæ, protendentes laqueos in capturam pecuniæ, in tantum, quod plerique Prælati quosdam sibi familiares promovent, ut de eorum beneficiis terram sibi detorqueant, & eorum beneficia pro minori ætate in manibus suis detineant. Placeat, &c.

*Quartus Decimus de Religiosis Beneficiatis.*

Quia præcordia fatuorum, sicut rota curri, & quasi axis versatilis cogitatus eorum, qui in Scandalum & Jacturam totius Religionis mittentes manum ad aratrum, & obliquo oculo respicientes retro pingues impetrant personatus. Placeat, &c.

*Quintus Decimus de promotis armigeris.*

Cum cedat ad subversionem & scandalum antiqui regiminis Ecclesiæ, . . . . juvenes tanquam armis insolentes, qui nec horas dicunt canonicas, nec habitu vel tonsura distinguunt. a Laicis Præbendas in Ecclesia occupant & Capellas; igitur ne deteriora contingant, deponant Prælati desidium, & legis Edictum aspere exerceant contra tales, &c.

*Sextus Decimus de Pastoribus revocandis ad curam.*

Quia conqueritur Scriptura de Pastoribus pascentibus semetipsos; quales moribus se ostendunt, qui ut mercenarii a curis effugiunt, ut Lupi tamen rapaces gregem dilaniant, nec voces, sed vellera gregis agnoscunt. Diligentia studeat prælatorum tales specialiter ad sua beneficia revocare curatos, qui extra suam curam voluptatibus & marsupiiis vacant implendis in Civitatibus in Dominorum Curiis & Officiis solliciti in compotis & coquinis. Ac pro cæteris placeat ordinare, qui in Cathedralibus, Universitate, & aliis Officiis occupari videntur honeste, ut limitandis temporibus sub pœna taxanda dispensatio non excuset, quin suas curas teneantur interim visitare.

*Septimus Decimus de pluralitate beneficiorum.*

Cum pauci valde curam unicam aut proprias animas vix sufficiant gubernare, ut post tubam scietur novissimam mira doctis censetur præsumptio, quod his diebus tot inscii plus anhelantes rei mundanæ, cupidi, quam animarum saluti, tot sibi Beneficia audeant cumulare: quod sine causa purgandi non constat esse prohibitum a Canonicis institutis. Cui quidem præsumptuoso periculo vicinam esse sensimus practisatam a quam pluribus congeriem pinguum præbendarum. Tantæ igitur cupiditatis voragini apponat discretio moderamen.

*Decimus*



*Decimus octavus de excessivis Conviviis Collegiatorum.*

Cum in quibusdam Cathedralibus, Collegiatisve Ecclesiis hujus regni tam grandia sunt statuta, ut quasi insanis Jeroboam illa ponantur venalia, quæ a benefactoribus fuerant gratis data; sicque pauperiores Canonici, si ad honorem Ecclesiæ & cultum divinum ampliandum personaliter residere voluerint, propter nimiam tamen exactionem pecuniarum, expensarum & sumptuum, quas dicta statuta requirunt effectualiter in dictis Ecclesiis residere non possunt. Unde fit quod pauci || . . . . . quarundam Ecclesiarum omnes possessiones & proventus earundem contra justam conscientiam nimis applicant sibi ipsis; sicque de multis personis idoneis Ecclesiæ sacro-sanctæ subtrahitur, & divinis obsequiis & fundatoribus multipliciter derogatur. Ipsiis conveniens appareat nimis remedium, si sine talibus sumptibus & pomposis conviviis Canonici ad deservendum altari participandi æque cum Residentibus in una saltem Ecclesia libere forent admissi. || f. flagitii.

*Decimus Nonus de Mercantia Beneficiorum.*

Quia sub ficta veritatis imagine fraus vera coram Deo, uti credimus, proprium decipiens inventorem sub colore justitiæ glebas cum jure patronatus ultra omnes metas justii pretii sub spe beneficii in proximo vacaturi non sine intentione corrupta mercatur communiter his diebus; & quia expressius conscientiæ || corruptela ostendit viri religiosi perpetuo Dominis temporalibus suas alienant possessiones, hoc pacto præhabito, ut de proprio vel propriando beneficio sint securi; alii per alias . . . . . cas & Symoniæ cautelas inferni voragine se immergunt per medias mercandi personas & alia commercia fraudulenta. Ac si cuncta videntem Cautelarum velamine vitarentur cæcarum Compellantur igitur si placeat sine more dispendio tales Symoniaci sic adepta beneficia resignare, quia ab illo intoxicationis veneno aliter mundari non possunt, & provideatur artius de futuro pro Symoniacis celerius castigandis, ne promereantur vindictam Ecclesiæ Anglicanæ. || f. Corruptelam.

*Vicesimus de Appropriatione Ecclesiarum.*

Quia ab ortu . . . . . Schismatis pestilentis per Suggestiones varias subdolas & Sinistras facta est multiplex Ecclesiarum appropriatio, & presertim mensis Episcopalibus ac etiam Monasteriis in bonis temporalibus sufficienter dotatis. Unde gravis suboritur parochianorum desolatio pauperum subducitur hospitalis recreatio, & quod his deterius est cura negligitur animarum, placeat igitur habita requisitione Debita Appropriationes hujusmodi revocare, & pro futuris provide obviare.

*Vicesimus primus de exili portione Vicariorum.*

Quia plures nimis appropriantur Ecclesiæ, in quibus perpetui non subsistantur Vicarii, sed Sacerdotes ad nutum remotivi, qui cum vix annuales habeant minus curant. Ac ubi instituti sunt Vicarii assignatur eis portio tam exilis, quod se ipsos congrue sustentare nequeunt, neque suos recreare pauperes parochianos, ut tenentur. Placeat, &c.

*Vicesimus Secundus de Exemptionibus Religiosorum.*

Quia Viri Religiosi Exemptionum privilegia impetrantes, quod nullos de Gloriosa Christi familia fecisse legimus in Scripturis; delinquant enim frequenter tanto audacius quanto a jugo correctionis ordinariæ longius retraxere cervices; plurimum videtur expediens quod exceptiones hujusmodi cum discretione semper provida revocentur; eo quod inter religiosos exemptos Brigæ oriuntur detestabiles; quibus horribiliter scandalizantur, favor minuitur, ac possessiones ac prædia eis collata, unde Deo deserviant, in litibus consumuntur: prout in ordine Cisterciensi & Cluniacensi per Angliam satis patet.



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*Vicesimus Tertius de punitione exemptorum.*

Quia Religiosi exempti suadente Diabolo, frequenter carnalibus vitiis polluntur nec puniuntur a Prælatiis propriis, sed peccata continuant impunita. Videtur expediens statuere, ut locorum Ordinarii ad puniendos & reformandos omnes religiosos plenam habeant potestatem, & prefertim pro crimine fornicationis, quod committitur extra Claustrum, &c.

*Vicesimus Quartus de Excessibus Ordinariorum.*

Episcopi quidam his diebus & eorum Archidiaconi recipiunt feoda excessiva pro institutionibus, permutationibus, confirmationibus Electionum, installationibus Prælatorum, & literis Ordinum & pro testamentorum probationibus summas recipiunt excessivas; acquietando finaliter executores illorum finale compoto non audito: jure tamen scripto in oppositum acclamante. Ideo videtur expediens ut ubi sunt feoda de jure solvenda limitentur ad certum. Dum tamen pro literis ordinum, institutionum, installationum, & presentationum nihil solvat penitus in futurum.

|| solvatur.

*Vicesimus Quintus de Visitationibus Episcoporum.*

Quamvis cunctæ Visitationes juridice ad correctionem criminum ordinentur, & non propter pecunias congregandas; quidam tamen Ordinarii his diebus non solum ut defectus corrigant, sed ut colligant, suas Visitationes exercent: || dele. || contra intentionem juris scripti equitantes cum familia nimis magna, quod & illorum subditos gravat, & monet aliquos exemptionum privilegia impetrare. Et quidam Archidiaconorum recipiunt procuraciones a Clero ut visitationes omittant, quas ex Officio exercerent. Videtur ergo expediens in præmissis de remedio providere, &c.

*Vicesimus Sextus de Mitris Abbatum.*

Quoniam Abbates & Priores dignitatem Pontificii non attingunt, sed statum obtinent inferiorem, patens illorum præsumptio demonstratur, dum prece suorum ordinum bullas adquirunt ut possint uti mitra atque sandaliis cæterisque insigniis Episcoporum. Et ideo, ut unusquisque ea vocatione maneat, qua vocatus est, & alienentur a Religiosis hujusmodi signa superbia, videtur congruum atque expediens statuere in generali Concilio quod non liceat Religiosis utendo Episcoporum insigniis transgredi statum suum, sed ut cum devoto Vicario Eusebio & Benedicto, suisque Sociis Sanctis Patribus, de his que pertinent statui suo humiliter sint contenti; Tales || . . . . . mitrati, ut ait Bernardus, si eis nomen conferre privilegiorum posset || . . . . . multo auro redimerent, ut possent pontifices appellari.

|| f. Domini.  
|| f. acquisitio.*Vicesimus Septimus de Infidelibus Baptizandis.*

Plerumque proclamatur a pluribus, quod si Pagani & || f. Infideles. dele. || fideles suæ gentilitatis errore deposito, [\* &] sacri Baptismatis fonte voluerint expurgari, bona illorum temporalia Ecclesiæ confiscantur, quod multos Judæorum, ut creditur, trahit a baptismo. Pium igitur esset & meritorium toti Concilio ordinare remedium in præmissis. Cum enim Philippus baptizavit Eunuchum, Currum suum ab eo non abstulit neque bona, quæ secum attulit ad baptizandum.

*Vicesimus Octavus de Juramentis Extortis.*

Quia non videtur consonum quempiam juramento constringi ne in causa justa || f. debeat. || . . . . . sui juris remedia postulare. Cumque Patroni varii pauperes promovendo Vicarios de non prosequenda augmentatione suæ portionis quantumlibet rationabiliter assignatæ juramentum ab eis exigunt & extorquent. Videtur expediens juramenti hujusmodi obviare, ac etiam remedium ordinare, ne Vicarii vel



vel Rectores ad solvendas pensiones ignotas juramentis similibus astringantur. A. D. 1414.

*Vicesimus Nonus de Extraneis Beneficiatis.*

Cum juxta Salvatoris sententiam singuli curam habentes animarum teneantur pascere gregem Christi pabulo doctrinae Salvatoris, & Lupos effugare ab ovibus suis suae praedicationis latratu: Quidam tamen || . . . . . promoventur in Regno Angliae ipsius Regni idioma penitus ignorantes quique ad informandum subditos indisponuntur ut muti. Ideo videtur expediens ordinare, ut nullus ad beneficia Ecclesiastica promoveatur in aliquo regno, nisi idioma vulgare ejusdem Patriae sufficienter intelligat, & . . . loquatur. || f. Extranei.

*Tricesimus de Literis Dominorum.*

Quia nimium importunis literis Dominorum & precibus, quae plerisque patronis sunt species violenta jubendi ad Beneficia Ecclesiae plurimum promoventur indigni & quod magis detestabile & Deo displicens est quam plurimi temporales Patroni maledicto quodam commercio praesentationes Ecclesiarum, ac etiam licentias permutandi vendunt damnabiliter pacto publico vel fraudulentis cautelis. Vivax igitur istis vitiis remedium apponatur, &c.

*Tricesimus Primus de Prærogativis Ecclesiarum Cantuariensis & Eboracensis.*

Quoniam Prærogativa Ecclesiarum Cantuariensis & Eboracensis, quae nunquam || determinatur in jure inferiores Episcopos, aliosque Ordinarios atque subditos visitando plurimum inquietavit. Ex qua eoque plena determinatione non agnoscitur, multa juri dissona consequuntur, & potestas ordinariis attributa ab executione debita impeditur & saepius || . . . . . Utile, igitur videtur & expediens toti Ecclesiae Anglicanae, quatenus ad quos & quot casus talis prerogativa extendi debeat, in generali consilio declaretur. || f. Determinantur. || f. Enervatur.

*Tricesimus Secundus de Confessionibus per Fratres audiendis.*

Cum nulla juris sanctio ad humani ingenii varietatem sufficiat, nec ad decisionem lucidam suae nodosae ambiguitatis attingat; quare vix aliquid adeo certum statuitur, || quoniam ex causis emergentibus revocari possit in dubium. Quia igitur inter Saeculares curatos & religiosos mendicantes gravis & continua est altercatio, utrum per statutum Domini Clementis Capitulo Dudum, vel Domini Johannis Cap. Vas Electionis, aut aliquid simile derogatum sit in toto vel in parte illi antiquo statuto concilii Generalis omnis utriusque sexus. Placeat ergo Praelatis Ecclesiae ambiguitatem tollere in praemissis. || f. Quod non.

*Tricesimus Tertius de Subtractione Parvulorum per eosdem.*

Quia notabilitas gravioris culpae videtur invita subtractio alieni parvuli vel infantis, quam equi vel bovis. Cumque Religiosi mendicantes, plerosque parvulos absque consensu suorum parentum claustris vel domibus intrando surripiant. Fiat ordinatio in Generali concilio, qua aetate hujusmodi juvenes debeant tam stricti Ordinis assumere habitum & tonsuram.

*Tricesimus Quartus de Confessionibus.*

Quoniam frequenter in vilibus & horrendis peccatis parochiani plurimi nobiles & ignobiles utriusque sexus nimio pudore ligati Curato proprio confiteri renunt, eis datur absolutio talis qualis a Fratre inscio & ignaro, expedit Praelatis Ecclesiae remedium apponere in praemisso.



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*Tricesimus Quintus de Predicationibus eorundem.*

Quia Verbum Domini ut venale contemnitur, dum plerique mendicantium sine mora & medio post Sermonem mendicant. Igitur ut vitetur Scandalum expedire videtur, ut a mendicatione in Ecclesiis Fratres abstineant in futuro.

*Tricesimus Sextus de indigne Ordinatis.*

Quia Regularium quorumcunque, sicut & Secularium turba multa insolens & indocta ad sacros ordines indies convolare non cessat. Placeat ordinare quod eorum singuli cujuscunque Religionis aut Conditionis extiterint a Ministris Episcopi ordinantis in receptione Ordinum, & præsertim Subdiaconi, strictam examinationem subeant in futurum.

*Tricesimus Septimus de Ordinatis in Roma.*

¶ f. Quos ad. Quia quosdam illad Ordinis Sacerdotalis fastigium Ecclesia Anglicana non admittit, sed tanquam inhabiles & indignos repulit Romæ sæpe Curia, quantumlibet inscios & ignaros quasi idoneos ordinatos remittere consuevit. Fiat supplicatio summo Pontifici quatenus providere dignetur de remedio, ne tales illiterati simplices & ignari amodo in scandalum curiæ & totius Ecclesiæ ad sacros ordines promoveantur.

*Tricesimus Octavus de Sacerdotibus Fornicariis.*

Quia carnalis vita & lubrica Sacerdotum universam hodie scandalizans Ecclesiam & eorum publica fornicatio penitus impunita, nisi forte levi & latente pœna pecuniaria, perniciosæ cæteris trahitur in Exemplum; Sanctum igitur videtur ad expurgationem Ecclesiæ, quod Sacerdos cujuscunque ordinis extiterit, si publicus fornicator, existat a Celebratione missarum abstineat per tempus limitatum in jure & pœnas in publico subeat corporales.

*Tricesimus Nonus contra Falsas Predicationes Quæstorum.*

¶ f. deleantur. Quia inverecundi Quæstores turpissimos suos quæstus ad firmam sumunt cum Symone, indulgentias vendunt cum Gyese, & adquisita consumunt cum filio prodigo inhoneste, sed quod magis est detestabile, cum non sint sacris ordinibus constituti publice prædicant ac false prætendunt, quod absolvendi a pœna & a culpa tam superstites quam defunctos plenam habeant potestatem, cum aliis blasphemis quibus populum spoliant ac seducunt, & verisimiliter ad tartara secum trahunt, præstantes spem frivolam & audaciam ad Peccandum. Abusus igitur hujusmodi sectæ pestiferi ab Ecclesiæ Limitibus ¶ deleatur.

*Quadragesimus de Capellanis honoris.*

Quia dispensatio consueta plerisque realibus, sed suppressis Apostatis, ut nominales fiant Capellani honoris, notabilis est dispensatio Religionum; cederet ut videtur ad religionis commodum & honorem, si levis suggestio non moneret summum Pontificem cum Religiosis hujusmodi de cætero dispensari.

*Quadragesimus Primus de Violatione Festivalium Dierum.*

Cum, ut legitur in Scriptura, tam violatio Sabbati, quam inhonoratio templi ab ipso Domino graviter sint punitæ. Erat autem vir quidam lapidatus ad mortem, quia ligna collegit in Sabbato, & Christus deiecit præcipitanter vendentes & ementes in Templo. Sanctum opus esset Principibus & Prælatibus Ecclesiæ per statuta pœnalia & censuras Ecclesiasticas refrænare hujusmodi mala, quæ jam abundant in plebe, publicum forum & nundinas diebus Dominicis & Festis exercente etiam plus solito & in locis sacratis. Per hæc autem mala vehementer



menter Deus offenditur, devotio contemplationis subtrahitur, & fides etiam A. D. 1414.  
Christiana non modicum vulneratur.

*Quadragesimus Secundus de Reformatione Hospitalium.*

Quia ad pauperum & debiliū sustentationem fundantur hospitalia & dotantur, quibus ejectis Magistri hospitalium & custodes eorū bona convertunt in usus proprios & consumunt, & id malum accidit in non paucis Abbatiis, Prioratibus, & Ecclesiis Collegiatis, quibus multæ possessiones & prædia conferuntur, ut ex eis omni anno certa portio distribuatur pauperibus & egenis, in hoc casu causam . . . defendere, ut tenentur.

*Quadragesimus Tertius de Extirpatione Hæreticorum.*

Quia Christianæ Religionis fides solida radix est & basis, pro salute Ecclesiæ fiat juris executio de Episcopis, quorum si quis super expurgando de sua Diocesi hæreticæ pravitatis fermento negligens fuerit aut remissus, cum idem certis indiciis apparuit mox ab Episcopali Officio deponatur.

Quia maxima laus est Christiani Principis Christi Ecclesiam defendere ab infastis; Placeat Majestati Regiæ, quatenus sui Officiarii publicis deputandi Officiis, Vicecomites scilicet, Majores, Ballivi, &c. quocunque nomine censeantur in suorum officiorum receptione juramentis specialibus astringantur, ut capiendo, tenendo, & puniendo hæreticos seu Lollardos Episcopis pro viribus favent & assistant.

*Quadragesimus Quartus de Anglicatione Librorum.*

Quia diversorum librorum & tractatum inepta translatio simplices idiotas doctrinis variis & peregrinis abducit, placeat Regiæ Majestati statuere, quod libri & tractatus novelli ab ortu Schismatis Anglicani confiscari valeant & eorum possessionibus subtrahi, donec per sciolos non suspectos ipsorum in linguam maternam translatio comprobetur.

*Quadragesimus Quintus de nimio apparatu Clericorum.*

Quia quidam solo nomine Clerici, habitu milites, actu neutri, & dum utriusque ordinis esse cupiunt utrumque deserunt & confundunt: Qui tot mortibus digni sunt quot ad suos subditos exempla perditionis transmutant. Placeat ergo ordinarius luxus vestium splendorum & ornatus superfluous a viris Ecclesiasticis & eorum vernaculis non tam per . . . dictatas, quam actu secutas sit effectualiter interdictus.

*Quadragesimus Sextus de Oppressionibus Ecclesiasticorum.*

Quoniam vera Charitas refrigescit, & crudelis iniquitas nunc abundat, jura & libertates Ecclesiæ per secularem potentiam impugnantur, decimæ retrahuntur, Vicarii simplices & Rectores per vim & violentiam opprimuntur, & de falsis criminibus . . . Duodenæ Conductæ per malitiam indictantur, & dum sanguis damnatur innoxius, non audet multorum simplicitas Sacerdotum legis procurare remedia, dum mortis periculum pertimescunt: sed vel redimunt injustas vexationes hujusmodi cum bonis Ecclesiæ, aut ne perdant vitam cum pecuniis dimissa cura Gregis Domini fugere ex patria astringuntur. His igitur malis crebescens remedium dignetur apponere Regia Celsitudo, & quod magna Carta de foresta in defensione Ecclesiæ executioni debitæ demandetur cum statutis cæteris optimis.

Explicit, &c.



A. D. 1416.

N U M. CXX.

## Mandatum pro Convocatione.

A. D. 1416.

Registr. Chichester  
fol. iii. a.

**H**enricus, &c. Venerabili Fratri nostro Domino Ricardo Dei gratia London Episcopo Salutem, & Fraternalis dilectionis continuum incrementum. Licet nostræ mentis intentio postquam Cantuariensis Ecclesiæ (cui donante Altissimo presidemus) regimen assumpsimus, ad hoc summis studiis testante Deo elaborare curaverit, ut tam Prælatorum quam Cleri nostræ Provinciæ sumptibus, laboribus, & expensis, consideratis variis & plus solito eisdem incumbendis Oneribus, provisione paterna; quantum in nobis est, ut convenit, parceremus; verum tamen causarum & Negotiorum inopinate emergentium necessitas, quæ ipsorum deliberationem expostulat, nos impellit ut ipsos in his præsertim quæ maturo Consilio & Deliberatione indigent ad nostræ sollicitudinis relevamen sæpius convocemus: Hoc sane dicimus; & tam Vobis quam Iplis pro eo & ex eo, ad præsens intimare curavimus, quod literas diversas, tam Excellentissimo Principi Domino nostro Regi, quam Nobis, de Concilio Generali Constantiæ, & præsertim per Venerabiles Fratres nostros Bathon. & Sarum Episcopos, per vos, ac cæteros nostræ Provinciæ Suffraganeos Procuratores, ad dictum Generale Concilium destinat' super diversis materiis negotium Unionis. Sanctæ matris Ecclesiæ a cunctis Christianis optat' transmissas concernent' sollicite intuentes, plura concepimus ex eisdem quæ tam ad regni Angliæ honorem, quam ad ipsius sacratissimæ unionis Expeditionem felicissimam sub bono & maturo . . . Consilio celeriter pertractand. Considerantes igitur quod materiæ in literis ipsis contentæ Ipsorum Prælatorum & Cleri Provinciæ nostræ Cantuariensis exposcunt auxilium, consilium pariter & assensum; Volentes etiam ut id quod ipsos, ac Ecclesiæ Anglicanæ, imo & Regni Angliæ honorem concernere dinoscitur, ab ipsis, ut decet, communiter approbetur; Regiis ad hoc persuasionibus & monitis instigati; Venerabili Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos Coepiscopos & Suffraganeos nostros, ac Electos si qui sint in nostra Cant. Provincia constitut. & absentium huiusmodi Coepiscop. si qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie; & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Earundem; Archidiaconosque Abbates & Priores, Conventus sub se habentes; ac alios Prælatos Ecclesiarum, Exemptos & non Exemptos; Clerumque cujuscunque Diocesis Provinciæ nostræ antedictæ, citari & peremptorie præmuniri volumus & mandamus; quod iidem Episcopi, Electi, Vicarii Generales, Decani, Priores, Archidiaconi, ac cæteri Ecclesiarum Prælati, Exempti & non Exempti, Personaliter; & quodlibet Capitulum Ecclesiarum Cathedralium per Unum, Clerusque cujuscunque Diocesis antedictæ nostræ Provinciæ per duos Sufficientes Procuratores compareant coram Nobis, aut nostro in hac parte Locum tenente, seu Commissario, si nos tunc (quod absit) impediri contigerit, in Ecclesia Sancti Pauli London, primo die Mensis Aprilis proximo futuro, ad tractandum nobiscum, cum continuatione & prorogatione dierum tunc sequentium, & locorum, super arduis & urgentibus causis & negotiis, Statum & Utilitatem Ecclesiæ, & Regni Angliæ concernentibus, ipsis tunc ibidem serius Exponend. suæque Consilia & Auxilia super eis impensur. & ad consentiend. his quæ ibidem ex deliberatione communi ad honorem Dei & Ecclesiæ suæ contigerit concorditer ordinari; facturique ulterius, & recepturi, quod huiusmodi negotiorum qualitas exigit & requirit. Vos etiam dictum Mandatum nostrum, quatenus Civitatem & Diocesem vestras concernit, exequi per omnia faciatis; & eidem Mandato nostro in omnibus pareatis cum effectu. Tenore insuper præsentium peremptorie vos citamus, quatenus eisdem die & loco compareatis coram Nobis nostrisve Locum tenentibus, & Commissariis, una cum aliis Suffraganeis Nostris ut præmittitur tractaturi, facturi, nec non & recepturi, quatenus ad vos, prout superius continetur, attinet. Prælati etiam Ecclesiarum Exemptarum, non mendicantibus Vestræ & Aliorum Coepiscoporum dictæ nostræ Provinciæ Diocesis cujuscunque fuerint Ordinis, per vos & dictos Confratres nostros, prout vos [&] unumquemque eorum concernit, volumus intimari, ut præfatis die & loco absque præjudicio privilegiorum suorum in hac parte quibus nolumus derogari, Nobiscum intersint, facturi & recepturi in præmissis



missis & ea contingent. quod superius est expressum. Volumus insuper, & mandamus, quatenus intimetis seu intimari & denuntiari faciatis dictæ nostræ Provinciæ Coepiscopis, & Confratribus, & Electis si qui sint, Decanis, Abbatibus, Prioribus, & Archidiaconis, ac Cæteris Ecclesiarum Prælati supradictis, quod Eos a personali comparitione in hujusmodi Convocatione dictis die & loco nostra Auctoritate, Deo Annuente, faciend. Excusatos habere non intendimus ista vice, nisi ex causa necessaria tunc ibidem alleganda etiam & probanda; sed eorum Contumacia, si qui forsan absentes fuerint, secundum juris exigentiam canonice punietur. Vobis etiam, ut supra, injungimus & mandamus, quod omnibus & singulis dictis nostris Suffraganeis, & Vicariis hujusmodi injungatis, seu faciatis injungi; ut singuli Eorum singillatim de facto suo in hac parte, quatenus pertinet ad Eosdem, nos, seu loca nostra Tenentes, & Commissarios antedictos, dictis die & loco per literas Eorum patentes, Citatorum nomina continent' distincte & aperte Certificent, ut est moris; De die vero receptionis præsentium, & quid feceritis in præmissis; Nos, nostrosve Locum tenentes, & Commissarios antedictos eisdem die & loco modo debito certificare curetis, per literas vestras patentes harum seriem, & citatorum nomina Vestræ Diocesis in hac parte, in cedula separata hujusmodi literis vestris Certificatoriis annectenda, plenius continentes. Dat. in Manerio nostro de Lamhith, Sexto die mensis Martii, Anno Domini Millesimo Quadringentesimo Decimo Quinto; Et nostræ Translationis Anno Secundo.

A. D. 1416.

## N U M. CXXI.

## Mandatum pro Concilio Provinciali.

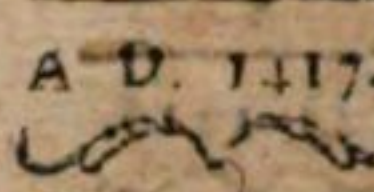
**H**enricus Permissione Divina Cantuariensis Archiepiscopus, totius Angliæ Primas, & Apostolicæ Sedis Legatus; Venerabili Fratri nostro Domino Riccardo, Dei Gratia London Episcopo, Ipsove in Remotis agente ejus in Spiritualibus Vicario Generali, Salutem & Fraternali in Domino Charitatem. Olim a sanctis Patribus salubriter novimus institutum, ut Metropolitanis singulis Annis cum suis Suffraganeis Provincialia non omittant Concilia celebrare; in quibus de Corrigendis excessibus & moribus, præsertim in Clero, Reformandis, tractatum cum Dei timore habeant diligentem. Nos igitur qui licet immeriti Cantuariensi Provinciæ, in Ecclesia Anglicana Jure Metropolitico præsidemus, Concilium Provinciale ex causis prædictis, & aliis Statum & Utilitatem Ecclesiæ præfatæ, ac honorabilium Universitatum Oxoniæ & Cantabrigiæ illuminationem concernentibus, tempore & loco subscriptis duximus convocand. Quocirca vobis committimus & mandamus quatenus omnes & singulos nostræ Cantuariensis Ecclesiæ Suffraganeos infra dictam Provinciam nostram constitutos, & absentium Episcoporum hujusmodi, si qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Earundem; Archidiaconosque Abbates, & Priores Conventus sub se habentes, & Alios Ecclesiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuslibet Diocesis Provinciæ nostræ antedictæ, quod compareant coram Nobis, aut nostris in hac parte locum tenentibus, seu Commissariis, si nos (quod absit) tunc abesse contigerit, in Ecclesia Cathedrali Sancti Pauli London xxvito die mensis Novembris proximo futur. cum continuatione dierum tunc sequentium, si oporteat, & locorum; Omnes videlicet Venerabiles Fratres nostri Episcopi Suffraganei, cæterique Prælati, & Absentium Episcoporum Vicarii Generales, nec non Archidiaconi, & Ecclesiarum Cathedralium Decani personaliter, & meliori quo poterunt suffulti Consilio, Capitula vero Ecclesiarum Cathedralium per unum, vel duos Canonicos, sive Monachos, ipsarum Ecclesiarum Confratres, sufficienter literatos, providos, & discretos, ita quod Unus Eorum, ad minus, si Canonici sint, sit de actualiter Residentibus in Eisdem; Conventualium vero, in eventum quo Eorum Prælati ex causis necessariis comparere non poterunt, per unum de Confratribus in Conventu magis idoneum; Clerusque cujuslibet Diocesis per duos consimiles sufficientes Procuratores, ad tractandum nobiscum de & super præmissis, & aliis arduis & urgentibus negotiis, statum & utilitatem Ecclesiæ Anglicanæ, splendidarumque Uni-

A. D. 1417.

Registr. Chiche-  
ley fol. x.

versi-

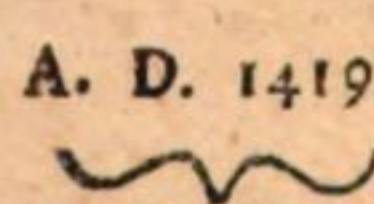


A. D. 1417.  veritatatum prædictarum Oxon. & Cantabrig. per nos diutinus affectatam, ac Graduatorum in eisdem proficientiam concernentibus, ipsis tunc ibidem serio-  
sius Exponendis, suaque consilia & auxilia super eis impensuri, & ad consenti-  
endum his quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ  
sue contigerint Ordinari, facturique ulterius & recept' quod præmissorum qualitas  
& natura exigunt & requirunt. Denuntiantes eisdem Venerabilibus Confratribus  
nostris, & Eorum Vicariis Generalibus, ac per eos Decanis, Archidiaconis, ac  
cæteris Prælatiis, Exemptis & non Exemptis, jurisdictionem Ecclesiasticam sic  
ut præmittitur obtinentibus, & exercentibus; nec non Procuratoribus pro ca-  
pitulis Ecclesiarum Cathedralium, ac pro Clero in forma supradicta electis,  
quod Ipsos, aut Eorum Aliquem, a personali comparitione in hujusmodi con-  
gregatione excusatos, seu excusatum, nullo modo habere intendimus ista vice;  
imo in casu quo non comparuerint modo supradicto, contra Absentes eo gravius  
procedemus, quo quidam confratrum nostrorum cum pluribus Prælatiis & Cle-  
ricis sint in Concilio Generali Constantiens. & alibi in Regni & Ecclesiæ nego-  
tiis occupati; quidam vero, quod dolenter referimus, ab hac luce subtracti;  
quidam etiam variis Infirmatibus quo minus dictæ convocationi interesse pote-  
runt sint detenti. Tenore etiam præsentium peremptorie Vos citamus, quod  
eisdem die & loco compareatis personaliter coram Nobis, aut Commissariis no-  
stris, seu locum tenentibus prædictis, de, & super, præmissis & ea concernen-  
tibus nobiscum una cum aliis Prælatiis, & Clero prædicto tractaturi, facturique  
ulterius & recepturi, quatenus ad vos attinet, quod superius continetur; præ-  
sensque Mandatum nostrum, quatenus Civitatem & Diocæs. London concernit  
exequi per omnia faciatis. Prælatiis quoque Ecclesiarum Exemptarum non men-  
dicantibus Vestræ & Aliorum Venerabilium Confratrum nostrorum Coepisco-  
porum dictæ Provinciæ, Diocæs. cujuscunque fuerint ordinis, per vos & con-  
fratres nostros, prout vos & unumquemque vestrum concernit, volumus intima-  
ri ut præfatis die & loco absque præjudicio privilegiorum suorum in hac parte,  
quibus per hoc derogari nolumus, nobiscum intersint facturi & recepturi in  
præmissis & ea concernentibus quod superius est expressum. Vobis etiam, ut  
supra, injungimus & mandamus quod omnibus & singulis Venerabilibus Confra-  
tribus nostris Coepiscopis & Suffraganeis, ac Vicariis in Spiritualibus Generali-  
bus injungatis, seu faciatis injungi, quod singuli eorum singillatim de facto suo,  
quatenus ad eos attinet, Nos, seu Locum nostrum Tenentes, vel Commissarios  
distincte certificent & aperte; Vosque pari forma pro Civitate & Diocæs. Lon-  
don dictis die & loco debite certificare curetis, Vestris & Eorum Literis paten-  
tibus habentibus hunc tenorem. Dat. in Manerio nostro de Lameth, xiii die  
mensis Octobris, Anno Domini Millesimo Quadringentesimo Decimo Septimo.  
Et nostræ Translationis Anno Quarto.

N U M. CXXII.

Rot. Claus. 7 Henr. V. m. 5. D.

*De Convocatione facienda.*

A. D. 1419.  **R**EX Venerabili in Christo Patri Henrico, eadem Gratia Archiepiscopo  
Eborum, Angliæ Primati, Salutem. Quia, sicut clare scitis, ad subeun-  
dum & supportandum sumptuosa & immensa Onera quæ Nos pro defensione &  
salvatione Regni nostri ac Ecclesiæ sanctæ præsentibus guerris inter nos & ad-  
versarium nostrum Franciæ durantibus facere oportebit, de bonis nostris absque  
fidelium ligeorum nostrorum adminiculo non sufficimus, nec valemus; Vobis in  
fide & dilectione quibus nobis tenemini Rogando mandamus, quatenus præmis-  
sis debito intuitu attentis & ponderatis, Universos & Singulos Episcopos vestræ  
Provinciæ, ac Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Prio-  
res, & alios Electivos, Exemptos & non Exemptos; nec non Archidiaconos, Ca-  
pitula, Conventus, & Collegia, totumque Clerum cujuscunque Diocæs. ejusdem  
Provinciæ, ad comparendum coram Vobis in Ecclesia Cathedrali beati Petri Ebo-  
rum, vel Alibi, prout melius expedire videritis, in Octab. Epiphaniæ Domini  
proximo futur' more debito convocari faciatis, ad Tractandum, Concordan-  
dum,



dum, Consentiendum, & Concludend. super præmissis, & aliis quæ sibi clarius A. D. 1419.  
exponentur tunc ibidem ex parte nostra: Et hoc sicut Nos, & Statum Regni  
nostri, ac honorem & utilitatem Ecclesiæ prædictæ, diligitis, nullatenus omit-  
tatis. T. præfato Custode apud Westm. 22 die Nov.

## N U M. CXXIII.

Approbatio Pacis inter Regna Angliæ & Franciæ nuper Conclusæ.  
E. Rot. Parl. 9 Hen. V. num. 18.

1420.

**M**emorandum quod cum Tretis vicesimo primo die Maii, Anno Domini  
MCCCCxx & Regni Serenissimi & metuendissimi Domini nostri Regis  
Henrici Quinti Octavo, inter Serenissimum Illustrissimum Principem Dominum  
Carolus Dei Gratia Francorum Regem, patrem suum, & Eundem metuendis-  
simum Dominum nostrum Regem; & inclita Angliæ & Franciæ Regna, Eorun-  
dem Regnorum subditos & subjectos pax finalis & perpetua, largiente pacis Au-  
ctore, conclusa fuerit pariter & concordata: In cujus pacis tractatu inter cætera  
continetur quod dicta pax nedum per dictos Dominos Reges jurari, set etiam  
per *tres Status* utriusque Regni debeat Laudari Acceptari & Approbari; quam  
quidem pacem idcirco idem Serenissimus Rex Franciæ pro parte sua in verbo  
Regio, nec non ad Sancta Dei Evangelia per ipsum corporaliter tacta, de pura  
& spontanea voluntate sua promisit, & in propria Persona sua juravit se obser-  
vaturum, ac omnia & singula in dicta pace contenta sine dolo & fraude impletu-  
rum; nec non ad maiorem firmitatem stabilimentum & robur pacis prædictæ,  
idem Illustrissimus Princeps Rex Francorum, per *tres Status Regni sui*, viz. *Præ-  
latorum & Cleri*, nec non *Procerum & Nobilium*, ac etiam *Civium, Burgensium Ci-  
vitatum Villarum ac Communitatum* dicti regni, præfatos *tres Status* facientium  
& representantium, quos ad Aulam Pallacii sui apud Sanctum Paulum Civitatis  
Parisiens. propter expeditionem præmissorum evocari fecit ad sextum diem men-  
sis Decembris Ultimo præteriti eandem pacem laudari & approbari fecit, ac de  
ipsius mandato Eis super hoc vivæ vocis Oraculo facto, præhabita matura deli-  
beratione decimo die ejusdem Mensis Decembris ipso Domino Rege in Regali  
folio sedente loco prædicto eandem pacem, ac omnia & singula contenta in ea-  
dem, ipsi *tres Status*, prout ex tenore dictæ pacis astringebantur, approbarunt,  
laudarunt, acceptarunt, & auctorizarunt, sicut in Actis inde confectis plenius  
continetur: Volensque idem Serenissimus Dominus noster pro parte sua dictam  
pacem, & omnia & singula contenta in eadem, modo consimili per ipsum, &  
*tres Status Regni sui* jurari, firmari, & roborari, prout ex dictæ pacis tenore  
astringitur & obligatur, dictam pacem bene & fideliter in omnibus se observa-  
tutum in verbo regio & ad Sancta Dei Evangelia per ipsum corporaliter tacta  
juravit & promisit; ac dictos *tres Status*, viz. *Prælatos & Clerum, Nobiles &  
Magnates*, nec non *Communitates* dicti Regni sui ad Secundum Diem Mensis Maii  
Anno Regni sui Nono ad Palatium suum Westm. London. ad Majora firmita-  
tem & robur pacis prædictæ, nec non propter alias Causas suum Statum Regium  
ac dicti Regni utilitatem concernentes, juxta morem & consuetudinem ejusdem,  
fecerat congregari; coram quibus *Statibus* idem Serenissimus Dominus noster  
Rex per Venerabilem in Christo Patrem Dominum Thomam Dei Gratia Du-  
nelmen. Episcopum suum Cancellarium tenorem dictæ pacis, & omnes & sin-  
gulos Articulos ejusdem seriose exponi fecit, & specificè declarari: Mandavit  
insuper idem Dominus noster Rex eidem Cancellario suo quod dicti *tres Status*  
tenorem dictæ pacis inspicerent & visi tarent, quibus sic diligenter & mature  
per actis, ipsi *tres Status* considerantes, censentes, & reputantes dictam pacem  
laudabilem, necessariam, & utilem utrisque regnis & subditis Eorundem, im-  
mo & toti Christianitati, ipsam pacem & omnia & singula contenta in eadem ip-  
sius Domini nostri Regis ut prefertur Mandato, velut *tres Status* dicti regni sui,  
approbarunt, laudarunt, auctorizarunt, & acceptarunt, ac eandem se, & Eo-  
rum quemlibet, pro se suisque hæredibus Successoribus bene & fideliter perpe-  
tuis futuris temporibus, quantum ad eos & singulos eorum pertinet, observa-  
tuos & impleturos promiserunt.



A. D. 1424.

N U M. CXXIV.

Par le Roy.

E Registro Abatiæ de Evelham MS. in Bibl. Cotton. Titus. c. ix. fol. 18. a.

**T**Ryfti and wel by loved yn God, for certeyn Matiers chargeable concernyng the Worshipe of God, as wel as the Goode of youre Ordre wyth his Grace we wolle and charge you streitly that ye do come togedre, not only the Fadres, bote also tho that ben Clerks ant othere that been notable Perfones yn every House of the same Ordre, yn as gret Nombre as is goodly possible to assemble unto oure Abbeye of Westminster, the vth Day of May next comynge. Ant seythe that non suche as is byfore seid be excused fro the said Congregation withoute so reasonable ant evident a Cause that by alle Reson oythe to be except as yeo ant they both desiren to eschue our Indignation. Yeven under oure Signet of the Egle, yn the Absence of our Other, at our own Town of Lycestre the xxvth Day of Marche.

N U M. CXXV.

Mandatum pro Convocatione.

A. D. 1421.

Registr.

Chicheley,  
fol. xxiii. b.

**H**Enricus permissione Divina Cant. Archiepiscopus, &c. Venerabili fratri nostro Domino Ricardo, Dei Gratia London Episcopo Salutem, &c. Fraternam in Domino Caritatem. Magna & ardua tam Ecclesiæ quam Regni negotia, quæ vobiscum & aliis confratribus nostris London nuper dum essemus communicavimus, & quæ pro eorum Expeditione nostra Communi deliberatione, maturiore egebant consilio, nos inducunt ut cum omni celeritate possibili, De Dei misericordia, ope, & Gratia confisi, provinciale Concilium celebremus. Vestræ idcirco Fraternitati tenore præsentium committimus & mandamus quatenus omnes & singulos nostræ Cantuariens. Ecclesiæ Suffraganeos infra dictam nostram provinciam Cantuariens. constitutos, & absentium Episcoporum hujusmodi si qui fuerint vicarios in Spiritualibus generales citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Catholicum, ac singula Capitula Earundem; Archidiaconos, Abbates, & Priores Conventus sub se habentes, & alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuslibet Dioc. Provinciæ nostræ antedictæ, nec non Universitatum [Oxon.] & Cantebrigg. Cancellarios, cæterosque omnes & singulos Ecclesiasticam Jurisdictionem obtinentes, cujusunque Conditionis, Status, aut Gradus extiterint, quod compareant Coram nobis, aut nostris in hac parte locum tenentibus, seu Commissariis, si nos (quod absit) tunc impediri contigerit, in Ecclesia Sancti Pauli London quinto die Mensis Maii prox. futur. cum continuatione & prorogatione dierum tunc sequentium & locorum; Omnes videlicet venerabiles fratres nostri Episcopi & Suffraganei, ac cæteri Prælati, & Decani Ecclesiarum Cath. & Archidiaconi superius nominati, nec non prædicti Cancellarii personaliter; Capitula vero Ecclesiarum Cath. ac cæteri qui Jurisdictionem obtinent Ecclesiasticam, ut præmittitur, per Unum ad minus fide dignum sufficienter litteratum, providum, & discretum; Clerusque cujuslibet Dioc. per duos con- similes compareant procuratorem & procuratores, ad tractand. nobiscum de & super præmissis & ea concernentibus, ipsis tunc ibidem serius exponendis, suæque consilia & auxilia super Eis impensuri; & ad consensendum hiis quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerit ordinari; facturique ulterius, & recepturi quod præmissorum qualitas exigit & requirit: Denunciantes eisdem venerabilibus fratribus nostris ac per eos Decanis, Archidiaconis, ac cæteris Prælati, exemptis & non exemptis, nec non procuratoribus pro Capitulis Cath. Ecclesiarum, aut pro Clero, in forma prædicta Electis, quod ipsos, aut eorum aliquem, a personali comparitione in hujusmodi Convocatione excusatos seu excusatum, nullo modo habere intendimus ista vice, immo in casu quo non comparuerint modo supra dicto ipsorum qui absentes fuerint contumaciam juxta juris exigentiam canonice puniemus. Te-  
nere



nore etiam præsentium peremptorie vos citamus quod eisdem die & loco coram Nobis, vel Locum nostrum tenentibus, aut Commissariis personaliter compareatis, de & super præmissis una cum aliis Suffraganeis nostris, ut præmittitur, tractaturi, facturique & recepturi, quatenus ad vos attinet, quod superius est expressum. Vobis insuper, ut supra, injungimus & mandamus quod omnibus & singulis prælatis Ecclesiarum Exemptarum, non mendicantibus, vestrae & aliorum venerabilium fratrum nostrorum Coepiscoporum dictæ provinciæ nostræ Dioc. cujuscunque fuerint Ordinis, per vos & ipsos Confratres nostros prout vos & Unumquemque Vestrum concernit, effectualiter intimetis, ut præfatis die et loco absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, Nobiscum intersint facturi & recepturi in præmissis, & ea concernentibus, quod superius continetur. Singulis etiam venerabilibus fratribus nostris Coepiscopis & Suffraganeis nostris antedictis & Eorum Vicariis in Spiritualibus hujusmodi injungatis, seu faciatis injungi, quod singuli Eorum singillatim de facto suo quatenus pertinet ad Eosdem, Nos, seu Locum nostrum tenentes, vel Commissarios, dictis die & loco per suas literas patentes Citatorum nomina continentes, distincte certificent & aperte: Vosque pari forma Nos, vel Commissarios nostros, quatenus ad vos attinet eisdem die & loco more solito debite certificaretis Literis Vestris Patentibus habentibus hunc tenorem sigillo vestro sigillat. Dat in manerio nostro de Otteford xiv die mensis Marci Anno Domini Millesimo cccmo xxmo, Et nostre Translationis Anno Septimo.

## N U M. CXXVI.

## Mandatum pro Conovatione.

**H**enricus permissione Divina Cantuar. Archiepiscopus totius Angliæ primas, & Apostolicæ sedis Legatus Venerabili Fratri nostro Domino Johanni Dei Gratia Londoniensi Episcopo, Salutem & Fraternalam in Domino Caritatem. Magna nunc arduis & urgentibus negotiis Defensionem Fidei juriumque & libertatum Ecclesiæ Anglicanæ, nec non utilitatem Reipublicæ ac Statum & Prosperitatem Regis & Regnicolarum Ejusdem concernentibus nos impellit necessitas, Prælatos & Clerum nostræ Cantuariens. Provinciæ convocare. Fraternitati igitur Vestra committimus & mandamus quatenus omnes & singulos dictæ nostræ Cant. Ecclesiæ Suffraganeos infra nostram provinciam constitutos, & absentium Episcoporum, si qui fuerint, vicarios in Spiritualibus Generales, ac Dioecesium vacantium Custodes Spiritualitatis & Officiales, citetis seu citari faciatis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes; & alios Ecclesiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuslibet Dioc. provinciæ nostræ antedictæ citari peremptorie & præmuniri volumus & mandamus, quod iidem Episcopi, Suffraganei nostri, vicarii Generales, Decani, & Custodes sive Officiales, Abbates Priores, Archidiaconi, ac Cæteri Ecclesiarum Prælati, Exempti & non Exempti, Personaliter, & quodlibet Capitulum Ecclesiarum Cath. per unum de Capitulo Graduatam, vel magis idoneum; dictique singuli Abbates, sive Priores Conventus sub se habentes obstante impedimento legitimo per unam Religiosam personam de Conventu Graduatam, si quæ sit, seu alias per unam magis idoneam de eodem Conventu, Clerusque cujuslibet Dioc. Provinciæ antedictæ per duos procuratores Graduatos ejusdem Dioc. seu alias, si non fuerint, per duos sufficientiores & habiliores Dioc. in Eorum beneficiis realiter Residentes, compareant coram nobis aut nostris in hac parte Locum tenentibus vel Commissariis, si nos tunc (quod absit) impediri contigerit, in Ecclesia Cath. Sancti Pauli London, die lunæ prox. post dominicam qua contat. in Ecclesia Misericordias Domini, viz. xv die mensis Aprilis prox. futur. cum Continuatione & Prorogatione dierum tunc sequentium, si oporteat, & locorum; ad tractand. nobiscum de & super præmissis, & ea concernentibus, ipsis tunc ibidem serius exponendis, suaque Consilia & auxilia super eis impensuri, & ad consentiendum hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ contigerit concorditer ordinari; facturique

A. D. 1426

Registr.  
Chicheley,  
fol. lxx. a.



A. D. 1426.

facturique ulterius, & recepturi, quod justum fuerit, & quod negotiorum inibi tractandorum qualitas & natura exigunt & requirunt: Denunciantes Eisdem venerabilibus fratribus nostris, ac per eos Decanis, Archidiaconis ac cæteris Prælati, exemptis & non exemptis, nec non procuratoribus pro Capitulis Ecclesiarum Cath. aut pro Clero in forma supradicta Electis, quod ipsos aut ipsorum aliquem a personali comparitione in hujusmodi Congregatione excusatos seu excusatum nullo modo habere intendimus ista vice; immo in casu quo non comparuerint modo supradicto ipsorum qui absentes fuerint contumaciam juxta juris exigentiam canonice puniemus. Tenore etiam præsentium peremptorie vos citamus quod Eisdem die & loco coram nobis vel locum nostrum tenentibus, aut Commissar. personalit. compareatis de & super Præmissis una cum aliis Suffraganeis, ut premittitur, tractaturi, facturique & recepturi quatenus ad vos attinet prout superius continetur; præsensque mandatum nostrum quatenus vestras Civitatem & Dioc. concernit exequi per omnia faciatis. Prælati insuper non mendicantibus vestræ & Aliorum venerabilium fratrum nostrorum Coepiscoporum dictæ provinciæ diocesum, cujuscumque fuerint ordinis, per vos & confratres nostros, prout vos & unumquemque Eorum concernit, volumus intimari ut Præfatis die & loco, absque præjudicio privilegiorum suorum in hac parte quibus per hoc derogari nolumus, nobiscum intersint, facturi & recepturi in præmissis, & ea contingentibus, quod superius est expressum. Vobis etiam ut supra injungimus & mandamus quod omnibus & singulis venerabilibus fratribus nostris Coepiscopis & Suffraganeis antedictis vicariisque in Spiritualibus ac Diocesum vacancium Custodibus Spiritualitatis injungatis, seu faciatis injungi, quod singuli Eorum singillatim de facto suo quatenus pertinet ad Eosdem, Nos, seu Locum nostrum Tenentes vel Commissarios dictis die & loco per Literas Eorum patentes tenorem præsentium, ac etiam Citatorum nomina continentes, distincte certificent, ut est moris: vosque pari forma, Nos vel Commissarios nostros, quatenus ad vos attinet, eisdem die & loco more solito debite certificare curetis litteris vestris patentibus habentibus hunc tenorem. Dat. in Hospitio nostro Leicestriæ xix die mensis Martii, Anno Domini Millesimo cccmo xxvto. Et nostræ Translationis Anno Duodecimo.

## N U M. CXXVII.

Recommendatio Magistri Willielmi Lyndewode utriusque Juris Doctoris, ad Ecclesiam Herfordensem, in Eventu fiendæ Cessionis, &c.

A. D. 1438.

Ex Epistol.  
Tho. de Bekyn-  
tona. in Bibl.  
Lambeth.  
num. cxxi.  
fol. i.

Post Recommendationes obnixas, ac Pedum Oscula beatorum, Patrum Beatissime: Intelligi nobis datum est quod Reverendus in Christo Pater Thomas Herfordens. Episcopus jam annosus ac Senio & nimia Corporis debilitate fractus, implorata primitus & Obtenta in ea parte Apostolicæ sedis Gratia, deliberavit, & secum conclusit, in brevi Pastoralis Officii cedere Dignitati; Et reliqua deinceps, extremaque Vivendi tempora, sub Observantia monasticæ Vitæ, & Sanctæ Contemplationis Ocio consummare. Et cum Nobis jam desiderium ingens sit, & Cura non facilis, ut Herfordensi Ecclesiæ, quæ in Regni nostri Angliæ confinio, & inter Populos non parum natura feroces ac indomitos sita consistit, migrante Venerabili Patre prædicto, de Successore Electissimo & per Omnia Laudabilium ac Insignium meritorum per Sanctitatem Vestram, quam id ipsum sapere non ambigimus, Sancta & tam Deo quam Hominibus Chara, acceptaque nimis fiat prociti, en cum ad plurimos Regni nostri Valentes, probos, Scientificosque Viros Oculos convertissemus, tum demum ad Egregia, & maxima laude digna, Virtutes & Morita Egregii & sincere nobis dilecti Clerici & Consilarii nostri Magistri Willielmi Lyndewode, Utriusque Juris Doctoris, Custodis Privati Sigilli nostri, lumina deflecentes, Ipsum utique non secus quam ut Virum Eminentioris Scientiæ, probatæque per Omnia, & Mundissimæ Vitæ, magnique Consilii & Experientiæ in Agendis, Virum denique ita Castum, Humilem, & Modestum, ac inflexibiliter ubi opus sit, Justum, ut locorum quocunque pervenerit Omnia Vitæ propriæ integritate Purificet; Quemque ab Ambitu eatenus sepositum Scimus ut malit nunquam, quam vel suis usquam Precibus, aut Opera ad hoc data sua, seu precio Cujusquam Ordinari Antistes: Ipsum, inquam, ut Summe meritum, & præfatæ Herfordensi Ecclesiæ, ac dispensationi Ejusdem,



Ejusdem, attenta temporum & locorum malitia, non modo accommodum & utilem, sed valde pernecessarium, non absque Dei inspiratione, uti speramus, favoribus Apostolicis duximus Commendandum. Ipsum igitur Beatissime ac Benignissime Pater, humiliter ac devotissime Supplicamus, non tam sui, quam dictæ Ecclesiæ Gratia, ut in Ea prodesse magis, quam præesse queat; Dignetur Beatitudo Vestra in Eventum fiendæ Cessionis de qua Supra meminimus, gratiose ac favorabiliter suscipere Recommisum. In hoc, Beatissime Pater, rem magni apud Deum meriti, & laudis apud Homines immensæ, penes Nos vero Gratulationis & Complacentiæ Singularis, & generaliter Rem Omnibus propitiam & gratulabundam, operabitur Apostolica Celsitudo. Quam diu & sæliciter præservet & muniat Æternus Ecclesiæ Sponsus & Pontifex, Jesus Christus. Script. in Palatio nostro apud Westmonasterium juxta Civitatem nostram London, duodecimo die Julii, Anno Domini Mccccxxxviii. Et Regnorum nostrorum Sexto decimo.

A. D. 1438.

N U M. CXXVIII.

Procuratorium pro Convocat. Feb. 7. 1508.

**P**ateat Universis per Præsentes quod nos Capitulum Ecclesiæ Metropolitice B. Petri Ebor. dilectos nobis in Christo Ven. Viros, A. B. &c. nostros veros legitimos & indubitatos Procuratores Excusatores & Nuncios, speciales Conjunctim & divisim, Ordinamus facimus & Constituimus per præsentes: Ad comparand. coram Reverendissimo in Christo Patre & Domino Domino Christo-phero Dei Gratia Ebor. Archiepiscopo Angliæ primate & Apostolicæ sedis legato, Ejusve Locum-tenente, aut Commissario seu Commissariis quibuscunque in Convocatione Cleri Dioc' & Provinciæ Ebor. in Ecclesia Metropolitana Ebor. prædict. die Mercurii, viz. 7 die Febr. prox. futur. post Dat. præsentium, cum continuatione & prorogatione dierum, si oporteat, sequentium, & locorum celebrand. Ad tractand. coram Eodem Reverendissimo Patre ejusve Locum tenente, aut Commissario seu Commissariis, ac Cæteris Prælati ac Cleri procuratoribus, tunc præsentibus, de & super hiis quæ præfatum Dominum Archiepiscopum, statumque, Libertatem, & Honorem Ecclesiæ Metropolitice prædictæ, ibidem exponi contigerit, Concernent. suumque sanum Consilium impendend. Concordand. etiam Consentiend. & Concludend. & si opus fuerit Dissentiend. super hiis quæ tunc ibidem de Communi Consilio & Assensu dictorum Prælatorum & Procuratorum, divina favente Clementia, salubriter contigerit Ordinari. Ratum, Gratum, & Firmum habentes & habituri quicquid dicti Procuratores nostri, nomine nostro fecerint in præmissis. In cujus, &c. Dat. ultimo die Januar. Anno Domini 1508.

A. D. 1508.

E Registro  
Dec. & Capit.  
Ebor. ab An-  
no 1504.  
fol. 32, 33.

N U M. CXXIX.

Commissio ad Colligend. primæ Decima duarum Decimarum  
secundam Medietatem.

**C**arolus permissione Divina Herefordens. Episcopus Dilecto nobis in Christo Priori & Convent. De Wenlock nostræ Dioc. Salutem Gratiam & Benedictionem. Cum nos virtute brevis Regii cujus Dat. est apud Westm. xv die mensis Junii Prædict. Domini nostri Regis Anno nono nobis transmissi ad assignandum, & deputandum, aliquos viros fidedignos nostræ Dioc. pro levatione & collectione duarum Decimarum eidem Domino nostro Regi a Prelatis & Clero Cant. Provinciæ in ultima Convocatione sive sacra Synodo Provinciali Prælatorum & Cleri hujusmodi in Ecclesia Cathedrali divi Pauli London, xxii die mensis Junii Anno Domini Milleesimo quingentesimo xiv inchoata Ac usque ad & in xxmum diem mensis Decembris Anno Domini prox. sequent. extunc de diebus in dies continuat. & prorogat. pro conservatione & defensione hujus incliti regni Angliæ & Ecclesiæ Anglicanæ, ac aliis Considerationibus, sub certis modis, formis, Conditionibus, Provisionibus, & Exceptionibus, concessarum & de

A. D. 1514.

E Registr.  
Car. Bothe.  
Heref. Episc.  
fol. xxvi, xxvii.



A. D. 1514. quibuscumque beneficiis & possessionibus Ecclesiasticis, taxatis & non taxatis, & ad Decimam solvere consueveritis etiam de quibus cunque beneficiis & possessionibus Ecclesiasticis prioratum alienigenarum in quorumcunque manibus Ecclesiasticorum, seu sæcularium virorum existent, solvend. vos ad levand. & colligend. primam Decimam dictarum duarum Decimarum, & utramque medietatem ejusdem unam viz. & primam medietatem ejusdem levand. colligend. & solvend. in Festo Sancti Michaelis Archangeli Anno Domini Millesimo quingentesimo xviii instant. de beneficiis & possessionibus Ecclesiasticis supradictis infra Archidiaconatum Salop. Collectorem deputavimus, prout in prioribus literis nostris tenorem plenum dict. brevis in se continent. vobis transmissis evidenter liquet; vobis igitur mandamus quatenus præfatam secundam Medietatem dictæ primæ Decimæ levare ut præfertur & colligere curetis, & de dicta medietate Domino nostro Regi ad Festum Sancti Michaelis Archangeli prox pro solutione Eiusdem, medietatis limitat. fideliter respondeatis: Ita tamen quod de beneficiis & possessionibus Ecclesiasticis tam in dicto brevi regio specificatis quæ a solutione antedictarum Decimarum & cujuslibet medietatis sive partis Earundem in Concessione ipsarum excipiuntur quamque etiam in Scheda præsentibus annex. expressis quæ a solutione secundæ medietatis dictæ primæ decimæ ex causis in concessione notatis & specificatis excusantur, exonerantur, ac nostro Certificatorio relinquuntur, nichil exigatis, levetis, aut colligatis: Ceteraque omnia & singula faciatis expediatisque juxta memorati brevis Regii tenorem, vim, formam, & effectum; In cujus rei testimonium sigillum nostrum præsentibus est appensum. Dat. apud Ludlow xxiii die mensis Junii Anno Domini Millesimo quingentesimo xviii. Et nostre Conf. Anno Secundo.

## N U M. CXXX.

## Mandatum pro Concilio Prov. Ebor. 22 Jan. 1514.

A. D. 1514.  
Registr. Dec.  
& Capit Ebor.  
fol. 71. a.

**T**homas permissione Divina Ebor. Archiepiscopus Angliæ Primas, & Apostolicæ sedis Legatus, dilectis in Christo Filiis Decano & Capitulo Eiusdem, salutem, Gratiam & Benedictionem. Quia propter quædam ardua & urgentia Negotia, Nos, statum, libertatem, & honorem Ecclesiæ nostræ Metropolitice Ebor. concernentia Prælatos & Clerum nostrarum Civitatis Dioceseos & Provinciæ Ebor. decrevimus Convocare, ut super præmissis, & ea concernentibus ad Dei Laudem, morum Reformationem, & Vitiorum Extirpationem, ipsiusque Ecclesiæ nostræ, status, libertatis, dignitatis & honoris Conservationem, Concilium cum Eisdem Prælati & Clero habere possimus & tractatum; Quocirca tenore præsentium, peremptorie vos citamus, & per vos Canonicos & Confratres vestros Absentes, sic citari volumus & mandamus, quod vos Decane antedictæ personaliter, dictumque Capitulum per Unum, & Clerus Jurisdictionis ejusdem per duos Procuratores sufficientes & idoneos, ab ipsis Capitulo & Clero deputatos, Compareatis, & compareat Quilibet Eorundem coram Nobis, aut Nostris Locum-tenentibus, Commissariis, aut Commissario, Pluribus aut Uno, in hac parte deputat. aut deputandum in Ecclesia nostra Metropolitica Ebor. prædict. die Lunæ, viz. xxii die mensis Januarii, prox. fut. post Dat. præsentium, cum continuatione & prorogatione dierum tunc sequent' si oporteat, & locorum, ad tractand. consentiend. & concludend. super præmissis, & aliis præmissa Concernentibus, vobis & ipsis tunc ibidem seriose exponendis, vestraque & sua sana Consilia in hac parte impensuri, facturique ulterius & recepturi quod ipsum proinde Concilium divina favente Gratia duxerit concorditer Ordinandum tunc ibidem. De die vero receptionis præsentium, & qualiter hoc præsens Mandatum nostrum fueritis executi, nec non de nominibus per vos in hac parte citand. nos, aut nostrum locum tenent. Commissarios aut Commissarium prædict. citra diem xxii dict. mens. Januarii, distincte & aperte Certificetis, per Literas vestras patentes harum seriem continentes Dat. nostro sub sigillo in hospitio nostro prope Westm. xii die Mens. Nov. Anno Domini, M. D. xiv. & nostræ Translat. Anno primo.



## N U M. CXXXI.

## Mandatum pro Continuatione Convocationis.

**W**illielmus permissione Divina Cant. Archiepiscopus totius Angliæ Pri- A. D. 1515.  
 mas, &c. Ven. Confratri nostro Ricardo, &c. Inchoata nuper Sancta E Regist.  
 Synodo Provinciali sive Convocatione Prælatorum & Cleri nostræ Cant. Pro- Sylvester.  
 vinciæ in Ecclesia Cathedrali Sancti Pauli London, die, viz. xxii mensis Junii Episc. Wigorn.  
 ult. preteriti, & aliquandiu de diebus in dies continuata, non nulla inibi nego- fol. 141.  
 tia & materias utilitatem, honorem, & defensionem Universalis Ecclesiæ, &  
 præsertim Ecclesiæ Anglicanæ, & libertates Eccles. concernentia exposita  
 tractata & communicata fuere, quorum quædam propter eorum arduum  
 pretextu absentia quorundam Suffraganeorum nostrorum ac Prælatorum & Cleri  
 hujus modi Procuratorum nec non & aliorum de Clero nostræ Provinciæ Præ-  
 dictæ Magnæ literaturæ providorum, qui in dicta Synodo Provinciali sive Con-  
 vocatione interesse & personaliter juxta & secundum monitiones & Citationes  
 alias per nos, & nostra autoritate eis in hac parte legitime factas Comparuisse  
 debuissent, & alias Causas legitimas Coram nobis per Clerum prædictum tunc  
 & ibidem allegat. Expediri non poterant, sed remanserunt, prout adhuc rema-  
 nent, inexpedita & indeterminata: Unde quamvis contra dictos absentes ac-  
 ter procedere, & eorum Contumaciam legitime punire nec non Procuratoria  
 non Personaliter juxta Monitiones prædictas Comparentium insolita & insuffi-  
 cientia pronuciare potuissemus, de Consensu tamen Confratrum meorum ad tunc  
 nobis in ea parte assidentium, alias contra ipsos procedendum decrevimus; &  
 ne (quod absit) negotia tam ardua & materiæ in grave damnum & præjudicium  
 Ecclesiæ Universalis & Angliæ Ecclesiæ transeant & remaneant inexpedita &  
 indeterminata, sed ut majori habita maturitate eo facilius & celerius terminen-  
 tur quo plurium sapientum ac proborum fulciantur autoritate & Consensu ip-  
 sam Sanctam Synodum Provinciale sive Cleri Convocationem usque ad & in  
 diem Martis, viz. xiii diem Mensis Novembris proxime futur. de consilio & as-  
 sensu Confratrum nostrorum, ac Prælatorum, ac Cleri antedicti, duximus Con-  
 tinuandam & prorogandam, prout de facto prorogavimus & continuavimus tunc  
 & ibidem præfatos Suffraganeos nostros ac Prælatos & Clerum ac alios viros  
 providos Provinciæ nostræ antedictæ modo & forma subscriptis, ac ad effectum  
 infra scriptum autoritate Convocationis prædictæ denuo præmunientes & citan-  
 dos fore decrevimus ac decernimus per præsentis: Vestræ igitur fraternitati  
 committimus & mandamus firmiter injungendo quatenus prorogationem & Con-  
 tinuationem nostras prædict. debite publicando omnes & singulos Episcopos Suf-  
 fraganeos nostros in Provincia nostra Cant. prædicta Constitutos, & absentium  
 Episcoporum & Dioc. Vacantium Vicarios in Spiritualibus Generales præmu-  
 niatis & ex abundanti peremptorie Citetis, & per Eos prout Consuetum, & ad  
 eosdem pertinet, Decanos & Priores Ecclesiarum Cathedralium & singula Capi-  
 tula earundem, Archidiaconos, Abbates, & Priores sub se Conventus habentes,  
 & alios Ecclesiarum Prælatos exemptos & non exemptos Clerumque cujuscumque  
 Dioces Provinciæ antedictæ citari & præmuniri volumus & mandamus, quos  
 nos etiam tenore præsentium sic Citamus, quod ipsi omnes Venerabiles Fratres  
 nostri Episcopi Suffraganei, Vicarii Generales (si qui sint) Decani Archidia-  
 conique ac Abbates & Priores, & aliarum Ecclesiarum Prælati exempti & non  
 exempti, & quilibet Eorum, cessante omni excusatione affectata & quacunque  
 legitime absentandi per nos alias Concessione non obstante personaliter & me-  
 liori quo poterint suffulti consilio, Capitulum vero Ecclesiarum Cathedralium  
 per unum ad minus fide dignum sufficienter literatum, providum & discre-  
 tum; Clerusque cujuscumque Dioces. per duos Consimiles Procuratores Compa-  
 reant Coram nobis aut nostris in hac parte locum tenentibus vel Commissariis, si  
 nos tunc impediri (quod absit) vel abesse contigerit, in Domo Capitulari in  
 Ecclesia Cathedrali S. Pauli London prædicta dicto xiii die mensis Novembris  
 proxime futuro, cum Continuatione & Prorogatione dierum tunc sequentium si  
 oporteat & locorum, una nobiscum in dicta Convocatione sive sacra Syno-  
 do Provinciali processuri, visuri & audituri tractaturi & sua sana Consilia  
 & Auxilia super præmissis & aliis præmissa Concernent. Impensuri, Commu-  
 nicaturi ulteriusque facturi & Recepturi quod justum fuerit & negotiorum  
 inibi



A. D. 1515.

inibi tractandorum qualitas & natura exigent & requirent. Denunciantes eisdem Ven. Fratribus nostris & Vicariis in Spiritualibus, Decanis, Archidiaconis Abbatibus Prioribus & cæteris Ecclesiasticis Prælatibus exemptis & non exemptis atque Procuratoribus pro Capitulis Ecclesiarum Cath. & pro Clero in forma Supradicta electis quod ipsos & eorum aliquem ista Vice nullo modo Nisi ex causa legitima & probabili coram Nobis sufficienter alleganda & probanda habebimus excusatos vel excusatum; Immo in casu quo non Comparuerint modo & forma supradictis acriori modo quo poterimus procedere & absentes punire intendimus prout justum fuerit in hac parte. Tenore in super præsentium peremptorie vos citamus quatenus Eisdem die & loco coram nobis seu locum nostrum tenentibus, & Commissariis nostris modo & forma præmissis Compareatis præsensque nostrum mandatum quatenus Vos ac Civitatem & Dioces. vestras London concernit modo & forma superius expressatis exequi per omnia faciatis; & quid feceritis, & quid dicti Suffraganei nostri fecerint in præmissis, nos seu locum nostrum tenent. vel Commissarios dictis die & loco debite certificare curetis per vestras, singulique confratres nostri sic curent certificare per suas literas Patent harum seriem, modumque & formam Executionis eorundem una cum Schedulis vestris Citatorum nomina Continent vestris & eorum literis Certificatoriis annectendis authentice sigillatis. Dat. apud Lamehith quoad sigillationem præsentium ultimo die Mensis Maii, Anno Domini 1515. & nostræ Translationis Anno 12º.

## N U M. CXXXII.

Literæ Legati Missæ Cant. Archiepiscopo ne celebret Generale Concilium.

A. D. 1518.

Registr. Car.  
Bothe. Heref.  
f. l. xxxvii.

**M**Y Lorde after Right hertye commendacyons: This day to my no lytle mer-vaile I have seyn the Cope of suche Monitions as ye have directed to your Suffraganes commanding them by the same to Repaire to Lamebyth where ye intende to kepe a generail Counsaile with them for the Reformacyon of dyverse greate enormities expressed in your saide monicyons and committed through your Province Alleging that the rather ye be moved so to do forasmuche as it hath pleas'd the Kings grace like a noble and vertuose Prince to move you therunto. My Lorde albeit such and many other things as be specially expressed in your said monicyons be to be reformed generally through the Church of England as well in my province, as in your, And that being Legate a latere to me chye fly it apperteyneth to se the Reformacyon of the Premysis though hyderto nor in tyme coming I have ne wolle execute any Juryisdiction as Legate a latere but only as shall stande with the Kings pleasure, yet assured I am that his grace wolle not I shulde be so lytle esteemed that ye shulde interpryse the sayde Reformacyon to the expresse derogacyon of the said dignitee of the See Apostolike, And otherwise then the Law wolle suffre you, without myne advyse, consent, and knowlege; Nor ye had no such commaundement of his Grace but expressly to the contrary: And that well appered wher his Grace and Highnes Willed you to Repaire to me at Grenewiche syttyng in adminystracyon of Divines in the Quere; At whiche tyme I appoynted to have specyall communicacyon with you aparte, Affor any Monicyons shulde be sente furthe. Wherefore my Lorde sythens ye have don otherwise than was aggreide at that tyme and the King commanded you, Necessary it shalbe that furthwith ye Repaire to me as well to be lerned of the consyderacyons which moved you thus to do besydes my knowledge as also to have communicacyon with you for dyverse things concernyng your Person and Declaracyon of the same of the Kings Pleasure further as at this tyme it shall not be moche incommodyous unto you thus to come to me forasmuche as I intende to lie at Richemount viii or x days from whens your place of Mortelake is not ferr dystaunt Wher ye may for the time right easely And plesauntly be logged and We bothe withe lytle payne often Repaire togyther as the Case shall Requyre: And thus hartely fare ye well/ From my House of Yourke, &c.

N U M.



## N U M. CXXXIII.

Literæ Legati a latere missæ Episcopo Hereford. ad interessendum Concilio apud Ecclesiam Westm. Celebrando.

**R**everende in Christo frater plurimam salutem ac perpetuum bonorum omnium incrementum. Quoniam ob perspectam fidem præcipuamque nostram erga Sanctitatem suam Apostolicamque sedem observantiam Sanctissimus D. N. aliorum Reverendissimorum Cardinalum cætu & concilio ita maxime adnuente, Legationis honore nos, licet immeritos, Decorare dignatus est; Ne tam sublime fidei diligentiaque nostræ creditum munus usque quaque indigne gerere, fastigioque tam excelso appellatione solummodo frui videamur, consilia, cogitationes, vigiliasque omnes nostras eo intendimus, ut juxta nobis commissam Authoritatem suæ beatitudini Devotionem nostram comprobare, rem toti Christianitati perutilem Deoque altissimo acceptam facere, ac demum hujus incliti Regni Ecclesiæ imprimis prodesse queamus. Ad quod sane egregium opus absolvendum vestræ fraternitatis consilio plurimum inniti statuimus. Quam ob rem veluti Ecclesiæ membrum eam hiis literis studiose Rogamus & hortamur ut proxima die Lunæ post festum Cinerum ad sacras divi Petri Westmon' Aedes, ubi confessui habendo que concilio locum præscripsimus, convenire atque adesse non gravetur, quo de hiis quæ in Clero Reformanda, quæque ad nostræ fidei augmentum spectare Censuerimus, commodius atque salubrius in commune consultari possit. Nostris igitur literis vestram fraternitatem Denuo rogamus ut omni mora aliisque Excusationibus post habitis, ad præscriptum tempus illuc accedere velit; nihil ambigentes presentes literas tantum perinde ponderis apud Eam habituras ac si monitoria alia nostra ad ipsam misissemus. Super quibus omnibus vestræ Fraternitatis Sententiam atque Responsum quanto brevius fieri potest expectamus: Et bene valete. Ex nostris Aedibus apud Westmon' die ultimo Decembris.

*Vester tanquam frater T. Car'lis Ebor'*

## N U M. CXXXIV.

Prorogatio Concilii Episcoporum per Legatum.

**R**everende in Christo noster tanquam frater amantissime, salutem & Since-  
ram in Domino Dilectionem, Etsi quum novissime pro Cleri Reformatione una cum vestra paternitate, cæterisque Reverendis Confratribus hujus Regni præsulibus in Aedibus nostris simul Omnes convenissemus, dies in crastino Nativitatis beatæ Mariæ Virginis ad bonum istud opus Absolvendum prescripta fuerit; Quoniam tamen iniquam pestem per unversam Londoniensem Civitatem, loca que illi adjacentia nunc maxime sævire intelligimus, adeo ut ad præfixum tempus non absque magno personæ nostræ nostrorumque ac vestrorum familiarium discrimine convenire possimus: Nec præterea a Religiosis super Capitulis quæ illis subeunda proposuimus quid agere decreverint certiores adhuc facti sumus; hanc ob causam, tum etiam ut grassantem pestem pro Viribus declinemus; Convocationem istam ad primum diem Lunæ post festum Cinerum prox' futur' differre Statuimus, ea tempora salubriora esse judicantes & conficiendis hiis quæ ad Laudem Dei & Christianæ Religionis dignitatem per petuamque omnium nostrum gloriam tractare incepimus aptiora. Vestram igitur paternitatem in Domino monemus & hortamur ut ad præfatum diem Lunæ sic omnino adesse velit, ac interim diligenter Articulos pro Cleri Reformatione conceptos in sua diocesi exequi non gravetur, ut ad suum huc adventum quid boni illic egerit nobis cumulatius referre possit: Quæ bene valeat. Ex nostris Aedibus die xxi Augusti M. D. xviii.

*Vester tanquam frater T. Car'lis Eborum.*

*Reverendo in Christo patri domino Episcopo Hereforden. nostro tanquam fratri Charissimo*



NUM. CXXXV.

Commissio ad monendum Clerum quod Compareant, &c. ad Synodum  
Celebrandam, &c. Super quibusdam Articulis.

Registr. Car.  
Bothe Heref.  
fo xliii.

**C**arolus permissione divina Herefordensis Episcopus, Dilecto nobis in Christo filio Magistro Willielmo Webbe Archidiacono nostro Hereford' Salutem Gratiam & Benedictionem. Cum ad regimen Ecclesie Christi, Divina disponente Clementia, Vocatis, inter alia pro commissorum subditorum votiva delectione nihil occurrit praestantius quam Ipsorum curam solícite exercere; ne igitur gregis nostri custodiam ad instar Mercenarii negligere videamur, vigilantí sollicitudine assidue Errata corrigere, aspera & devia in plana & directa convertere, commissoque nobis populo salutis incrementa minis trare, & circa reformandos in Clero mores & actus, prout nobis ex alto committitur, solertius intendere meditamur. Quod facilius ad effectum perducemus si Sanctorum patrum monita & decreta ad vitiorum extirpationem sanctaeque matris Ecclesiae honorem & utilitatem tam consulte quam sabubriter edita Executioni debitae demandare curaverimus. Cui nunc efficacibus Studiis & promptis operibus intendere decrevimus: verum quoniam (ut sacrae attestantur leges & canones) Integrum est Judicium quod plurimorum sententiis confirmatur non per nos solum praecipites, & nostrae prudentiae innitendo; sed cum prudentum consilio, ac totius nostri Cleri assistentia ad praemissa procedendum fore decrevimus. Ipsosque de Clero omnes, & cujuscunque gradus, status, vel dignitatis ad Synodum nostram in domo Capitulari Ecclesiae nostrae Cath' die infra script' per nos inchoand' tenend' & celebrand' cum continuatione & prorogatione dierum ex tunc sequentium & locorum, si oporteat, ad nobiscum de & super arduis causis & negotiis, ac praesertim quibusdam Articulis a Reverendissimo in Christo patre & Domino Domino Thoma miseratione Divina tituli sanctae Ceciliae Sacrosanctae Romanae Ecclesiae presbitero Cardinali, Archiepiscopo Eborum, etiam sanctissimi Domini nostri Papae Legato a latere, nobis in Concilio Episcoporum Cant' & Ebor' Provinc' simul apud Westmon' nuperime celebrat' tradit' ac per Nos Clero nostrae Dioc' publicand' & declarand' honorem & utilitatem Ecclesiae concernentia procedend' tractand' communicand' consentiend' & concludend' citandos monendosque & vocandos fore decrevimus. Quocirca tenore praesentium peremptorie vos citamus & monemus, ac per vos Omnes & Singulos vestri Archidiaconatus Rectores, Portionarios, Vicarios perpetuos, Cantaristas, Stipendiarios, & Sacerdotes quoscunque citari & moneri volumus & mandamus, quos nos etiam tenore praesentium sic citamus & monemus, quatenus compareatis & compareant Eorum omnes & singuli coram nobis die Jovis quinto die mensis Maii prox' futur' in domo Capitulari antedicta, cum continuatione & prorogatione dierum tunc sequentium, si oporteat, & locorum, in Synodo antedicta, de & super Causis supradictis, & Articulis ac aliis tunc & ibidem exponendis, honorem & utilitatem Ecclesiae concernent. ut premittitur, tractaturi, processuri, consilium assensum & consensum impensuri, Monitiones, Injunctiones, & Mandata canonica subituri, Ipsi in omnibus & singulis quatenus vos, & ipsos, & eorum quemlibet concernunt pariter Intimantes, vobis & Eisdem sic citatis monitis & vocatis, quod si in dicta Synodo comparere neglexeritis, neglexerint, aut eorum aliquis neglexerit, Nos tamen vna cum tunc praesentibus ad publicationem & executionem dictorum Articulorum, & Aliorum tunc ibidem exponend' decisionem & finalem determinationem procedemus prout de Jure fuerit procedendum, vestra seu Eorum absentia sive contumacia, in aliquo non obstante. Nec vos aut eorum aliquem ulterius vocare intendimus etiam si hujusmodi terminum continuari aut prorogari contigerit: Et quid in praemissis feceritis, Nos dictis die & loco per vestras literas patentes, harum seriem & singularum personarum per vos in hac parte nomina citat. in se continent' Autentice sigillat' Certificare curetis. Dat. Herefordiae xxvi die mensis Aprilis, Anno Domini Millesimo quingentesimo xix. Et nostrae Cons' Anno tertio.

Certifica-



## Certificatorium Citat. ad Comparendum in Synodo.

**R**everendo in Christo patri ac Domino Domino Carolo permissione Divina Fol. xliii. b.  
 Herefordens' Episcopo ; vester humilis & devotus Willielmus Webbe Archidiaconus Hereford. Reverentiam Omnimodam & obedientiam tanto patri debitam cum honore. Mandatum vestrum Reverend' pro Convocatione Cleri Archidiaconatus mei Hereford' ad Synodum vestram in domo Capitulari Ecclesiæ vestræ Cath' Herefordiæ quinto die Maii inchoand' cum ea qua decuit Reverentia xxvii die mensis Aprilis Recepi in hec Verba, Carolus permissione divina, &c. Et nostræ Cons' Anno tertio. Quarum Literarum vestrarum Reverend. vigore & auctoritate omnes & singulos Ecclesiarum Rectores, Portionarios, Vicarios perpetuos, Cantaristas, Stipendiarios & Sacerdotes alios quoscunque Archidiaconatus mei prædicti quos tam arcto temporis intervallo per me, aut Officialem meum, & Apparitores apprehendere, aut quoquo alio modo citare & præmonere potui, debita & exacta impensa ex parte mea diligentia peremptorie citavi & citari feci & moneri, quod comparent & eorum quilibet compareret coram paternitate vestra, tempore & loco in dictis literis vestris limit' ad ea faciend' que tenor & qualitas ejusdem mandat' vestr' in se exigunt & Requirit, Intimavimus, &c. ut supra. Et sic mandat' vestrum Reverend' juxta vim, formam & effectum ejusdem, in omnibus quatinus in possibili fuit humiliter sum Executus. Nomina vero omnium & singulorum in dict. Archidiaconatu meo, ut præmittitur, citat' in Scedula præsentibus annexa describuntur. In cujus Rei Testimonium Sigillum Archidiaconatus mei prædict' præsentibus apponi feci, Dat' Hereford' Quarto die mensis Maii Anno Domini Millesimo quingentesimo Decimo nono.

Die loco & anno præscriptis, emanarunt consimiles literæ mutatis mutandis, Decano Ecclesiæ Cath' Hereford' ad citandum & monendum, seu citari & moneri faciend' omnes dict' Ecclesiæ in Dignitate constitut' & præbendar' vicariosque Chorales & Cantaristas In eadem: nec non omnes Rectores proprietar' Vicarios perpetuos, Cantaristas, Cæterosque Capellanos quoscunque Civitatis & Jurisdictionis Decanalis Hereford' quod compareant Die & loco supradictis in literis limitatis ad faciend' juxta vim, formam, tenorem, & effectum earundum literarum, & de nominibus in hac parte citat. debit. per suas literas, Die & loco perscriptis autentice sigillat. certificavit ac penes Registrarium & Act' dimisit, &c.

Acta in dicta Convocatione sive sacra Synodo Prælatorum & Cleri Civitatis, Decanatus, & Archidiaconatus Hereford' celebrat' in Ecclesia Cath' Hereford' Quinto die mensis Maii Anno Domini Millesimo quingentesimo xix.

**D**ecantata primo Missa de Spiritu Sancto ad summum sive autenticum altare in Choro Ecclesiæ Cath' antedictæ, & percantatis Letaniis a Clero antedict' de Ecclesia Cath' Prædict' in Processione generali per Civitatem progredient' & ad Ecclesia Cath' reversis, ibique subsecut' inclinat' & Orationibus in Synod' dici solitis perlectum est Evangelium *Designavit*, cum decantatione hymni Veni Creator, factaque collatione Clero, ad domum Capitularem progressum est, ibique certificat' Domino de nominibus citat' & præmonitorum, tam per Decanum in Civitate & Decanatu, quam per Archidiaconum in Archidiaconatu Hereford' per literas Dict' Decani & Archidiaconi patentes ; Venerabilis vir Magister Willielmus Burghill Decretorum Doctor Thesaurarius Ecclesiæ Cath' antedict' & Consistorii Episcopalis ejusdem Officialis, Auctoritate & Mandato memorat' Reverend' in Christo patris & Domini Domini Caroli permissione divina Hereford' Episcopi tunc & ibidem personaliter constituti & presentis quædam Capitula Articulos sive quasdam Constitutiones ( de quibus patebit inferius ) a Reverendissimo in Christo Patre & Domino Domino Thoma miseratione divina tituli sanctæ Cæcilie sacrosanctæ Romanæ Ecclesiæ Presbytero Cardinali, Archiepiscopo Eborum sanctissimi Domini nostri Papæ Legato a latere, in Concilio Episcoporum Cant' & Eborum Provinc' simul apud Westm. celebrat' tradit' & Clero publicand' & declarand' honorem & utilitatem



tem Ecclesiæ vitam honesta temque Clericorum, habituum morumque Eorund Reformationem concernentia publicavit & declaravit; sicque Continuata est dict' Synodus usque ad horam tertiam post meridiem ejusdem diei, & ad domum capitularem antedict' facta monitione quod omnes & singuli citati tunc & ibidem intersint, Nullusque illicentiatus a Synodo Recedat. Quibus loco & tempore qui prius intererant ibidem Convocatis, Quibusdam capitulis sive Articulis precipuis de habitu Clericorum, de que vita Moribusque Ordinandorum in vulgari, pro faciliiori & uberiori Eorundem intellectu, per memoratum venerabilem virum Magistrum Willielmum Burghill expositis & publicatis, ad quædam alia Capitula & Articulos prælatos tangentia, & ad publicationem Eorundem progressus, Eadem perlegit & publicavit, & copiam sive Exemplar dict' Articulorum sive Capitulorum quibuscunque petentibus fiend' & tradend' fore decrevit dict' Reverendus in Christo Pater; omnesque proprietarios, sive Ecclesias appropriatas in sua Dioc' habentes citat' preconizat' & nullo modo comparentes pronunciavit contumaces, pœna contumaciarum hujusmodi usque horam nonam sequentis diei Reservata, & comparitionem præsentium & comparientium Ratificand' & Approband'; prestita benedictione sua solemni, hujusmodi Synodum explevit finivit & Ordinari' auctoritate dissolvit.

## N U M. CXXXVI.

## Mandatum pro Convocatione Ex Orig' Episc' Lincoln.

A. D. 1523.

**W**illielmus permissione Divina Cant' Archiepiscopus totius Angliæ Primas, & Apostolicæ sedis Legatus, Venerabili Fratri nostro Domino Cuthberto Dei Gratia London Episcopo salutem & Fraternali in Domino Caritatem. Literas Domini nostri Regis, sigillo suo sigillatas, nuper recepimus in hæc verba. Henricus viii. Dei Gratia Angliæ & Franciæ Rex, Fidei Defensor, & Dominus Hiberniæ, Reuerendissimo in Christo Patri Willielmo eadem Gratia Archiepiscopo Cant' totius Angliæ Primati, Salutem. Quibusdam arduis & urgentibus negotiis, Nos securitatem & Defensionem Ecclesiæ Anglicanæ, ac Pacem Tranquillitatem Bonum publicum & Defensionem Regni nostri, & Subditorum nostrorum concercentibus, vobis in fide & dilectione quibus nobis tenemini Rogando Mandamus, quatenus Præmissis debito intuitu attentis & ponderatis, Universos & Singulos Episcopos vestræ Provinciæ, ac Decanos & Priores Ecclesiarum Cath' Abbates & Priores & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Dioc' Eiusdem Provinciæ, ad Comparend. coram nobis in Ecclesia S. Pauli Lond' vel alibi, prout melius expedire videritis, cum Omni Celecitatem accommoda modo debito Convocari faciatis, ad tractand' consentiend' & concludend' super præmissis & aliis quæ sibi clarius exponentur tunc ibidem ex parte nostra: Et hoc sicut nos, & Statum regni nostri, ac Honorem & Utilitatem Ecclesiæ prædictæ diligitis, nullatenus omittatis. Teste meipso apud Westmon' sexto Februar' Anno Regni nostri xiv. Quocirca Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos dictæ Ecclesiæ nostræ Cant' Suffraganeos infra dictam nostram Provinciam Cant' constitutos, ac absentium Episcoporum & Diocesum vacantium Vicarios in spiritualibus Generales citetis peremptorie, ac per eos Decanos, ac Priores Ecclesiarum Cath' ac singula Capitula Earundem, Archidiaconos, Abbates, Priores, Conventus sub se habentes, & alios Ecclesiarum Prælatos Exemptos & non exemptos, Clerumque cujuslibet Dioc' Provinciæ nostræ antedictæ Citari peremptorie & præmuniri volumus & mandamus, Quod iidem Episcopi Suffraganei, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, ac cæteri Ecclesiarum Prælati, Exempti & non Exempti, personaliter; & quodlibet Capitulum Ecclesiarum Cath' per Unum; Clerusque cujuslibet Dioc' Provinciæ antedictæ per duos sufficientes Procuratores habentes Auctoritatem Potestatem & Mandatum sufficient' Continuationi & Prorogationi dierum extunc sequentium & Locorum, si oporteat, Consentind'; Coram nobis aut nostris in hac parte Locum tenent. vel Commissar' si nos tunc impediri contigerit, in Ecclesia Sancti Pauli London xx die mensis Aprilis prox' futur' una cum Continuatione & Prorogatione dierum ex tunc sequentium & Locorum, ad Tractand' super arduis & urgentibus Negotiis securitatem & defensionem Ecclesiæ



Ecclesiæ Anglicanæ, ac Pacem & Honorem, Bonum publicum, & Defensionem hujus Regni concernent' Ipsis tunc ibidem serioſius exponendis; ſuaque Conſilia & Auxilia ſuper eis impenſur' & ad conſentiendum hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Eccleſiæ contigerit ſalubriter ordinari in præmiſſis; factur' ulterius & receptur' quod juſtum fuerit, & hujusmodi negotiorum qualitas exigit & requirit. Tenore etiam præſentium peremptorie vos citamus quod iisdem die & loco coram nobis aut noſtr. locum tenent' vel Commiſſar' perſonaliter compareatis ſuper dictis negotiis tractaturi; Et noſtrum Mandatum quat' veſtram Civitatem & Dioc' concernit Exequi per omnia faciatis. Vobis etiam injungimus, ut Supra, & Mandamus, quod omnibus & ſingulis venerabilibus Fratribus noſtris Coepiſcopis veſtris, vel vicariis hujusmodi injungatis, quod ſinguli eorum ſingillatim de facto quat' pertineat ad eoſdem Nos, ſeu locum tenent' noſtrum vel noſtros Commiſſarios, dictis die & loco per Literas ſuas Patentes, Citatorum nomina continentes, diſtincte certiſicent & aperte; vosque pari forma nos, ſeu Commiſſarios noſtros, quat' ad vos attinet, eiſdem die & loco more ſolito debite certiſicetis per Literas veſtras Patentes \* *hunc* tenorem habentes, ſigillo veſtro ſigillat. Dat in Manerio noſtro de Lamehith Septimo die Mens' Februar' Anno Dom. 1522. & noſtræ Translationis Anno xxº.

Ex Autographo. *Ibid.*

**R**everendo in Chriſto Patri & Domino Domino Jo' permiſſione divina Lincoln Epifcopo veſtrove in hac parte Vicario in ſpiritualibus Generali ſive Commiſſario deputato ſeu in poſterum deputando, veſter humilis & devotus Georgius Hennage in decretis Baccalaureus Archidiaconus Archidiaconatus Oxon, omnimodam Reverentiam & Obedientiam tanto Patri debitas cum honore. Literas veſtras Reverendas, præſentibus annexas, nobis nuperime directas, primo die instantis Mensis *Martii* cum omni ea qua decuit Reverentia recepimus Exequendas, ipſarumque Literarum veſtrarum Auctoritate pariter & Vigore, Omnes & ſingulos Abbates & Priores, viz. Willielmum permiſſione divina Abbatem de *Oſeney*; Henricum eadem permiſſione Abbatem de *Eyensham*, Robertum miſeratione divina Abbatem de *Bruera*, & Jo' eadem miſeratione Priorem *S. Friſewida Oxon*, ac alios Eccleſiarum Prælatos Exemptos & non Exemptos, in quadam Scheda præſentibus annexa deſcriptos, ac totum Clerum Archidiaconat' noſtri prædict' quorum nomina pariter ac Cognomina in eadem Scheda conſcribuntur peremptorie citari & præmuniri fecimus, quod dicti Abbates & Priores perſonaliter, Clerus quoque univerſus noſtri Archidiaconatus per duos Procuratores peritos & ſufficientes, jurinum & ſecularium negotiorum Experimentiam atque notitiam meliores habentes, compareant coram Reverendiſſimo in Chriſto patre & Domino Domino Willielmo permiſſione divina Cant' Archiepiſcopo totius Angliæ Primate, & Apoſtolicæ ſedis Legato, aut ejus locum tenente aut Commiſſario in Eccleſia Cath' S. Pauli London 20 die Mens' April, jam prox' futur' cum continuatione & prorogatione dierum ex tunc ſequentium & locorum, ſi oporteat, cum Præfato Reverendiſſimo Patre, & Aliis Reverendis Patribus Epifcopis, Archidiaconis, Decanis, Collegiorumque Magiſtris & Cuſtodibus, Abbatibus, Prioribus & Procuratoribus totius Cleri Provinciæ Cant' ſuper arduis & urgentibus Cauſis & Negociis, &c. Dat' 27 die mensis Martii A. D. 1523.

A. D. 1523.

N U M. CXXXVII.

Citatio Concilii Legatini; ex ipſo Mandato ad Epifcopum Lincoln Transmiſſo.

**T**homas miſeratione Divina titulo S. Cecilie Sacroſanctæ Romanæ Eccleſiæ Presbyter' Card' Ebor' Archiepiſcopus Apoſtolicæ ſedis Legatus Angliæ Primas, & Cancellarius necnon felicitis Recordationis [& nuper Domini noſtri Leonis ejus Nominis] Papæ X. Sanctiſſimique in Chriſto Patris & Domini noſtri Domini Adriani divina providentia [illius] nominis Papæ VI. moderni, & [hujus] dictæ ſedis ad ſereniſſimum & [potentiſſimum in Chriſto] Principem & Domi-

Collat. cum  
Priori Man-  
dato ad Epifc.  
Lond. Re-  
giſtr. Tun-  
ſtall, fol. 34.  
Et ad Epifc.  
Hereford, Re-  
giſtr. Bothe.  
fol. 93.

[*dudum illius*  
*nominis*]  
[*hujus*]  
[*illuſtriſſimum*]



num nostrum Hen. viii. Dei gratia Angliæ & Franciæ Regem fidei Defensorem & Dominum Hiberniæ, Universumque ejus Angliæ Regnum, ac omnes & singulas ipsius Regni provincias, civitates, terras atque loca illi subjecta & alia illi adjacentia etiam de latere Legatus; Venerabili Fratri nostro Jo. *Lincoln* Episcopo\*. Cum non solum ex juris Communis Dispositione sed etiam ex præfati fœlicis recordationis Domini *Leonis* nuper Papæ decimi per suas sub Plumbo literas, speciali Commissione, & Sanctissimi Domini nostri *Adriani* divina providentia Papæ VI. moderni dictarum literarum cum omnibus & singulis in eis contentis facultatibus, & aliis clausulis, per suas etiam sub Plumbo literas extensione & prorogatione, nobis inter Cætera sit concessa potestas non modo Regulares, verum etiam Sæculares Ecclesiasticas personas, tam exemptas quam non Exemptas, ac Clerum Regni & Locorum\* Reformandi, & ad honestiores vivendi mores tam in Capite, quam in membris reducendi; proque hujusmodi Reformatione fienda facultatibus amplissimis utendi, prout in [|| ipsis] Literis Apostolicis\* Nobis concessis plenius continetur. Nos igitur Thomas Cardinalis, & Legatus de Latere antedictus onus hujusmodi Reformationis pro divina & sacrosanctæ sedis Apostolicæ reverentia in Nos assumentes, & juxta datam nobis a Deo prudentiam sollicitè ad implere cupientes; atque ad memoriam [revocantes] quod Venerabilis Frater noster Dominus Willielmus Cant' Archiepiscopus totius Angliæ Primas & Apostolicæ sedis Legatus, ad Ecclesiam Cathedralē S. *Pauli* London Prælatos, & Clerum suæ Cantuariensis Provinciæ ad Tractandum cum eis super quibusdam arduis negotiis & causis tam securitatem & defensionem Ecclesiæ Anglicanæ, quam Tranquillitatem & Bonum Publicum hujus Regni Angliæ, Vicesimo die Mensis Aprilis ult' præterit' per suas literas monitorias & Citatorias convocaverit. Scientes insuper, quod & sacri Canones attestantur, magis integrum fore judicium quod plurimorum judiciis roboratur, Prælatos & Clerum nostræ Ebor' Provinciæ ad Ecclesiam Conventualem Exempti Monasterii S. Petri Westmon' pro hujusmodi Regularium & Sæcularium personarum Ecclesiasticarum & Cleri Reformatione Convocavimus; atque etiam illuc præfatum Venerabilem fratrem nostrum Cantuariensem Archiepiscopum, cum Provinciæ suæ Cant' Prælati ac Clero, Locorum & Temporis opportunitate captata, pro hujusmodi Reformatione efficacius & melius fienda advocavimus: Eodemque venerabili fratre nostro ac Prælati & Clero suæ Cant' Provinciæ xxii die dicti mensis *Aprilis* juxta nostram Monitionem illis in hac parte factam ad dictam Ecclesiam Conventualem accedentibus, & coram nobis in domo Capitulari dicti Monasterii comparentibus cum inter cætera quæ ibidem tractari Cæperunt super Mandatis Procuratoriis, tam Decanorum [\* Priorum Ecclesiarum Cathedralium, & Capitulorum Eorundem Aliorumque Prælatorum absentium, & Cleri dictæ Cant' Provinciæ ac Procuratorum in eis constitutorum sufficienti potestate nonnihil dubietatis emerferit, ex eo videlicet quod ipsis Procuratoribus in Eorum hujusmodi mandatis non erat, prout antea deliberatum\* & conclusum [fuit,] expresse data\* facultas Coram Nobis in nostra hujusmodi Convocatione *Legatina* in dicta Ecclesia Conventuali comparendi cum sufficienti potestate ad Tractand' & Communicand' super hujusmodi Regularium & Sæcularium personarum Ecclesiasticarum ac Cleri Reformatione, & aliis [Arduis negotiis securitatem & defensionem Ecclesiæ Anglicanæ, nec non Bonum publicum & Tranquillitatem hujus Regni Angliæ] concernentibus: Vestræ igitur Fraternitati tenore præsentium, Auctoritate nostræ Legationis prædictæ firmiter injungendo mandamus quat' cum omni celeritate accommoda Decanum Ecclesiæ vestræ Cathedralis, Capitulum Ejusdem, Abbates\* Priores || & Archidiacones ac Clerum vestræ Diocesis pro hujusmodi procuratoriis in forma debita & sufficienti conficiendis, citetis, convocetis, & moneatis, seu citari convocari & moneri faciatis, & quod [|| die Martis, viz. 2do die mensis Junii prox' futur'] Decanus [\* dictæ ] Ecclesiæ † Cathedralis *Lincoln*, [|| Abbatesque Priores] & Archidiaconi qui hætenus [non comparuerunt legitime coram Nobis in dicta Convocatione nostra] personaliter, \* Capitulum † per Unum, Clerus vero per duos sufficientes Procuratores in dicta Ecclesia Conventuali Westmon' || cum prorogatione dierum tunc sequentium, si oporteat, & locorum, coram nobis, aut nostris in ea parte locum-tenentibus sive Commissariis Uno vel pluribus, compareant, ad tractandum nobiscum sive locum nostrum tenent' [|| die Lunæ post festum Corporis Christi 8. viz. die mensis Junii prox' fut']

[ sive ]



[five] Commissar' una cum præfato Venerabili Fratre nostro Cant' Archiepif- [aut]  
 copo Aliis[que] Episcopis & Prælatiſ, ac Clero tam noſtræ Ebor' quam Cant' [quoq;]  
 Provinciæ, ſuper hujusmodi Regularium & Sæcularium perſonarum Eccleſiaſti-  
 carum & Cleri Reformatione, Eorumque honeſte vivendi & incedendi modo,  
 atque aliis [negotiis arduis, Securitatem & Deſenſionem Eccleſiæ Anglicanæ, [Articulis hujus-  
 ac Bonum publicum & tranquillitatem hujus Regni Angliæ concernentibus] juſmodi Refor-  
 mationem con-  
 ipsis tunc ibidem ſerioſius exponendis, ſuaque conſilia & auxilia ſuper hiis im-  
 pendend' & inſuper ad conſentiend' hiis quæ ibidem ad Honorem Dei & Eccleſiæ  
 Anglicanæ, [Pacemque & tranquillitatem ac Bonum Publicum hujus regni] [Deſunt]  
 tam noſtra & præfati Venerabilis fratris noſtri Cant' Archiepiſcopi, quam Præ-  
 latorum & Cleri utriuſque Provinciæ communi deliberatione || contigerit Ordi- || in præmiſſis  
 nar; Noc non ad ulterius faciend' & recipiend' quod hujusmodi \* negotiorum & circa ea.  
 Qualitas & Natura de ſe † Exigit & requirit; una cum clauſula rati habitionis \* Negotii.  
 Omnium & ſingulorum per [dictos] Procuratores in Præmiſſis, & circa ea † Exigunt &  
 ipſorum \* Nominibus in noſtra hujusmodi Convocatione actorum & agendo- Requirunt.  
 rum. De diebus vero receptionis præſentium & quid in præmiſſis feceritis Nos [Hujusmodi]  
 aut Locum tenentes ſive Commiſſarios noſtros, dictis die & loco perſonaliter, \* Conſtituen-  
 tum.  
 vel per literas veſtras patentes harum ſeriem continentes ſigillo veſtro ſigillat'  
 una cum Nominibus Omnium & Singulorum per vos || Citatorum & Monitorum || in hac parte.  
 debite certificetis. Dat' ſub ſigillo noſtro in Ædibus noſtris prope Weſtmon'  
 † vii die Menſis Maii Anno Dom. 1532. † 2do die.

Quarum quidem literarum Reverendiſſimarum, vigore pariter & autoritate  
 vos Archidiaconum tonore præſentium peremptorie citamus & monemus, Vo-  
 biſque earundem Autoritate mandamus, quod vos virtute Earundem Literarum  
 Reverendiſſimarum Omnes & ſingulos Abbates & Priores, & alios Eccleſiarum  
 Prælatos, exemptos & non exemptos, infra veſtrum Archidiaconatum ubilibet  
 Conſtitut' peremptorie Citetis & Moneatis quod compareatis & compareant co-  
 ram dicto Reverendiſſimo in Chriſto patre Cardinali & Legato de Latere ante-  
 dicto, ſeu ejus Commiſſario ſive Commiſſariis, Uno vel pluribus, aut locum te-  
 nent' die & loco in dictis ſuis Literis Reverendiſſimis ſpecificatis & limitatis;  
 cum Continuatione & Prorogatione dierum & locorum, ſi oporteat, ad Tra-  
 ctand' cum præfato Reverendiſſimo Domino Cardinali & Legato de Latere an-  
 tediſto Ejusve Commiſſariis una cum Præfato Reverendiſſimo Patre Cant' Archie-  
 piſcopo Aliiſque Episcopis, & Prælatiſ, ac Clero tam Ebor' quam Cant' Prov'  
 nec non ad impendendum veſtra & eorum Conſilia & Auxilia ac ulterius faciend'  
 & recipiend' Ea quæ Tenor & Effectus dictarum literarum RR. in & de  
 ſe exigunt & requirunt. Citetis inſuper & moneatis peremptorie Clerum  
 dicti veſtri Archidiaconatus quod ſufficienter & legitime per unum compa-  
 reant vel Duos Procuratorem ſeu Procuratores, coram Nobis aut noſtro in  
 ea parte Deputat' quocumque in Eccleſia Paroch' Omn' Sſ. villæ Northamp-  
 ton die Jovis in Septimana Pentecoſtes prox' futur' ad Nominand' Conſtituend'  
 & Eligend' una cum Clero Aliorum Archidiaconatuum noſtræ Dioc' Lincoln'  
 duos ſufficientes Procuratores pro Clero totius noſtræ Dioc' Lincoln' ad  
 comparend' coram præfato Reverendiſſimo in Chriſto Patre Cardinali &  
 Legato de Latere prædict' Ejusve Commiſſario ſive Commiſſariis aut Locum  
 Tenent' die & loco in dictis literis RR. limitatis & ſpecificatis, cum Conti-  
 natione & Prorogatione ſi oporteat dierum & locorum, ad Tractand' Com-  
 municand' & Conſentiend' ac ulterius faciend' & recipiend' ea quæ tenor'  
 & effectus Prædictarum Literarum RR. de ſe exigunt & requirunt; Cum  
 clauſula rati-habitionis Omnium & Singulorum per dictos Procuratores in  
 præmiſſis & circa ea, ipſorum nominibus, in huſmodi Convocatione Actorum  
 & Agendorum. Et quid in præmiſſis feceritis nos aut Deputatum noſtrum  
 hujusmodi dicto die Jovis in ſeptimana Pentecoſtes prox' in præfata Eccleſia Pa-  
 rochiali Omn' Sſ. villæ Northampton debite certificare curetis per literas ve-  
 ſtras patentes harum ſeriem, Nominaque Omnium & Singulorum per vos in ea  
 parte Citandorum in ſe Continentes Sigillo veſtro autentice Sigillat. Dat' ſub  
 ſigillo noſtro apud vetus Templum London xi die Menſis Maii, Anno Dom'  
 1532. Et noſtræ Conſecrat' Anno Tertio.



A. D. 1404.

litatem nostram, ac defensionem dicti Regni nostri, &c. Vobis mandamus, quod aliquos viros fide dignos de Clero vestræ Diocesis pro quibus respondere volueritis, ad Subsidium & Decimam prædictam in Diocesi vestra prædicta, juxta formam Concessionis prædictæ levandum & colligendum, prout moris est, assignari & Deputari faciatis; Ita quod nobis de Subsidio & Decima prædicta ad eadem festa in forma prædicta respondeatur: Thesaurarium, & Barones de Schaccario nostro, de nominibus Eorum, quos ad hoc deputaveritis intra Festum Sancti Botulphi proximo futur. distincte & aperte certificantes: Et hoc sicut nos & honorem nostrum, & Salvationem Ecclesiæ & Regni prædicti diligitis, nullatenus Omittatis. Teste Meipso apud Westm. 17 Maij, Anno Regni nostri quinto.

## N U M. CXIV.

Rot. Claus. 5. H. 4. p. 2. m. 9. dorso.

De Convocatione facienda.

A. D. 1404.

**R** Ex Venerabili in Christo Patri R. eadem Gratia Archiepiscopo Eborum, Angliæ Primati, Salutem. Quia, sicut clare scitis, ad Subeundum, & Supportandum Sumptuosa & Immensa Onera, quæ Nos pro defensione & Salvatione Regni nostri, ac Marchiarum Eiusdem, nec non Ecclesiæ sanctæ, facere oportebit de Bonis nostris, absque fidelium Ligeorum nostrorum adminiculo, non Sufficimus nec Valemus; Vobis in fide & dilectione, quibus nobis tenemini, Rogando Mandamus, quatenus præmissis debito intuitu attentis & ponderatis, Suffraganeos vestros, Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Priores, & Alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Diocesis vestræ Provinciæ, ad comparandum coram Vobis in Ecclesia Cathedrali Beati Petri Eborum, vel alibi, prout expedire videritis, citra festum Sancti Johannis Baptistæ proximo futurum more solito Convocari faciatis, & ipsos in hac parte, ex Causa prædicta, ad Subsidium in hoc casu competens & necessarium, in Supportationem dictorum Onerum Nobis concedend. eo specialius & efficacius, quo magis sciveritis, aut poteritis, sollicitè inducatis, & partes vestras ad hoc diligenter & effectualiter apponatis: Nos in Cancellaria nostra de quantitate Subsidii illius, & de terminis Solutionis ejusdem, sub Sigillo vestro distincte & aperte certificantes. Et hoc sicut Nos & Honorem nostrum, ac Salvationem & Defensionem Ecclesiæ Catholicæ, ac Regni nostri prædicti diligitis, nullatenus omittatis. Teste Rege apud Westm. vi die Maij.

## N U M. CXV.

Mandatum pro Concilio Provinciali.

A. D. 1408.

Regi str. Arundel. Arch. Cant. part. i. fol. lxxi.

**T** Thomas permissione divina, &c. Venerando Fratri Nostro Domino Ricardo, Dei gratia London Episcopo, Salutem & Fraternalam in Domino Charitatem. Vox in Excelso audita est lamentationis, fletus, & luctus Rachel, i. e. Sanctæ Matris Ecclesiæ plorantis filios suos Christiani nominis Athletas; sed lacrymæ suæ diuturnæ fletu siccantur in maxillis, quia non est qui consoletur eam ex omnibus Charis Ejus: Luget namque mortem millium dum unicæ Columbæ Dei militantis Ecclesiæ secundum caput monstruose appositum, membra quæq; alteræ parti adhærentia, etsi in se salva, aspersione sanguinis monstruosa, bona & utilia tanquam infructuosa suspendet, tanquam mala abscindit & putrida, ac tanquam maledicta Excommunicationis Censura percellit; interdicat Regna sibi adversantia; Ecclesiarum suspendit Organa; Reges & Prælatos discernit, Primates Officio, Clerum, populum, & vulgus Excommunicationis mucrone condemnat; Sic ut vix sciat Ovis Erronea ubi veri Pastoris caulas inveniet. Cujus quæso musica, his solide ponderatis, non vertetur in Luctum? Sed vae! vae! proch-



proch dolor ! lacrymæ viduæ ascendunt in Excelsum, sed Dominus Exauditor non delectatur in illis. Quæsit Ecclesia cum lacrymis pœnitentiæ locum, sed jam per xxx annos & ultra clamans, non invenit eum, schismate perdurato, spesque pulcherrima de & super unione Sanctæ Matris Ecclesiæ per Dominum nostrum Papam & suos Cardinales in sua Creatione promissa, juramentisque, ac votis Eorundem firmata, jam redit ad frustra, posteriorque pestis supervenit priori deterior. Nam etsi omnes aquæ (Dominus scilicet noster Papa & Cardinales) congregatæ sint in locum unum, Civitatem Lucan. Terra tamen apparet arida, eo quod os putei aquas recipientis Lapide grandi, utinam non vanæ gloriæ cupidine, stat obstruam; nec supervenit Jacob, aut alius quisquam cœlesti dono imbutus, qui lapidem amoveat ab ore putei, ut fluminis impetus lætificet Civitatem Dei. Scribunt namque Cardinales Domino nostro Regi ac nobis & cæteris Confratribus nostris Suffraganeis, quod Dominus noster Papa contra formam in voto, juramento, ac diversis tractatibus expressam, & ipsis Cardinalibus inconsultis, quin verius expresse reclamantibus, novos creavit Cardinales, ipsisque antiquis Cardinalibus mandata & injunctiones tam importabilia indixit, ut ipsi omnes & singuli ab eisdem mandatis & injunctionibus ab ipsoque Papa irrationabiliter & secundum non rectam informationem decernente, ad ipsumet secundum rectam rationem, & melius informatum, decreturum; Item ab ipso Papa Vicario Christi in terris, ad Dominum nostrum Jesum Christum, qui judicaturus est vivos & mortuos, & Seculum per ignem; Item ad Generale Concilium, a quo, & in quo solent gesta summorum Pontificum quæcunque judicari possint, decerni & judicari; Item ad Papam & Pontificem futurum, cuius est gesta inordinata sui prædecessoris in melius reformare, appellarunt, ac metu majoris mali quidam Eorum pedestres & rebus omnibus spoliati, quidam vero Equestres, Novem videlicet in numero, de Civitate Lucana, & a Præsentia Domini nostri Papæ usque in Civitatem Pisanam recesserunt, de unitate Ecclesiæ, nisi aut divinitus, aut sagacitate humana, gratiosius provideatur, diffisi. Supplicant igitur iidem Cardinales, Collegium videlicet antiquum, tam Domino nostro Regi, quam Nobis & Suffraganeis nostris, de bonâ assistentia in facto unionis, quia ipsi, Collegium Cardinalium, ad hoc effectualiter laborarunt juxta vires: Dominusque noster Rex per nos aditus & consultus tanquam Christianissimus Pugil & Athleta Ecclesiæ, suum ad hoc auxilium, consilium, & favorem, in omnibus pollicetur, in omnibus animo satis prompto, & ultra quam dicendum est ad præsens præparato. Nos igitur considerantes quod hoc maledictum Schisma ultra omnia anteriora diutius noscitur perdurasse, quodque mala infinita & notoria quæ hic causa brevitatis recitare non expedit exinde provenerunt, Nos tamen de Regno Angliæ, quod tamen dolenter referimus, modicum hucusque circa unionem laborare curavimus, cujus prætextu Anglicani nominis fama noscitur diminuta: Volenti igitur quod segniter egimus provida emendatione corrigere, & ut eo sagacius fiat, quo plurimorum firmetur discreto consilio, ob hanc causam tantum, & non aliam, Prælatos & Clerum nostræ Cantuariensis Provinciæ ad certos diem & locum infra scriptos duximus convocand. de & super hac sancta & salubri materia unionis Sanctæ Matris Ecclesiæ tractaturos, suaque sana consilia & assensum impensuros, ulteriusque factur. quod ipsius materiæ arduitas exigit & requirit. Quo circa Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos dictæ nostræ Cantuariensis Ecclesiæ Suffraganeos infra dictam nostram Cantuariens. Provinc. constitutos, & absentium Episcoporum hujusmodi si qui fuerint Vicarios in spiritualibus generales citetis peremptorie, & per eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula earundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes, & alios Ecclesiarum Prælatos, Exemptos & non Exemptos, nec non cæteros magnæ Literaturæ viros providos pariter & maturos uniuscujusque Diocesis. quos ipsi Suffraganei nostri in eorum Diocesis. ad interessendum tractatui materiæ unionis antedictæ senserint necessarios, Clerumque cujuslibet Diocesis. Provinciæ antedictæ, quod compereant coram nobis aut nostris in hac parte locum tenentibus, vel Commissariis, si nos, quod absit, tunc impediri contigerit, in Ecclesia Sancti Pauli London xxiiij die mensis Julii proximo futuri, cum continuatione & prorogatione dierum tunc sequentium & locorum; omnes videlicet Venerandi Fratres nostri Episcopi Suffraganei, cæterique Prælati, personaliter, & meliori quo poterunt suffulti consilio sicut super Deo in die extremi judicii, nobisque ac Regi, ac Regno Angliæ in eventum voluerint respondere: Capitula vero



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vero Ecclesiarum Cathedr. per unum, ad minus, fide dignum sufficienter Literatum providum & discretum, Clerusque cujusque Diocesis per duos Procur. con-  
similes, pariter & potentes, qui suis sumptibus & expensis absque pauperis Cleri  
dispendio poterunt interesse, ad tractandum super materia Unionis Ecclesiae su-  
pradietae, ipsis tunc ibidem plenius exponenda, suaque consilia & auxilia super  
ea impensur. & ad consentiendum, his quae ibidem ex deliberatione communi ad  
honorem Dei & Ecclesiae contigerit, concorditer ordinari; facturique ulterius, &  
recepturi quod justum fuerit, & praedicti negotii qualitas exigit & requirit. De-  
nunciantes eisdem Venerandis Fratribus nostris, ac caeteris Praelatis, Virisque lite-  
ratis supradictis, atque Procuratoribus pro Capitulis Cathedralium Ecclesiarum,  
aut pro Clero in forma supradicta electis, quod ipsos aut ipsorum aliquem ista  
vice nullo modo habebim. excusatos vel excusatum, Imo in casu quo non com-  
paruerint modo supradicto, acriori modo quo poterimus puniemus absentes, &  
eo gravius & ferventius, quo nos & Deum, cujus causa agetur ibidem, in non ve-  
niendo duxerint contemnendos. Tenore etiam praesentium perempt. vos cita-  
mus, quod eisdem die & loco coram nobis, vel locum nostrum tenentibus, aut  
Commissariis personaliter compareatis, superdicto negotio una cum aliis Suffra-  
ganeis nostris ut praemittitur tractaturi, facturiq; & recepturi quatenus ad vos at-  
tinet, prout superius continetur, Praesensque Mandatum nostrum quatenus Ve-  
stras Civitatem, Diocesem concernit exequi per omnia faciatis. Praelatis quoque  
Ecclesiarum exemptarum, non mendicantibus, vestrae & aliorum Venerabilium  
Fratrum nostrorum Coepiscoporum dictae Provinciae Diocesi. cujuscunque fue-  
rint ordinis per vos & Confratres vestros, prout vos & unumquemq; vestrum  
concernit, volumus intimari, ut praetatis die & loco absque praedictis privilegio-  
rum suorum in hac parte, quibus per hoc derogari nolumus, nobiscum intersint,  
facturi & recepturi in praemissis & ea contingentibus, quod superius est expres-  
sum. Vobis etiam ut supra injungimus & mandamus, quod omnibus & singulis Ve-  
nerandis Fratribus nostris Coepiscopis & Suffraganeis nostris antedictis, &  
Vicariis hujusmodi injungatis, seu faciatis injungi, quod singuli eorum singillatim  
de facto suo, quatenus pertinet ad eosdem, nos seu locum nostrum tenentes, vel  
Commissarios dictis die & loco per suas Literas Patentes Citatorum nomina con-  
tinentes, distincte certificent, & aperte; Vosq; pari forma Nos, vel Nostros  
Commissarios quatenus ad vos attinet, eisdem die & loco more solito debite cer-  
tificetis literis vestris patentibus habentibus hunc tenorem. Insuper quia non  
modicum, imo permaximum & ex ipsis rerum argumentis probatissimum solet  
fortiri effectum de precatio justae assiduae; ac difficile, imo verius impossibile sit, ut  
non impetretur quod multorum unanimi ac assidua petitione, non ad cujusquam  
commodum temporalem, sed ad Dei laudem & prosperationem suae militantis  
Ecclesiae juste postulatur; dicente Domino in Evangelio, Quicquid orantes  
petitis, credite & fiet vobis; Fraternitati vestrae committimus & mandamus,  
quatenus omnibus & singulis Coepiscopis & Suffraganeis nostris antedictis vice  
& auct. nostris cum omni celeritate qua poteritis vestris literis harum seriem  
continentibus denunciatis, & eisdem districtius injungatis, ut eorum singuli in  
Ecclesiis suis Cathedralibus, & aliis Ecclesiis Conventualibus & Collegiatis, tam  
regularibus quam secularibus, nec non Paroch. Ecclesiis suarum Civitatum &  
Diocesum diebus Dominicis & Festivis, suos Subditos, Clericos & Laicos effi-  
caciter moneant & inducant, seu moneri faciant, & induci, quod ipsi universi &  
singuli Omnipotenti Deo, in cujus manu sunt corda Regum, ut Christianissi-  
mum Regem nostrum Zelo Unionis Ecclesiasticae, ut praemittitur, beatissimae ac-  
censum in eo firmissime stabilire, ipsumque sic stabilitum ad tam sanctum, tam-  
que salubre Propositum exequendum dirigere & conservare dignetur; ac Nobis  
& Clero nostro antedicto ad sui Nominis gloriam congregandis medius existe-  
re, nostrisque sensibus scientiae suae Lumen in hac Ecclesiae suae Causa summe ne-  
cessarium infundere, sicque dona gregis suae nobis & unicuique nostrum divide-  
re, ut ea quae sibi placita sunt, & ad enervationem praefati horrendi schismatis  
tam diu proch dolor! continuati, tendere valeant decernere, & ordinare possimus,  
in Missarum Solemnis, Sermonibus publicis, & Processionibus consuetis, quas  
propterea singulis quartis & sextis Feriis eo ferventius & solertius quo poterit  
fieri volumus & mandamus, orationes devotas Jenuniis, Eleemosinis, & aliis chari-  
tatis operibus vallatas & ornatas effundant & faciant a suis Subditis & Parochia-  
nis effundi. Vos autem, Venerabilis Frater, praemissa in Ecclesia vestra Ca-  
thedralli ac aliis Conventualibus, Collegiatis, & Parochialibus Ecclesiis vestra-



rum Civitatis & Diocesis modo simili faciatis & demandetis efficaciter obser- A. D. 1408.  
vari. Et ut fidelium mentes ad hujusmodi devotionis opera propensius excitemus,  
de Dei omnipotentis immensa misericordia, & beatissimæ Virginis Mariæ, ma-  
tris ejusdem, ac beatorum Petri & Pauli Apostolorum ejus, nec non Sanctorum  
Alphegi & Thomæ Martyrum, Patronorum nostrorum, omniumque Sancto-  
rum meritis & precibus confident. ipsis fidelibus quibuscunque per nostram Pro-  
vinciam antedictam ubilibet constitutis de peccatis suis vere pœnit. contritis  
& confessis præmissa ut prædicit. facientibus, quadraginta dies indulgentiæ con-  
cedimus per præsentis, & a vobis, cæterisque Confratribus & Suffraganeis no-  
stris similes indulgentias petimus largiri. Dat. in Manerio nostro de Lam-  
bith, xxv die mensis Junii, Anno Domini Millesimo quadringentesimo octavo,  
& nostræ Translationis Anno Duodecimo.

N U M. CXVI.

Mandatum pro Concilio Provinciali.

**T**HOMAS permissione Divina Cant. Archiepiscopus, totius Angliæ Primas, A. D. 1408.  
& Apostolicæ Sedis Legatus, Venerabili Fratri nostro Domino Ricardo Registr. Be-  
dei Gratia, London Episcopo, Salutem & fraternam in Domino Charitatem. ford Wint.  
Naturalis Dispositio, quæque tantum ad unitatem dinoscitur inclinata, ut ab ipsa fol. vi.  
recedens vix in Natura aliquid reperiatur esse perfectum, quod & apes unum de  
minimis animalium recognoscit, dum sub uno Principe seu præposito avolans, na-  
turæ suæ utilia prædisponit: Multo ergo magis una electa Dei sancta mater Eccl.  
quæ non solum naturalibus præceptis sed ab uno Deo, uno Dom. ac unico summo  
Pastore, sub una fide, uno baptismo, una spe, & uno spiritu, aliisque diversis,  
supernaturali ratione, verbo & opere ad ipsam unionem multipliciter est in-  
structa, ipsius unitatis vincula amplexabitur indefesse, & sub uno Capite Vicario  
Christi in terris sua gubernacula omnia solidabit, quæ tamen, quod dolenter  
referimus, diuturno jam tempore sub diviso Capite, sed prætenso, lamen-  
tabiliter fuisse dinoscitur lacerata. Ad cujus reformationem aciem mentis no-  
stræ jam pridem, prout nobis possibile fuit, convertentes, ex certis causis  
rationabilibus tunc expressis, pro viis & modis, ad unionem Ecclesiæ directivis  
bona ac diligenti Industria reperiendis, Prælatos & Clerum nostræ Cantuariensis  
Provinciæ ad xxiii diem mensis Julii ultimo præteritum, in Ecclesia Cathe-  
drali Sancti Pauli London fecimus Convocari. In qua convocatione laudetur  
ipse qui [Cujusque] Unitatis & perfectionis caput est & finis, sub uno Spiritu ab  
ipso Deo, ut speramus, Divinitus inspirato, præhabitoque Domini nostri Regis  
benigno ac favorabili consensu & favore de nonnullis ad ipsam Unionem præpa-  
ratoriis honestis & inductivis, communiter disposuimus, quæ ad præsens, eo  
quod pluribus nota sunt, non expedit recitare. Veruntamen adveniente post-  
modum in Regnum Angliæ Reverendissimo in Christo Patre & Domino, Domi-  
no Cardinali Burdegalensi, tam perfide dignos relatus ejusdem coram Domino  
Rege, ac nobis & pluribus Confratribus nostris Suffraganeis, aliisque Prælati-  
bus Regni, & Proceribus solemni propositione emissos, quæ per literas Collegii Car-  
dinalium quarum quædam domino nostro Regi, quædam nobis, & quædam  
aliis Confratribus nostris transmissæ sunt, inque clara luce quod Collegia Car-  
dinalium utriusque partis sunt unita, & ad unionem Ecclesiæ Dei omnino dis-  
posita, & ad hunc finem in Civitate Pisarum ad Festum Annuntiationis Beatæ  
Mariæ prox. futur. Generale Concilium de obedientia utriusque partis, ex con-  
sensu Regum & Principum, atque Communitatum, celebrare intendunt, ac  
Unionem Ecclesiæ infallibiliter, ut seperatur, ibidem reformare: Quo Consi-  
lio nos & Confratres nostros Suffraganeos, Ecclesiarumque Cathedralium Capi-  
tula, & cæteros Prælatos, exemptos & non exemptos, personaliter, si pote-  
runt, alioquin ipsorum Procuratores sufficienter instructos, tractaturos, factu-  
ros, & recepturos, nec non & suum consensum & auctoritatem in his qui ibidem  
agentur præbituros, volunt interesse, & ex eadem Causa nos convocant, pro-  
ut in literis inde confectis, & in Prælatorum atque Cleri inferius descripta Con-  
vocatione realiter exhibendis, omni volenti inspicere, manifeste liquebit; Quod  
utique sanctum & salubre propositum ob negligentiam cujusquam non convenit



A. D. 1408. retardari, sed viis & modis possibilibus cum omni diligentia & ferventissimo studio, semota quacunque vecordia, expediri. Nos igitur considerantes, quod tantum factum & insolitum, sumptuosumque, absque Prælatorum & Cleri nostræ Cantuariensis Provinciæ deliberatione, eorumque mutuo contractatu ad honorem Dei & Ecclesiæ suæ, Regniq; Angliæ Specialem non posset disponi, seu ad finem debitum & honorabilem deduci cum effectu, de consensu Domini Regis & Confratrum nostrorum tunc præsentium Consilio, ex Causa præmissa Prælatos & Clerum nostræ Cantuariensis Provinciæ, ad xiv diem mensis Januarii prox. futur. duximus convocandos, ad effectum ut consilium & auxilium in Consolationem Dominæ Gentium Sanctæ Matris Ecclesiæ a diu desolatæ facilius inveniamus, dum a pluribus illa quærimus, nec erit cuique grato filio onerosum onus pro matre modice supportat'. Quocirca Fraternitati vestræ Committimus & Mandamus, quatenus omnes & singulos dictæ nostræ Cantuariens. Ecclesiæ Suffraganeos infra dictam nostram Cantuariensem Provinciam constitutos, & absentium Episcoporum hujusmodi, siqui fuerint, Vicarios in Spiritualibus generales, citetis peremptorie, & per eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula earundem, Archidiaconos, Abbates, & Priores, Conventus sub se habentes, & alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuslibet Diocæs. Provinciæ antedictæ, quod compareant coram nobis, aut nostris in hac parte locum tenentibus, vel Commissariis, si nos (quod absit) tunc impedire contigerit, in Ecclesia Sancti Pauli London, xiv die mensis Januarii prox. futur. cum continuatione & prorogatione dierum tunc sequentium, & locorum, Omnes videlicet Venerabiles Fratres nostri Episcopi Suffraganei, cæterique Prælati, personaliter, & meliori quo poterunt suffulti Consilio, sicut Sanctæ Matris Ecclesiæ cupiunt unionem; Capitula vero Ecclesiarum Cathedralium per unum ad minus fide dignum, sufficienter literatum, providum; Clerusque cujusque Diocæs. per duos consimiles, pariter & potentes, qui suis sumptibus & expensis, absque pauperis Cleri dispendio, poterunt interesse; Ita tamen, quod non sint illi Cleri Procuratores, qui cum hoc in ultima Convocatione, de qua supra fit mentio, fuerant onerati; de & super materia superscripta eis tunc ibidem serius exponenda tractaturi, suæque consilia & auxilia super Ea impensur. & ad consentiendum his quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ contigerit concorditer ordinari; facturique ulterius & recepturi quod justum fuerit, & prædicti Negotii qualitas exigit & requirit. Denunciantes eisdem Venerabilibus Fratribus nostris, ac cæteris Prælati Procuratoribusque Capitulorum & Cleri prædictorum, quod ipsos, aut ipsorum aliquem, ista vice nullo modo habebimus Excusatos vel Excusatum; Imo in Casu quo non comparuerint modo supradicto, acriori modo quo poterimus absentes, puniemus, & eo gravius & ferventius, quo nos & Deum, cujus causa agetur ibidem in non veniendo duxerint contemnendos. Tenore etiam præsentium peremptorie vos citamus, quod eisdem die & loco coram nobis, vel locum nostrum Tenentibus, aut Commissariis, personaliter compareatis, super dicto Negotio, una cum aliis Suffraganeis nostris, ut præmittitur tractaturi, facturique & recepturi, quantum ad vos attinet, prout superius continetur; præsensque mandatum nostrum quatenus vestras Civitatem & Diocæs. concernit, exequi per omnia faciatis. Prælati quoque Ecclesiarum exemptarum, non mendicantibus, vestrorum, & aliorum Venerabilium Fratrum nostrorum Coepiscoporum dictæ Provinciæ Diocæs. cujuscunque fuerint ordinis, per vos & Confratres vestros, prout vos, & unumquemque vestrum concernit volumus intimari, ut præfatis die & loco, absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus nobiscum interfuit, facturi, & recepturi in præmissis, & Ea contingentibus, quod superius est expressum. Vobis etiam, ut supra injungimus & mandamus, quod omnibus & singulis Venerabilibus Fratribus nostris Coepiscopis, & Vicariis hujusmodi injungatis, seu faciatis injungi, quod singuli eorum singillatim de facto suo, quatenus pertinet ad eosdem, nos, seu locum nostrum tenentes, vel Commissarios, dictis die & loco per suas Literas patentes citatorum nomina continentes, distinte certificent & aperte: Vosque pari forma, nos vel nostros Commissarios, quatenus ad vos attinet, eisdem die & loco more solito debite certificetis literis vestris patentibus habentibus hunc Tenorem. Insuper quia non modicum, imo permaximum, & ex ipsis rerum argumentis probatissimum sortiri solet effectum deprecatio justæ assidua, ac difficile, imo verius impossibile sit ut non impetretur quod



quod multorum unanimi ac assidua petitione, non ad cuiusquam commodum A. D. 1408.  
 temporale, sed ad Dei Laudem, ac prosperationem suæ militantis Ecclesiæ, iuste postulatur; dicente domino in Evangelio, Quicquid orantes petitis, credite & fiet vobis: Fraternitati vestræ committimus & mandamus, quatenus omnibus & singulis Coepiscopis & Suffraganeis nostris antedictis, vice & auctoritate nostris cum omni celeritate qua poteritis vestris literis harum seriem continentibus denuntietis, & eisdem districtius injungatis, ut eorum singuli in Ecclesiis suis Cathedralibus, & aliis Ecclesiis Conventualibus & Collegiatis, tam regularibus, quam secularibus, nec non Parochialibus Ecclesiis suarum Civitatis & Diocesis diebus Dominicis & Festivis, suos subditos Clericos & Laicos efficaciter moneant & inducant, seu moneri faciant & induci, quod ipsi universi & singuli omnipotenti Deo, in cuius manu sunt posita cuncta, ut Sacrum illud generale Concilium præmunitum, annuente Domino celebrandum, dirigere & prosperare dignetur, Christianissimumque Regem nostrum Zelo unionis Sanctæ Ecclesiæ Dei Beatissime accensum, in eo firmissime stabiliri, Ipsumque sic stabilitum ad tam sanctum, tamque salubre propositum exequend. dirigere & conservare; ac nobis, & Clero nostro antedicto, ad sui nominis gloriam congregandam, medius existere, nostrisque sensibus scientiæ suæ lumen in hac Ecclesiæ suæ causa Summe necessarium infundere, sicque Dona gratiæ suæ nobis & unicuique nostrum dividere, ut ea quæ sibi placita sunt, & ad enervationem præfati horrendi Schismatis tam diu, proch dolor! continuati, tendere valeant discernere pariter & ordinare possimus in hac dicta Causa, prout Nobis, & Unicuique nostrum attinet, in missarum solemniis, Sermonibus publicis, & processionibus consuetis, quas propterea singulis quartis & sextis feriis eo ferventius & solennius quo poterit fieri, volumus & mandamus, Orationes devotas, Jeuniis Eleemosynis, & aliis Charitatis Operibus vallatas, & ornatas, effundant & faciant a suis subditis & parochianis effundi. Vos etiam, Venerabilis Frater, præmissa in Ecclesia vestra Cathedrali, ac aliis Conventualibus, Collegiatis, & Parochialibus Ecclesiis vestrarum Civitat. & Diocesis. modo simili faciatis & demandetis Efficaciter observari. Et ut fidelium mentes ad hujus Devotionis opera propensius excitemus, de Dei omnipotentis immensa misericordia, & Beatissimæ Virginis Mariæ Matris ejusdem, ac Beatorum Petri & Pauli Apostolorum ejus, nec non Sanctorum Alphegi & Thomæ Martyrum, Patronorum nostrorum, omniumque Sanct. meritis & precibus confidentes ipsis fidelibus quibuscunque per nostram Provinciam antedictam ubilibet constitutis, de Peccatis suis vere pœnitentibus, contritis & confessis præmissa ut prædicatur facientibus, Quadraginta Dies Indulgentiæ, toties, quoties concedimus per præsentem; Et a vobis, cæterisque Confratribus & Suffraganeis nostris similes Indulgentias petimus elargiri. Dat. in Manerio nostro de Lambith, Ultimo die Mensis Novembris, Anno Domini Millesimo Quadringentesimo Octavo: Et nostræ Translationis Anno Tertio Decimo.

## N U M. CXVII.

## Mandatum pro Concilio Provinciali.

**H**enicus, &c. Venerabili Fratri nostro, Domino Ricardo Dei Gratia, London Episcopo, &c. Olim a Sanctis Patribus salubriter novimus institutum, ut Metropolitanis singulis annis cum suis Suffraganeis non omittant Concilia celebrare, in quibus de Corrigendis excessibus, & moribus, præsertim in Clero Reformandis tractatum cum Dei amore habeant diligentem. Nos igitur, licet immeriti, Cantuariens. Provinciæ in Anglicana Ecclesia, jure Metropolitico præfidentes, volentes splendorem solitum Cleri Provinciæ antedictæ, velut Lucernam super Candelabrum positam cunctis qui in domo sunt perfectius rutilare, Considerantes juxta sapientis eloquium, quod multitudo prudentium sanitas est orbis terrarum, & in rebus arduis id quod a pluribus quæritur, mediante Altissimo, facilius reperitur, Concilium Provinciale ex Causis prædictis & aliis statum & utilitatem Ecclesiæ præfatæ concernentibus, tempore & loco subscriptis, duximus Convocandum. Quocirca Fraternitati Vestræ committimus & mandamus, quatenus omnes & singulos nostræ Cantuariens. Provinciæ Suffraganeos

A. D. 1414

Registr. Clif-  
ford. Lond. fol.  
lxiii.



A. D. 1414. neos infra dictam nostram Cantuariensem Provinciam constitutos, & absentium Episcoporum hujusmodi, si qui fuerint, Vicarios in Spiritualibus generales, citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes, & Alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuslibet Diocesis. Provinciæ antedictæ, quod compareant Coram nobis, aut nostris in hac parte locum tenentibus, vel Commissariis, si nos (quod absit) tunc impediri contigerit, in Ecclesia Sancti Pauli London; primo die mensis Octobris proxim. futur. cum continuatione & prorogatione dierum tunc sequentium & locorum; Omnes videlicet Fratres Episcopi Suffraganei, & cæteri Prælati superius nominati, & etiam hi qui Jurisdictionem Ecclesiasticam obtinent, & exercent personaliter; Capitula vero Ecclesiarum Cathedralium per unum, ad minus, fide dignum, sufficientem, providum, & discretum Procuratorem; Clerusque cujuslibet Diocesis per duos consimiles, pariter & potentes, ad tractandum nobiscum de, & super præmissis, & ea concernentibus ipsis tunc ibidem seriosius exponend. suaque consilia & auxilia super Eis impensur. & ad consentiend. his quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerit, concorditer Ordinari, facturique, ulterius & recepturi, quod præmissorum qualitas exigit & requirit. Denunciantes eisdem Venerabilibus Fratribus nostris, ac per Eos Decanis, Archidiaconis, & cæteris Prælati, exemptis & non exemptis, Jurisdictionem Ecclesiasticam obtinentibus, ut præmittitur, & exercentibus, nec non Procuratoribus pro Capitulis Ecclesiarum Cathedralium, aut pro Clero in forma superscripta electis, quod ipsos, aut Eorum aliquem a personali Comparitione in hujusmodi Congregatione excusatos, seu excusatum nullo modo habere intendimus ista vice; imo in casu quo non comparuerint modo supradicto, ipsorum, qui absentes fuerint, contumaciam juxta juris exigentiam canonice puniemus. Tenore etiam præsentium peremptorie, vos citamus, quod eisdem die & loco coram nobis, vel locum nostrum Tenentibus, aut Commissariis, personaliter compareatis, de & super præmissis, una cum aliis Suffraganeis nostris, ut præmittitur, tractaturi, facturique ulterius & recepturi, quatenus ad vos attinet, prout superius continetur; præsensque mandatum nostrum, quatenus Vestras Civitatem & Diocesis. concernit, exequi per omnia faciatis. Prælati quoque Ecclesiarum exemptarum non mendicantibus vestræ & aliorum Venerabilium Fratrum nostrorum Coepiscoporum dictæ Provinciæ, Diocesis. cujusunque fuerit Ordinis per Vos & Confratres nostros, prout Vos, & unumquemque vestrum concernit, volumus intimari, ut præfatis die & loco, absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, nobiscum intersint facturi, & recepturi in præmissis & ea contingentibus, quod superius est Expressum. Vobis etiam, ut supra injungimus & mandamus, quod omnibus & singulis Venerandis Fratribus nostris Coepiscopis & Suffraganeis antedictis, & Vicariis in Spiritualibus hujusmodi injungatis, seu faciatis injungi; quod singuli Eorum singillatim de facto suo, quatenus pertinet ad Eosdem, nos, seu locum nostrum tenentes, vel Commissarios, dictis die & loco per suas literas patentes Citatorum nomina continentes, distincte certificent & aperte, Vosque pari forma, Nos, vel Commissarios nostros, quatenus ad Vos attinet, eisdem die & loco more solito debite Certificare curetis, literis vestris patentibus habentibus hunc tenorem. Dat. in Manerio nostro de Lambith, xviii die mensis Augusti: Anno Domini M CCCC XIV. & nostræ Translationis Anno Primo.



## N U M. CXVIII.

Rot. Claus. 2. H. 5. m. 14.

*De Essendo coram Archiepiscopo Cantuar. in Convocatione sua.*

**R**ex dilecto sibi Magistro Stephano L'escrope, Cancellario Universitatis nostræ Cantabr. Salutem. Cum, ut accepimus, diversæ Dissentiones, Discordiæ, & Debata, inter quosdam Magistros, Regentes & non Regentes, & graduatos Scholares Juris Civilis & Canonici, Universitatis prædictæ, Occasione cujusdam Statuti in eadem Universitate jam noviter, ut dicitur, editi, motæ & subortæ existant; Nos Dissentiones, Discordias, & Debata, hujusmodi inter partes prædictas cessari & sopiri volentes, Vobis mandamus, quod in propria persona vestra sitis coram Venerabili Patre Henrico, Archiepiscopo Cantuariensi, & Confratribus suis, primo die Octobris prox. futur. apud Ecclesiam Sancti Pauli London, in Convocatione Cleri Cantuariens. Provinciæ ibidem, tunc celebrand. ad finem, quod de Remedio opportuno in hac parte inter partes prædictas in Convocatione prædicta ordinari & provideri poterit, pro perpetuo duraturo: Vobis insuper injungentes, quod ordinari faciatis, quod quatuor personæ sufficientes ex una parte, & quatuor personæ sufficientes ex altera parte, sufficientem potestatem a partibus prædictis habentes juxta sanam discretionem vestram de assensu partium prædictarum ad hoc eligend. tunc sint ibidem ex causa supradicta, & habeatis ibi nomina prædictarum octo personarum, & hoc Breve. Teste Rege apud Westm. xvii die Septembris.

A. D. 1414.

Per ipsum Regem.

## N U M. CXIX.

Copia Literæ missæ Regi Henrico Vto,  
ab Universitate Oxoniæ.

Ex MS. in Bibl. Colleg. Corp. Christi Oxon. Num. 183.

**C**hristianissimo Principi, Catholicæque Fidei strenuissimo defensori, Henrico, divina magnificentia Regi Angliæ ac Franciæ, ac Domino Hiberniæ, &c. sui devotissimi Oratores Regiæ Majestatis literis ad subscriptum negotium nuper Oxoniæ convocati, subjectionem debitam, & suo temporali Regimine regni cœlestis solium fœliciter promereri. Rex Regum, & Dominus Dominantium, de excelso Cœlorum Throno prospiciens Almæ matris Ecclesiæ tunicam inconsutilem vesanis Hæreticorum latratu & morsibus lacerari: ut plane conspiciamus, sublimavit cornu Christi sui, & dedit imperium Regi suo: Dum Vestram, Serenissime Princeps, inclitam dignitatem in regalis eminentiæ solium sublimavit. Exsurrexit enim Deus, ut inimici ejus funditus dissipentur, dum orbi terrarum illuxit fœlicissimus dies ille, quo perhennis Triumphator Imperii Regiæ Majestatis Gladium, velut redivivo nobili Machabæo vestræ celsitudini cœlitus condonavit; in quo, nedum sui populi, sed & summi sui muniminis adversarios dejici cœlesti favore concessit. Quot putamus hunc diem infœliciter prævenissent strages Principum, quot neces Nobilium, quot cum Deo regnantium Regum & Patrum Basilicæ dirutæ, quot Civitates everse; nisi nuper aspirante paracletovestra fortitudo, Sattelitem Antichristi proditoriam malitiam Christianissima victoria castigasset? Fecit enim magna in nobis qui potens est, ut auris audiens tanti beatificet celebritatem tituli triumphalis. Quod enim in oriente piissimi, & divinitus sublimati Constantinus, Marcianus, & Theodosius imperantes, hoc in occidenti pari victoria triumphans de complicibus Antichristi, ne totus vergetur occidens in occasum, vestra, gratiosissime Prin-

A. D. 1414.



A. D. 1414. ceps, meruit eminentia Christiana, fatis etiam ostendit Religiosissimus Miles Christi, quod autentica scripta clamat, quia pax & tranquillitas Reipublicæ alias Universalis Ecclesiæ pace nescitur dependere, nec poterit quisquam recte terrena regere, nisi noverit Dominica pacificando tractare. Cum igitur, insignissime Princeps, in Ecclesiæ pullulantia perversa reprimitis, tantam rempublicam sublevatis, & de vestri Regni pacifica prolixitate tractatis. Hinc & de regno gemiscentis Ecclesiæ scandala penitus extirpentur, pulchraque Rachel desinat ejulare. Sane || dignitatis est regia sublimitas Sacerdotes suos humiles convocare, & utinam sine macula habentes in lege Domini voluntatem. Parentes igitur Regiæ sanctissimæ jussioni distinximus tractantes in Ecclesia notabiliores defectus, distinctos articulavimus, articulatos vero sub castigato compendio subscribimus Regiæ claritati. Suppliciter deprecantes, quatenus Regali prudentia suadente celebranda sancta Synodus Prælatorum de Vineâ Sancti Naboth, sic spinas pullulantes ac tribulos refecet scandalorum, ut Christi vineis per ordinem complantatis Unitatis & Pacis prospera Successio propagetur, quam semper vestro regno dispensare dignetur spiritus, per quem Reges regnant, & Principes Dominantur. Amen.

|| Dignata.

## Articuli concernentes reformationem Universalis Ecclesiæ.

### *Articulus primus de Jure Papæ.*

Quamvis de pleno jure sanctissimi in Christo Patris & Domini nostri, Domini Joannis Papæ xxiii, non sit ullatenus diffidendum, sua tamen Cessio libera & ultronea, nec non cæterorum contententium de Papatu, foret opus alti meriti & mercedis, si per eam verisimiliter tanquam membra in uno vero capite possent cuncti Christicolæ || . . . . . unde pium videtur dictum Dominum nostrum & cæteros contententes ad hoc inducere mediis allectivis.

|| Uniri.

### *Secundus de Assumptione Cardinalium.*

Quia in primitiva Ecclesia varias Synodos celebrari legimus, unam de substitutione Mathiæ, aliam de Electione vii Diaconorum, valde videtur consonum, summum Pontificem non debere quenquam in Cardinalem assumere nisi de majoris partis suorum Fratrum consilio & assensu: nec alio modo procedere ad provisionem Episcopatum juxta stilum, quo utitur, ita scribens, de consilio Fratrum nostrorum, &c.

### *Tertius de restitutione Patrimonii Crucifixi.*

Vineam hæreditariam Sancti Naboth noluit Deus impune transferri, quanto magis nec Patrimonium Crucifixi, scriptum quippe est, Reddite quæ sunt Cæsaris Cæsari, & quæ sunt Dei Deo. Tributum Cæsaris, inquit Ambrosius, non negetur, & quod Ecclesiæ Dei est Cæsari, utique non debetur, quia jus Cæsaris esse non potest Templum Dei. A majori ergo ut credimus temporalibus Viris tradenda non est Christi hæreditas possidenda: Placeat igitur, ut in manus virorum, seu Dominorum temporalium Prioratus Alienigenarum non tradatur cum Ecclesiis Domino consecratis.

### *Quartus de promotione Universitatis.*

Quia Studii Generalis Universitas diversis regnis statui & nutrir debuit, ut ipsorum Lampas illuminans, purgans, & proficiens, terras & patrias adjacentes illuminans per doctrinam difficilium dubiorum, purgans a tenebris hæresium & errorum, proficiens exemplis virtutum & morum. Ne igitur deficiente oleo lampadis lux & lumen simul deficiant, placeat virtuosis studentibus providere.

Quintus



*Quintus de Symonia.*

Quia Sedes Apostolica antiquitus dicebatur . . . sancta, quod sanctum recepit, vel sanctum efficit, aut cito dejicit: Cujus tamen contrarium, quadam arte Magica jam molitur . . . . . conturbatorum Symon Magus hæresim ab eo dictam Symoniacam, tam Apostolica, quam Sanctorum Patrum antiquitas omnium hæresium errorumque Charibdin de Ecclesiæ finibus affugare satagit, placeat igitur ad Extirpationem hujus Hæreseos effectualiter laborare.

*Sextus de Indulgentiis.*

Sicut alias Angelorum Manna cibum dulcissimum Israeliticus populus quodam Consilio indemnitate fastidio in nauseam & horrorem vertebat, sic hodie indulgentiarum papalium tam larga, tam prodiga, & tam frequens concessio a plerisque venalis creditur, sicque populo quasi contemptibilis jam vilescit: quosdam vero procliviores efficit ad peccandum, & ad opera poenitentiae tardiores: Et ideo videtur expediens ordinare remedium in præmissis.

*Septimus de creatione & translatione Episcoporum.*

Quia nimium excessiva feoda, quæ in Episcoporum creationibus & translationibus eorundem Sedes precepit Apostolica, nec non primorum fructuum reservationes nullo juris scripto fulcitæ cedunt in nimis grave scandalum dictæ sedis, totiusque Ecclesiæ Christianæ, Quam electiones & translationes hujusmodi sunt dissimiles, & minus dissonæ prioribus in tempore Apostolorum, & longe post tempora eorundem! Placeat ordinare remedium in præmissis, ut domi dormiat avaritia, & ab Ecclesia sponsa Christi exulet Symonia, qua plures Ecclesiastici his diebus flebiliter polluantur.

*Octavus de Executione feodorum Curia Romana.*

Quia etiam ex mirabili gravitate excessum feodaliū, quos pro literis super indulgentiis, absolutionibus, gratiis, provisionibus & similibus percipiunt Officarii dictæ sedis, datur occasio inferioribus Prælati, Clericis & Laicis similia faciendi: sicque omnia judicantur venalia, & de Symoniaca pravitate suspecta, placeat ergo fælix remedium invenire & ut hujusmodi feoda rationabiliter restringantur.

*Nonus de indignis Prælati & Curati.*

Marcus Evangelicus, & B. Antonius, ut Episcopatu & Sacerdotio reputarentur indigni, suos pollicem & auriculam refecabant antiquitus: Quibus aliqui jam succedunt tempore non virtute, moribus & scientia; sacris indigni; qui ad præfata omnia impudenter se ingerunt, & admissi cæci cæcos ducunt; & ambo in foveam simul cadunt, sicque laqueus ruinæ populi sacerdotes mali, & ideo videtur expediens pro communi utilitate Ecclesiæ, his malorum vitiis viriliter obviare.

*Decimus de malis ministris Prælatorum.*

Est & malum sequens ex priore pessimum inter alia, quæ videntur sub sole, quod Pontifices, & cæteri in dignitate positi, contra consilium circumscripti; idcirco tales sibi provident ac constituunt ministros & Judices super plebem, ante quorum oculos non est Dei timor, in quibus non est veritas, sed cupiditas radix omnium vitiorum; imo quamvis lex bona sit si quis ea legitime utatur; tamen tamen ministrorum laquei & abusus illegitimi penes totum a lege Domini illegitimant Christianissimum: Placeat ergo remedium invenire.

Unde-



A. D. 1414.

*Undecimus de commendis Episcoporum.*

Quia contra consilium Elisei Prophetæ relictis vacuis vasa plena inutiliter super-impleri videntur, dum Episcopis conceduntur Beneficia alia in Commendam, quod tamen universalis Ecclesiæ non videntur cedere ad emendam, placeat hunc morbum curare congrua medicina, &c.

*Duodecimus de carnalitate Prælatorum.*

Quia cæca carnalitas Syon edificat in sanguinibus, & commutat Jerusalem in pomorum custodiam; dum suos consanguineos aut nepotulos & imberbes comatulos ad animarum curam assumere non verentur; Placeat ergo tales excessus restringere in futurum.

*Tertius Decimus de avaritia eorundem.*

Quia a Propheta ad Sacerdotem omnes student avaritiæ, protendentes laqueos in capturam pecuniæ, in tantum, quod plerique Prælati quosdam sibi familiares promovent, ut de eorum beneficiis terram sibi detorqueant, & eorum beneficia pro minori ætate in manibus suis detineant. Placeat, &c.

*Quartus Decimus de Religiosis Beneficiatis.*

Quia præcordia fatuorum, sicut rota curri, & quasi axis versatilis cogitatus eorum, qui in Scandalum & Jacturam totius Religionis mittentes manum ad aratrum, & obliquo oculo respicientes retro pingues impetrant personatus. Placeat, &c.

*Quintus Decimus de promotis armigeris.*

Cum cedat ad subversionem & scandalum antiqui regiminis Ecclesiæ, . . . . juvenes tanquam armis insolentes, qui nec horas dicunt canonicas, nec habitu vel tonsura distinguunt. a Laicis Præbendas in Ecclesia occupant & Capellas; igitur ne deteriora contingant, deponant Prælati desidium, & legis Edictum aspere exerceant contra tales, &c.

*Sextus Decimus de Pastoribus revocandis ad curam.*

Quia conqueritur Scriptura de Pastoribus pascentibus semetipsos; quales moribus se ostendunt, qui ut mercenarii a curis effugiunt, ut Lupi tamen rapaces gregem dilaniant, nec voces, sed vellera gregis agnoscunt. Diligentia studeat prælatorum tales specialiter ad sua beneficia revocare curatos, qui extra suam curam voluptatibus & marsupiis vacant implendis in Civitatibus in Dominorum Curiis & Officiis solliciti in compotis & coquinis. Ac pro cæteris placeat ordinare, qui in Cathedralibus, Universitate, & aliis Officiis occupari videntur honeste, ut limitandis temporibus sub pœna taxanda dispensatio non excuset, quin suas curas teneantur interim visitare.

*Septimus Decimus de pluralitate beneficiorum.*

Cum pauci valde curam unicam aut proprias animas vix sufficiant gubernare, ut post tubam scietur novissimam mira doctis censetur præsumptio, quod his diebus tot infcii plus anhelantes rei mundanæ, cupidi, quam animarum saluti, tot sibi Beneficia audeant cumulare: quod sine causa purgandi non constat esse prohibitum a Canonicis institutis. Cui quidem præsumptuoso periculo vicinam esse sensimus præfatis a quam pluribus congeriem pinguum præbendarum. Tantæ igitur cupiditatis voragini apponat discretio moderamen.

*Decimus*



*Decimus octavus de excessivis Conviviis Collegiatorum.*

Cum in quibusdam Cathedralibus, Collegiatisve Ecclesiis hujus regni tam grandia sunt statuta, ut quasi insanis Jeroboam illa ponantur venalia, quæ a benefactoribus fuerant gratis data; sicque pauperiores Canonici, si ad honorem Ecclesiæ & cultum divinum ampliandum personaliter residere voluerint, propter nimiam tamen exactionem pecuniarum, expensarum & sumptuum, quas dicta statuta requirunt effectualiter in dictis Ecclesiis residere non possunt. Unde fit quod pauci || . . . . . quarundam Ecclesiarum omnes possessiones & proventus earundem contra justam conscientiam nimis applicant sibi ipsis; sicque de multis personis idoneis Ecclesiæ sacro-sanctæ subtrahitur, & divinis obsequiis & fundatoribus multipliciter derogatur. Iphis conveniens appareat nimis remedium, si sine talibus sumptibus & pomposis conviviis Canonici ad deservendum altari participandi æque cum Residentibus in una saltem Ecclesia libere forent admissi. || f. flagitii.

*Decimus Nonus de Mercantia Beneficiorum.*

Quia sub ficta veritatis imagine fraus vera coram Deo, uti credimus, proprium decipiens inventorem sub colore justitiæ glebas cum jure patronatus ultra omnes metas justii pretii sub spe beneficii in proximo vacaturi non sine intentione corrupta mercatur communiter his diebus; & quia expressius conscientiæ || corruptela ostendit viri religiosi perpetuo Dominis temporalibus suas alienant possessiones, hoc pacto præhabito, ut de proprio vel propriando beneficio sint securi; alii per alias . . . . . cas & Symoniæ cautelas inferni voragine se immergunt per medias mercandi personas & alia commercia fraudulenta. Ac si cuncta videntem Cautelarum velamine vitarentur cæcarum Compellantur igitur si placeat sine more dispendio tales Symoniaci sic adepta beneficia resignare, quia ab illo intoxicationis veneno aliter mundari non possunt, & provideatur artius de futuro pro Symoniacis celerius castigandis, ne promereantur vindictam Ecclesiæ Anglicanæ. || f. Corruptelam.

*Vicesimus de Appropriatione Ecclesiarum.*

Quia ab ortu . . . . . Schismatis pestilentis per Suggestiones varias subdolas & Sinistras facta est multiplex Ecclesiarum appropriatio, & presertim mensis Episcopalibus ac etiam Monasteriis in bonis temporalibus sufficienter dotatis. Unde gravis suboritur parochianorum desolatio pauperum subducitur hospitalis recreatio, & quod his deterius est cura negligitur animarum, placeat igitur habita requisitione Debita Appropriationes hujusmodi revocare, & pro futuris provide obviare.

*Vicesimus primus de exili portione Vicariorum.*

Quia plures nimis appropriantur Ecclesiæ, in quibus perpetui non subsistantur Vicarii, sed Sacerdotes ad nutum remotivi, qui cum vix annuales habeant minus curant. Ac ubi instituti sunt Vicarii assignatur eis portio tam exilis, quod se ipsos congrue sustentare nequeunt, neque suos recreare pauperes parochianos, ut tenentur. Placeat, &c.

*Vicesimus Secundus de Exemptionibus Religiosorum.*

Quia Viri Religiosi Exemptionum privilegia impetrantes, quod nullos de Gloriosa Christi familia fecisse legimus in Scripturis; delinquant enim frequenter tanto audacius quanto a jugo correctionis ordinariæ longius retraxere cervices; plurimum videtur expediens quod exceptiones hujusmodi cum discretione semper provida revocentur; eo quod inter religiosos exemptos Brigæ oriuntur detestabiles; quibus horribiliter scandalizantur, favor minuitur, ac possessiones ac prædia eis collata, unde Deo deserviant, in litibus consumuntur: prout in ordine Cisterciensi & Cluniacensi per Angliam satis patet.



A. D. 1414.

*Undecimus de commendis Episcoporum.*

Quia contra consilium Elisei Prophetæ relictis vacuis vasa plena inutiliter super-impleri videntur, dum Episcopis conceduntur Beneficia alia in Commendam, quod tamen universalis Ecclesiæ non videntur cedere ad emendam, placeat hunc morbum curare congrua medicina, &c.

*Duodecimus de carnalitate Prælatorum.*

Quia cæca carnalitas Syon edificat in sanguinibus, & commutat Jerusalem in pomorum custodiam; dum suos consanguineos aut nepotulos & imberbes comatulos ad animarum curam assumere non verentur; Placeat ergo tales excessus restringere in futurum.

*Tertius Decimus de avaritia eorundem.*

Quia a Propheta ad Sacerdotem omnes student avaritiæ, protendentes laqueos in capturam pecuniæ, in tantum, quod plerique Prælati quosdam sibi familiares promovent, ut de eorum beneficiis terram sibi detorqueant, & eorum beneficia pro minori ætate in manibus suis detineant. Placeat, &c.

*Quartus Decimus de Religiosis Beneficiatis.*

Quia præcordia fatuorum, sicut rota curri, & quasi axis versatilis cogitatus eorum, qui in Scandalum & Jacturam totius Religionis mittentes manum ad aratrum, & obliquo oculo respicientes retro pingues impetrant personatus. Placeat, &c.

*Quintus Decimus de promotis armigeris.*

Cum cedat ad subversionem & scandalum antiqui regiminis Ecclesiæ, . . . . juvenes tanquam armis insolentes, qui nec horas dicunt canonicas, nec habitu vel tonsura distinguunt. a Laicis Præbendas in Ecclesia occupant & Capellas; igitur ne deteriora contingant, deponant Prælati desidium, & legis Edictum aspere exerceant contra tales, &c.

*Sextus Decimus de Pastoribus revocandis ad curam.*

Quia conqueritur Scriptura de Pastoribus pascentibus semetipsos; quales moribus se ostendunt, qui ut mercenarii a curis effugiunt, ut Lupi tamen rapaces gregem dilaniant, nec voces, sed vellera gregis agnoscunt. Diligentia studeat prælatorum tales specialiter ad sua beneficia revocare curatos, qui extra suam curam voluptatibus & marsupiis vacant implendis in Civitatibus in Dominorum Curiis & Officiis solliciti in compotis & coquinis. Ac pro cæteris placeat ordinare, qui in Cathedralibus, Universitate, & aliis Officiis occupari videntur honeste, ut limitandis temporibus sub pœna taxanda dispensatio non excuset, quin suas curas teneantur interim visitare.

*Septimus Decimus de pluralitate beneficiorum.*

Cum pauci valde curam unicam aut proprias animas vix sufficienter gubernare, ut post tubam scietur novissimam mira doctis censetur præsumptio, quod his diebus tot inscii plus anhelantes rei mundanæ, cupidi, quam animarum saluti, tot sibi Beneficia audeant cumulare: quod sine causa purgandi non constat esse prohibitum a Canonicis institutis. Cui quidem præsumptuoso periculo vicinam esse sensimus practisatam a quam pluribus congeriem pinguum præbendarum. Tantæ igitur cupiditatis voragini apponat discretio moderamen.

*Decimus*



*Decimus octavus de excessivis Conviviis Collegiatorum.*

Cum in quibusdam Cathedralibus, Collegiatisve Ecclesiis hujus regni tam grandia sunt statuta, ut quasi insanis Jeroboam illa ponantur venalia, quæ a benefactoribus fuerant gratis data; sicque pauperiores Canonici, si ad honorem Ecclesiæ & cultum divinum ampliandum personaliter residere voluerint, propter nimiam tamen exactionem pecuniarum, expensarum & sumptuum, quas dicta statuta requirunt effectualiter in dictis Ecclesiis residere non possunt. Unde fit quod pauci . . . . . quarundam Ecclesiarum omnes possessiones & proventus earundem contra justam conscientiam nimis applicant sibi ipsis; sicque de multis personis idoneis Ecclesiæ sacro-sanctæ subtrahitur, & divinis obsequiis & fundatoribus multipliciter derogatur. Iphis conveniens appareat nimis remedium, si sine talibus sumptibus & pomposis conviviis Canonici ad deservendum altari participandi æque cum Residentibus in una saltem Ecclesia libere forent admissi. || f. flagitii.

*Decimus Nonus de Mercantia Beneficiorum.*

Quia sub ficta veritatis imagine fraus vera coram Deo, uti credimus, proprium decipiens inventorem sub colore justitiæ glebas cum jure patronatus ultra omnes metas justæ pretii sub spe beneficii in proximo vacaturi non sine intentione corrupta mercatur communiter his diebus; & quia expressius conscientiæ || corruptela ostendit viri religiosi perpetuo Dominis temporalibus suas alienant possessiones, hoc pacto præhabito, ut de proprio vel propriando beneficio sint securi; alii per alias . . . . . cas & Symoniæ cautelas inferni voragine se immergunt per medias mercandi personas & alia commercia fraudulenta. Ac si cuncta videntem Cautelarum velamine vitarentur cæcarum Compellantur igitur si placeat sine more dispendio tales Symoniaci sic adepta beneficia resignare, quia ab illo intoxicationis veneno aliter mundari non possunt, & provideatur artius de futuro pro Symoniacis celerius castigandis, ne promereantur vindictam Ecclesiæ Anglicanæ. || f. Corruptelam.

*Vicesimus de Appropriatione Ecclesiarum.*

Quia ab ortu . . . . . Schismatis pestilentis per Suggestiones varias subdolas & Sinistras facta est multiplex Ecclesiarum appropriatio, & presertim mensis Episcopalibus ac etiam Monasteriis in bonis temporalibus sufficienter dotatis. Unde gravis suboritur parochianorum desolatio pauperum subducitur hospitalis recreatio, & quod his deterius est cura negligitur animarum, placeat igitur habita requisitione Debite Appropriationes hujusmodi revocare, & pro futuris provide obviare.

*Vicesimus primus de exili portione Vicariorum.*

Quia plures nimis appropriantur Ecclesiæ, in quibus perpetui non subsistantur Vicarii, sed Sacerdotes ad nutum remotivi, qui cum vix annuales habeant minus curant. Ac ubi instituti sunt Vicarii assignatur eis portio tam exilis, quod se ipsos congrue sustentare nequeunt, neque suos recreare pauperes parochianos, ut tenentur. Placeat, &c.

*Vicesimus Secundus de Exemptionibus Religiosorum.*

Quia Viri Religiosi Exemptionum privilegia impetrantes, quod nullos de Gloriosa Christi familia fecisse legimus in Scripturis; delinquant enim frequenter tanto audacius quanto a jugo correctionis ordinariæ longius retraxere cervices; plurimum videtur expediens quod exceptiones hujusmodi cum discretionem semper provida revocentur; eo quod inter religiosos exemptos Brigæ oriuntur detestabiles; quibus horribiliter scandalizantur, favor minuitur, ac possessiones ac prædia eis collata, unde Deo deserviant, in litibus consumuntur: prout in ordine Cisterciensi & Cluniacensi per Angliam satis patet.



A. D. 1414.

*Vicesimus Tertius de punitione exemptorum.*

Quia Religiosi exempti suadente Diabolo, frequenter carnalibus vitiis polluantur nec puniuntur a Prælatiis propriis, sed peccata continuant impunita. Videtur expediens statuere, ut locorum Ordinarii ad puniendos & reformandos omnes religiosos plenam habeant potestatem, & prefertim pro crimine fornicationis, quod committitur extra Claustum, &c.

*Vicesimus Quartus de Excessibus Ordinariorum.*

Episcopi quidam his diebus & eorum Archidiaconi recipiunt feoda excessiva pro institutionibus, permutationibus, confirmationibus Electionum, installationibus Prælatorum, & literis Ordinum & pro testamentorum probationibus summas recipiunt excessivas; acquietando finaliter executores illorum finale compoto non audito: jure tamen scripto in oppositum acclamante. Ideo videtur expediens ut ubi sunt feoda de jure solvenda limitentur ad certum. Dum tamen pro literis ordinum, institutionum, installationum, & presentationum nihil || solvat penitus in futurum.

|| solvatur.

*Vicesimus Quintus de Visitationibus Episcoporum.*

Quamvis cunctæ Visitationes juridice ad correctionem criminum ordinentur, & non propter pecunias congregandas; quidam tamen Ordinarii his diebus non solum ut defectus corrigant, sed ut colligant, suas Visitationes exercent: || dele. [||&] contra intentionem juris scripti equitantes cum familia nimis magna, quod & illorum subditos gravat, & monet aliquos exemptionum privilegia impetrare. Et quidam Archidiaconorum recipiunt procuraciones a Clero ut visitationes omittant, quas ex Officio exercerent. Videtur ergo expediens in præmissis de remedio providere, &c.

*Vicesimus Sextus de Mitris Abbatum.*

Quoniam Abbates & Priores dignitatem Pontificii non attingunt, sed statum obtinent inferiorem, patens illorum præsumptio demonstratur, dum prece suorum ordinum bullas adquirunt ut possint uti mitra atque sandaliis cæterisque insigniis Episcoporum. Et ideo, ut unusquisque ea vocatione maneat, qua vocatus est, & alienentur a Religiosis hujusmodi signa superbia, videtur congruum atque expediens statuere in generali Concilio quod non liceat Religiosis utendo Episcoporum insigniis transgredi statum suum, sed ut cum devoto Vicario Eusebio & Benedicto, suisque Sociis Sanctis Patribus, de his que pertinent statui suo humiliter sint contenti; Tales || . . . . . mitrati, ut ait Bernardus, si eis nomen conferre privilegiorum posset || . . . . . multo auro redimerent, ut possent pontifices appellari.

|| f. Domini.  
|| f. acquisitio.

*Vicesimus Septimus de Infidelibus Baptizandis.*

Plerumque proclamatur a pluribus, quod si Pagani & || fideles suæ gentilitatis errore deposito, [\*&] sacri Baptismatis fonte voluerint expurgari, bona illorum temporalia Ecclesiæ confiscantur, quod multos Judæorum, ut creditur, trahit a baptismo. Pium igitur esset & meritorium toti Concilio ordinare remedium in præmissis. Cum enim Philippus baptizavit Eunuchum, Currum suum ab eo non abstulit neque bona, quæ secum attulit ad baptizandum.

|| f. Infideles.  
\* dele.

*Vicesimus Octavus de Juramentis Extortis.*

Quia non videtur consonum quempiam juramento constringi ne in causa justa || f. debeant. || . . . . . sui juris remedia postulare. Cumque Patroni varii pauperes promovendo Vicarios de non prosequenda augmentatione suæ portionis quantumlibet rationabiliter assignatæ juramentum ab eis exigunt & extorquent. Videtur expediens juramentis hujusmodi obviare, ac etiam remedium ordinare, ne Vicarii vel



vel Rectores ad solvendas pensiones ignotas juramentis similibus astringantur. A. D. 1414.

*Vicesimus Nonus de Extraneis Beneficiatis.*

Cum juxta Salvatoris sententiam singuli curam habentes animarum teneantur pascere gregem Christi pabulo doctrinae Salvatoris, & Lupos effugare ab ovibus suis suae praedicationis latratu: Quidam tamen || . . . . . promoventur in Regno Angliae ipsius Regni idioma penitus ignorantes quique ad informandum subditos indisponuntur ut muti. Ideo videtur expediens ordinare, ut nullus ad beneficia Ecclesiastica promoveatur in aliquo regno, nisi idioma vulgare ejusdem Patriae sufficienter intelligat, & . . . loquatur. || f. Extranei.

*Tricesimus de Literis Dominorum.*

Quia nimium importunis literis Dominorum & precibus, quae plerisque patronis sunt species violenta jubendi ad Beneficia Ecclesiae plurimum promoventur indigni & quod magis detestabile & Deo displicens est quam plurimi temporales Patroni maledicto quodam commercio praesentationes Ecclesiarum, ac etiam licentias permutandi vendunt damnabiliter pacto publico vel fraudulentis cautelis. Vivax igitur istis vitiis remedium apponatur, &c.

*Tricesimus Primus de Prærogativis Ecclesiarum Cantuariensis & Eboracensis.*

Quoniam Prærogativa Ecclesiarum Cantuariensis & Eboracensis, quae nusquam || determinatur in jure inferiores Episcopos, aliosque Ordinarios atque subditos visitando plurimum inquietavit. Ex qua eoque plena determinatione non agnoscitur, multa juri dissona consequuntur, & potestas ordinariis attributa ab executione debita impeditur & saepius || . . . . . Utile, igitur videtur & expediens toti Ecclesiae Anglicanae, quatenus ad quos & quot casus talis prærogativa extendi debeat, in generali consilio declaretur. || f. Determinantur. || f. Enervatur.

*Tricesimus Secundus de Confessionibus per Fratres audiendis.*

Cum nulla juris sanctio ad humani ingenii varietatem sufficiat, nec ad decisionem lucidam suae nodosae ambiguitatis attingat; quare vix aliquid adeo certum statuitur, || quoniam ex causis emergentibus revocari possit in dubium. Quia igitur inter Sæculares curatos & religiosos mendicantes gravis & continua est altercatio, utrum per statutum Domini Clementis Capitulo Dudum, vel Domini Johannis Cap. Vas Electionis, aut aliquid simile derogatum sit in toto vel in parte illi antiquo statuto concilii Generalis omnis utriusque sexus. Placeat ergo Prælati Ecclesiae ambiguitatem tollere in præmissis. || f. Quod non.

*Tricesimus Tertius de Substractione Parvulorum per eosdem.*

Quia notabilitas gravioris culpæ videtur invita substractio alieni parvuli vel infantis, quam equi vel bovis. Cumque Religiosi mendicantes, plerosque parvulos absque consensu suorum parentum claustris vel domibus intrando surripiant. Fiat ordinatio in Generali concilio, qua ætate hujusmodi juvenes debeant tam stricti Ordinis assumere habitum & tonsuram.

*Tricesimus Quartus de Confessionibus.*

Quoniam frequenter in vilibus & horrendis peccatis parochiani plurimi nobiles & ignobiles utriusque sexus nimio pudore ligati Curato proprio confiteri renunt, eis datur absolutio talis qualis a Fratre incio & ignaro, expedit Prælati Ecclesiae remedium apponere in præmissis.



A. D. 1414.

*Tricesimus Quintus de Prædicationibus eorundem.*

Quia Verbum Domini ut venale contemnitur, dum plerique mendicantium sine mora & medio post Sermonem mendicant. Igitur ut vitetur Scandalum expedire videtur, ut a mendicatione in Ecclesiis Fratres abstineant in futuro.

*Tricesimus Sextus de indigne Ordinatis.*

Quia Regularium quorumcunque, sicut & Secularium turba multa insolens & indocta ad sacros ordines indies convolare non cessat. Placeat ordinare quod eorum singuli cujuscunque Religionis aut Conditionis extiterint a Ministris Episcopi ordinantis in receptione Ordinum, & præsertim Subdiaconi, strictam examinationem subeant in futurum.

*Tricesimus Septimus de Ordinatis in Roma.*

¶ f. Quos ad. Quia quosdam illad Ordinis Sacerdotalis fastigium Ecclesia Anglicana non admittit, sed tanquam inhabiles & indignos repulit Romæ sæpe Curia, quantumlibet inscios & ignaros quasi idoneos ordinatos remittere consuevit. Fiat supplicatio summo Pontifici quatenus providere dignetur de remedio, ne tales illiterati simplices & ignari amodo in scandalum curiæ & totius Ecclesiæ ad sacros ordines promoveantur.

*Tricesimus Octavus de Sacerdotibus Fornicariis.*

Quia carnalis vita & lubrica Sacerdotum universam hodie scandalizans Ecclesiam & eorum publica fornicatio penitus impunita, nisi forte levi & latente pœna pecuniaria, perniciosæ cæteris trahitur in Exemplum; Sanctum igitur videtur ad expurgationem Ecclesiæ, quod Sacerdos cujuscunque ordinis extiterit, si publicus fornicator, existat a Celebratione missarum abstineat per tempus limitatum in jure & pœnas in publico subeat corporales.

*Tricesimus Nonus contra Falsas Prædicationes Quæstorum.*

¶ f. deleantur. Quia inverecundi Quæstores turpissimos suos quæstus ad firmam sumunt cum Symone, indulgentias vendunt cum Gyese, & adquisita consumunt cum filio prodigo inhoneste, sed quod magis est detestabile, cum non sint sacris ordinibus constituti publice prædicant ac false prætendunt, quod absolvendi a pœna & a culpa tam superstites quam defunctos plenam habeant potestatem, cum aliis blasphemis quibus populum spoliant ac seducunt, & verisimiliter ad tartara secum trahunt, præstantes spem frivolam & audaciam ad Peccandum. Abusus igitur hujusmodi sectæ pestiferi ab Ecclesiæ Limitibus ¶ deleatur.

*Quadragesimus de Capellani honoris.*

Quia dispensatio consueta plerisque realibus, sed suppressis Apostatis, ut nominales fiant Capellani honoris, notabilis est dispensatio Religionum; cederet ut videtur ad religionis commodum & honorem, si levis suggestio non moneret summum Pontificem cum Religiosis hujusmodi de cætero dispensari.

*Quadragesimus Primus de Violatione Festivalium Dierum.*

Cum, ut legitur in Scriptura, tam violatio Sabbati, quam inhonoratio templi ab ipso Domino graviter sint punitæ. Erat autem vir quidam lapidatus ad mortem, quia ligna collegit in Sabbato, & Christus deiecit præcipitanter vendentes & ementes in Templo. Sanctum opus esset Principibus & Prælati Ecclesiæ per statuta pœnalia & censuras Ecclesiasticas refrænare hujusmodi mala, quæ jam abundant in plebe, publicum forum & nundinas diebus Dominicis & Festis exercente etiam plus solito & in locis sacratis. Per hæc autem mala vehementer



menter Deus offenditur, devotio contemplationis subtrahitur, & fides etiam A. D. 1414. Christiana non modicum vulneratur.

*Quadragesimus Secundus de Reformatione Hospitalium.*

Quia ad pauperum & debiliū sustentationem fundantur hospitalia & dotantur, quibus ejectis Magistri hospitalium & custodes eorum bona convertunt in usus proprios & consumunt, & id malum accidit in non paucis Abbatibus, Prioratibus, & Ecclesiis Collegiatis, quibus multæ possessiones & prædia conferuntur, ut ex eis omni anno certa portio distribuatur pauperibus & egenis, in hoc casu causam . . . defendere, ut tenentur.

*Quadragesimus Tertius de Extirpatione Hæreticorum.*

Quia Christianæ Religionis fides solida radix est & basis, pro salute Ecclesiæ fiat juris executio de Episcopis, quorum si quis super expurgando de sua Diocesi hæreticæ pravitatis fermento negligens fuerit aut remissus, cum idem certis indiciis apparuit mox ab Episcopali Officio deponatur.

Quia maxima laus est Christiani Principis Christi Ecclesiam defendere ab infastis; Placeat Majestati Regiæ, quatenus sui Officarii publicis deputandi Officiis, Vicecomites scilicet, Majores, Ballivi, &c. quocunque nomine censeantur in suorum officiorum receptione juramentis specialibus astringantur, ut capiendo, tenendo, & puniendo hæreticos seu Lollardos Episcopis pro viribus favent & assistant.

*Quadragesimus Quartus de Anglicatione Librorum.*

Quia diversorum librorum & tractatum inepta translatio simplices idiotas doctrinis variis & peregrinis abducit, placeat Regiæ Majestati statuere, quod libri & tractatus novelli ab ortu Schismatis Anglicani confiscari valeant & eorum possessionibus subtrahi, donec per sciolos non suspectos ipsorum in linguam maternam translatio comprobetur.

*Quadragesimus Quintus de nimio apparatu Clericorum.*

Quia quidam solo nomine Clerici, habitu milites, actu neutri, & dum utriusque ordinis esse cupiunt utrumque deserunt & confundunt: Qui tot mortibus digni sunt quot ad suos subditos exempla perditionis transmutant. Placeat ergo ordinarius luxus vestium splendorum & ornatus superfluous a viris Ecclesiasticis & eorum vernaculis non tam per . . . dictatas, quam actu secutas sit effectualiter interdictus.

*Quadragesimus Sextus de Oppressionibus Ecclesiasticorum.*

Quoniam vera Charitas refrigescit, & crudelis iniquitas nunc abundat, jura & libertates Ecclesiæ per secularem potentiam impugnantur, decimæ retrahuntur, Vicarii simplices & Rectores per vim & violentiam opprimuntur, & de falsis criminibus . . . Duodenæ Conductæ per malitiam indictantur, & dum sanguis damnatur innoxius, non audet multorum simplicitas Sacerdotum legis procurare remedia, dum mortis periculum pertimescunt: sed vel redimunt injustas vexationes hujusmodi cum bonis Ecclesiæ, aut ne perdant vitam cum pecuniis dimissa cura Gregis Domini fugere ex patria astringuntur. His igitur malis crebescuntibus remedium dignetur apponere Regia Celsitudo, & quod magna Carta de foresta in defensione Ecclesiæ executioni debitæ demandetur cum statutis cæteris optimis.

Explicit, &c.



A. D. 1416.

N U M. CXX.

## Mandatum pro Convocatione.

A. D. 1416.

Registr. Chich-  
ley fol. iii. a.

**H**enricus, &c. Venerabili Fratri nostro Domino Ricardo Dei gratia London Episcopo Salutem, & Fraternalis dilectionis continuum incrementum. Licet nostræ mentis intentio postquam Cantuariensis Ecclesiæ (cui donante Altissimo presidemus) regimen assumpsimus, ad hoc summis studiis testante Deo elaborare curaverit, ut tam Prælatorum quam Cleri nostræ Provinciæ sumptibus, laboribus, & expensis, consideratis variis & plus solito eisdem incumbentibus Oneribus, provisione paterna; quantum in nobis est, ut convenit, parceremus; verum tamen causarum & Negotiorum inopinate emergentium necessitas, quæ ipsorum deliberationem expostulat, nos impellit ut ipsos in his præsertim quæ maturo Consilio & Deliberatione indigent ad nostræ sollicitudinis relevamen sæpius convocemus: Hoc sane dicimus; & tam Vobis quam Iplis pro eo & ex eo, ad præsens intimare curavimus, quod literas diversas, tam Excellentissimo Principi Domino nostro Regi, quam Nobis, de Concilio Generali Constantiæ, & præsertim per Venerabiles Fratres nostros Bathon. & Sarum Episcopos, per vos, ac cæteros nostræ Provinciæ Suffraganeos Procuratores, ad dictum Generale Concilium destinat' super diversis materiis negotium Unionis Sanctæ matris Ecclesiæ a cunctis Christianis optat' transmissas concernent' sollicitè intuentes, plura concepimus ex eisdem quæ tam ad regni Angliæ honorem, quam ad ipsius sacratissimæ unionis Expeditionem felicissimam sub bono & maturo . . . Consilio celeriter pertractand. Considerantes igitur quod materiæ in literis ipsis contentæ Ipsorum Prælatorum & Cleri Provinciæ nostræ Cantuariensis exposcunt auxilium, consilium pariter & assensum; Volentes etiam ut id quod ipsos, ac Ecclesiæ Anglicanæ, imo & Regni Angliæ honorem concernere dinoscitur, ab ipsis, ut decet, communiter approbetur; Regiis ad hoc persuasionibus & monitis instigati; Venerabili Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos Coepiscopos & Suffraganeos nostros, ac Electos si qui sint in nostra Cant. Provincia constitut. & absentium huiusmodi Coepiscop. si qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie; & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Earundem; Archidiaconosque Abbates & Priores, Conventus sub se habentes; ac alios Prælatos Ecclesiarum, Exemptos & non Exemptos; Clerumque cujuslibet Diocesis Provinciæ nostræ antedictæ, citari & peremptorie præmuniri volumus & mandamus; quod iidem Episcopi, Electi, Vicarii Generales, Decani, Priores, Archidiaconi, ac cæteri Ecclesiarum Prælati, Exempti & non Exempti, Personaliter; & quodlibet Capitulum Ecclesiarum Cathedralium per Unum, Clerusque cujuslibet Diocesis antedictæ nostræ Provinciæ per duos Sufficientes Procuratores compareant coram Nobis, aut nostro in hac parte Locum tenente, seu Commissario, si nos tunc (quod absit) impediri contigerit, in Ecclesia Sancti Pauli London, primo die Mensis Aprilis proximo futuro, ad tractandum nobiscum, cum continuatione & prorogatione dierum tunc sequentium, & locorum, super arduis & urgentibus causis & negotiis, Statum & Utilitatem Ecclesiæ, & Regni Angliæ concernentibus, ipsis tunc ibidem serius Exponend. suæque Consilia & Auxilia super eis impensur. & ad consentiend. his quæ ibidem ex deliberatione communi ad honorem Dei & Ecclesiæ suæ contigerit concorditer ordinari; facturique ulterius, & recepturi, quod huiusmodi negotiorum qualitas exigit & requirit. Vos etiam dictum Mandatum nostrum, quatenus Civitatem & Diocesem vestras concernit, exequi per omnia faciatis; & eidem Mandato nostro in omnibus pareatis cum effectu. Tenore insuper præsentium peremptorie vos citamus, quatenus eisdem die & loco compareatis coram Nobis nostrisve Locum tenentibus, & Commissariis, una cum aliis Suffraganeis Nostris ut præmittitur tractaturi, facturi, nec non & recepturi, quatenus ad vos, prout superius continetur, attinet. Prælati etiam Ecclesiarum Exemptarum, non mendicantibus Vestræ & Aliorum Coepiscoporum dictæ nostræ Provinciæ Diocesis cujuscunque fuerint Ordinis, per vos & dictos Confratres nostros, prout vos [&] unumquemque eorum concernit, volumus intimari, ut præfatis die & loco absque præjudicio privilegiorum suorum in hac parte quibus nolumus derogari, Nobiscum intersint, facturi & recepturi in præ-

missis



missis & ea contingent. quod superius est expressum. Volumus insuper, & mandamus, quatenus intimetis seu intimari & denuntiari faciatis dictæ nostræ Provinciæ Coepiscopis, & Confratribus, & Electis si qui sint, Decanis, Abbatibus, Prioribus, & Archidiaconis, ac Cæteris Ecclesiarum Prælatiis supradictis, quod Eos a personali comparitione in hujusmodi Convocatione dictis die & loco nostra Auctoritate, Deo Annuente, faciend. Excusatos habere non intendimus ista vice, nisi ex causa necessaria tunc ibidem alleganda etiam & probanda; sed eorum Contumacia, si qui forsan absentes fuerint, secundum juris exigentiam canonice punietur. Vobis etiam, ut supra, injungimus & mandamus, quod omnibus & singulis dictis nostris Suffraganeis, & Vicariis hujusmodi injungatis, seu faciatis injungi; ut singuli Eorum singillatim de facto suo in hac parte, quatenus pertinet ad Eosdem, nos, seu loca nostra Tenentes, & Commissarios antedictos, dictis die & loco per literas Eorum patentes, Citatorum nomina continent' distincte & aperte Certificent, ut est moris; De die vero receptionis præsentium, & quid feceritis in præmissis; Nos, nostrosve Locum tenentes, & Commissarios antedictos eisdem die & loco modo debito certificare curetis, per literas vestras patentes harum seriem, & citatorum nomina Vestræ Diocesis in hac parte, in cedula separata hujusmodi literis vestris Certificatoriis annectenda, plenius continentes. Dat. in Manerio nostro de Lamhith, Sexto die mensis Martii, Anno Domini Millesimo Quadringentesimo Decimo Quinto; Et nostræ Translationis Anno Secundo.

A. D. 1416.

## N U M. CXXI.

## Mandatum pro Concilio Provinciali.

**H**enicus Permissione Divina Cantuariensis Archiepiscopus, totius Angliæ Primas, & Apostolicæ Sedis Legatus; Venerabili Fratri nostro Domino Ricardo, Dei Gratia London Episcopo, Ipsove in Remotis agente ejus in Spiritualibus Vicario Generali, Salutem & Fraternalam in Domino Charitatem. Olim a sanctis Patribus salubriter novimus institutum, ut Metropolitani singulis Annis cum suis Suffraganeis Provincialia non omittant Concilia celebrare; in quibus de Corrigendis excessibus & moribus, præsertim in Clero, Reformandis, tractatum cum Dei timore habeant diligentem. Nos igitur qui licet immeriti Cantuariensi Provinciæ, in Ecclesia Anglicana Jure Metropolitico præsidemus, Concilium Provinciale ex causis prædictis, & aliis Statum & Utilitatem Ecclesiæ præfatæ, ac honorabilium Universitatum Oxoniæ & Cantabrigiæ illuminationem concernentibus, tempore & loco subscriptis duximus convocand. Quocirca vobis committimus & mandamus quatenus omnes & singulos nostræ Cantuariensis Ecclesiæ Suffraganeos infra dictam Provinciam nostram constitutos, & absentium Episcoporum hujusmodi, si qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Earundem; Archidiaconosque Abbates, & Priores Conventus sub se habentes, & Alios Ecclesiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuslibet Diocesis Provinciæ nostræ antedictæ, quod compareant coram Nobis, aut nostris in hac parte locum tenentibus, seu Commissariis, si nos (quod absit) tunc abesse contigerit, in Ecclesia Cathedrali Sancti Pauli London xxvito die mensis Novembris proximo futur. cum continuatione dierum tunc sequentium, si oporteat, & locorum; Omnes videlicet Venerabiles Fratres nostri Episcopi Suffraganei, cæterique Prælati, & Absentium Episcoporum Vicarii Generales, nec non Archidiaconi, & Ecclesiarum Cathedralium Decani personaliter, & meliori quo poterunt suffulti Consilio, Capitula vero Ecclesiarum Cathedralium per unum, vel duos Canonicos, sive Monachos, ipsarum Ecclesiarum Confratres, sufficienter literatos, providos, & discretos, ita quod Unus Eorum, ad minus, si Canonici sint, sit de actualiter Residentibus in Eisdem; Conventualium vero, in eventum quo Eorum Prælati ex causis necessariis comparere non poterunt, per unum de Confratribus in Conventu magis idoneum; Clerusque cujuslibet Diocesis per duos consimiles sufficientes Procuratores, ad tractandum nobiscum de & super præmissis, & aliis arduis & urgentibus negotiis, statum & utilitatem Ecclesiæ Anglicanæ, splendidarumque Uni-

A. D. 1417.

Registr. Chicheley fol. x.

versis.



A. D. 1417. versitatum prædictarum Oxon. & Cantabrig. per nos diutinus affectatam, ac Graduatorum in eisdem proficientiam concernentibus, ipsis tunc ibidem serius Exponendis, suaque consilia & auxilia super eis impensuri, & ad consentiendum his quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerint Ordinari, facturique ulterius & recept' quod præmissorum qualitas & natura exigunt & requirunt. Denuntiantes eisdem Venerabilibus Confratribus nostris, & Eorum Vicariis Generalibus, ac per eos Decanis, Archidiaconis, ac cæteris Prælati, Exemptis & non Exemptis, jurisdictionem Ecclesiasticam sic ut præmittitur obtinentibus, & exercentibus; nec non Procuratoribus pro capitulis Ecclesiarum Cathedralium, ac pro Clero in forma supradicta electis, quod Ipsos, aut Eorum Aliquem, a personali comparitione in hujusmodi congregatione excusatos, seu excusatum, nullo modo habere intendimus ista vice; imo in casu quo non comparuerint modo supradicto, contra Absentes eo gravius procedemus, quo quidam confratrum nostrorum cum pluribus Prælati & Clericis sint in Concilio Generali Constantiens. & alibi in Regni & Ecclesiæ negotiis occupati; quidam vero, quod dolenter referimus, ab hac luce subtracti; quidam etiam variis Infirmitatibus quo minus dictæ convocationi interesse poterunt sint detenti. Tenore etiam præsentium peremptorie Vos citamus, quod eisdem die & loco compareatis personaliter coram Nobis, aut Commissariis nostris, seu locum tenentibus prædictis, de, & super, præmissis & ea concernentibus nobiscum una cum aliis Prælati, & Clero prædicto tractaturi, facturique ulterius & recepturi, quatenus ad vos attinet, quod superius continetur; præfensque Mandatum nostrum, quatenus Civitatem & Dioces. London concernit exequi per omnia faciatis. Prælati quoque Ecclesiarum Exemptarum non mendicantibus Vestræ & Aliorum Venerabilium Confratrum nostrorum Coepiscoporum dictæ Provinciæ, Diocesis cujuscunque fuerint ordinis, per vos & confratres nostros, prout vos & unumquemque vestrum concernit, volumus intimari ut præfatis die & loco absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, nobiscum intersint facturi & recepturi in præmissis & ea concernentibus quod superius est expressum. Vobis etiam, ut supra, injungimus & mandamus quod omnibus & singulis Venerabilibus Confratribus nostris Coepiscopis & Suffraganeis, ac Vicariis in Spiritualibus Generalibus injungatis, seu faciatis injungi, quod singuli eorum singillatim de facto suo, quatenus ad eos attinet, Nos, seu Locum nostrum Tenentes, vel Commissarios distincte certificent & aperte; Vosque pari forma pro Civitate & Dioces. London dictis die & loco debite certificare curetis, Vestris & Eorum Literis patentibus habentibus hunc tenorem. Dat. in Manerio nostro de Lameth, xiii die mensis Octobris, Anno Domini Millesimo Quadringentesimo Decimo Septimo. Et nostræ Translationis Anno Quarto.

N U M. CXXII.

Rot. Claus. 7 Henr. V. m. 5. D.

*De Convocatione facienda.*

A. D. 1419.

**R**EX Venerabili in Christo Patri Henrico, eadem Gratia Archiepiscopo Eborum, Angliæ Primati, Salutem. Quia, sicut clare scitis, ad subeundum & supportandum sumptuosa & immensa Onera quæ Nos pro defensione & salvatione Regni nostri ac Ecclesiæ sanctæ præsentibus guerris inter nos & adversarium nostrum Franciæ durantibus facere oportebit, de bonis nostris absque fidelium ligeorum nostrorum adminiculo non sufficimus, nec valemus; Vobis in fide & dilectione quibus nobis tenemini Rogando mandamus, quatenus præmissis debito intuitu attentis & ponderatis, Universos & Singulos Episcopos vestræ Provinciæ, ac Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Priores, & alios Electivos, Exemptos & non Exemptos; nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuscunque Diocesis ejusdem Provinciæ, ad comparendum coram Vobis in Ecclesia Cathedrali beati Petri Eborum, vel Alibi, prout melius expedire videritis, in Octab. Epiphaniæ Domini proximo futur' more debito convocari faciatis, ad Tractandum, Concordandum,



dum, Consentiendum, & Concludend. super præmissis, & aliis quæ sibi clarius A. D. 1419.  
exponentur tunc ibidem ex parte nostra: Et hoc sicut Nos, & Statum Regni  
nostri, ac honorem & utilitatem Ecclesiæ prædictæ, diligitis, nullatenus omit-  
tatis. T. præfato Custode apud Westm. 22 die Nov.

## N U M. CXXIII.

Approbatio Pacis inter Regna Angliæ & Franciæ nuper Conclufæ.  
E. Rot. Parl. 9 Hen. V. num. 18.

**M**emorandum quod cum Tretis vicesimo primo die Maii, Anno Domini  
MCCCCxx & Regni Serenissimi & metuendissimi Domini nostri Regis  
Henrici Quinti Octavo, inter Serenissimum Illustrissimum Principem Dominum  
Carolus Dei Gratia Francorum Regem, patrem suum, & Eundem metuendis-  
simum Dominum nostrum Regem; & inclita Angliæ & Franciæ Regna, Eorun-  
dem Regnorum subditos & subjectos pax finalis & perpetua, largiente pacis Au-  
ctore, conclusa fuerit pariter & concordata: In cujus pacis tractatu inter cætera  
continetur quod dicta pax nedum per dictos Dominos Reges jurari, set etiam  
per *tres Status* utriusque Regni debeat Laudari Acceptari & Approbari; quam  
quidem pacem idcirco idem Serenissimus Rex Franciæ pro parte sua in verbo  
Regio, nec non ad Sancta Dei Evangelia per ipsum corporaliter tacta, de pura  
& spontanea voluntate sua promisit, & in propria Persona sua juravit se obser-  
vaturum, ac omnia & singula in dicta pace contenta sine dolo & fraude impletu-  
rum; nec non ad maiorem firmitatem stabilimentum & robur pacis prædictæ,  
idem Illustrissimus Princeps Rex Francorum, per *tres Status Regni* sui, viz. *Præ-  
latorum & Cleri*, nec non *Procerum & Nobilium*, ac etiam *Civium, Burgensium Ci-  
vitatum Villarum ac Communitatum* dicti regni, præfatos *tres Status* facientium  
& representantium, quos ad Aulam Pallacii sui apud Sanctum Paulum Civitatis  
Parisiens. propter expeditionem præmissorum evocari fecit ad sextum diem men-  
sis Decembris Ultimo præteriti eandem pacem laudari & approbari fecit, ac de  
ipsius mandato Eis super hoc vivæ vocis Oraculo facto, præhabita matura deli-  
beratione decimo die ejusdem Mensis Decembris ipso Domino Rege in Regali  
folio sedente loco prædicto eandem pacem, ac omnia & singula contenta in ea-  
dem, ipsi *tres Status*, prout ex tenore dictæ pacis astringebantur, approbarunt,  
laudarunt, acceptarunt, & auctorizarunt, sicut in Actis inde confectis plenius  
continetur: Volensque idem Serenissimus Dominus noster pro parte sua dictam  
pacem, & omnia & singula contenta in eadem, modo consimili per ipsum, &  
*tres Status Regni sui* jurari, firmari, & roborari, prout ex dictæ pacis tenore  
astringitur & obligatur, dictam pacem bene & fideliter in omnibus se observa-  
tuum in verbo regio & ad Sancta Dei Evangelia per ipsum corporaliter tacta  
juravit & promisit; ac dictos *tres Status*, viz. *Praelatos & Clerum, Nobiles &  
Magnates*, nec non *Communitates* dicti Regni sui ad Secundum Diem Mensis Maii  
Anno Regni sui Nono ad Palatium suum Westm. London. ad Majora firmita-  
tem & robur pacis prædictæ, nec non propter alias Causas suum Statum Regium  
ac dicti Regni utilitatem concernentes, juxta morem & consuetudinem ejusdem,  
fecerat congregari; coram quibus *Status* idem Serenissimus Dominus noster  
Rex per Venerabilem in Christo Patrem Dominum Thomam Dei Gratia Du-  
nelmen. Episcopum suum Cancellarium tenorem dictæ pacis, & omnes & sin-  
gulos Articulos ejusdem seriose exponi fecit, & specificè declarari: Mandavit  
insuper idem Dominus noster Rex eidem Cancellario suo quod dicti *tres Status*  
tenorem dictæ pacis inspicerent & visi tarent, quibus sic diligenter & mature  
per actis, ipsi *tres Status* considerantes, censentes, & reputantes dictam pacem  
laudabilem, necessariam, & utilem utrisque regnis & subditis Eorundem, im-  
mo & toti Christianitati, ipsam pacem & omnia & singula contenta in eadem ip-  
sius Domini nostri Regis ut prefertur Mandato, velut *tres Status* dicti regni sui,  
approbarunt, laudarunt, auctorizarunt, & acceptarunt, ac eandem se, & Eo-  
rum quemlibet, pro se suisque hæredibus Successoribus bene & fideliter perpe-  
tuis futuris temporibus, quantum ad eos & singulos eorum pertinet, observa-  
turos & impleturos promiserunt.



A. D. 1424.

N U M. CXXIV.

Par le Roy.

E Registro Abatiæ de Evesham MS. in Bibl. Cotton. Titus. c. ix. fol. 18. a.

**T**Ryfti and wel by loved yn God, for certeyn Matiers chargeable concernyng the Worshipe of God, as wel as the Goode of youre Ordre wyth his Grace we wolle and charge you streitly that ye do come togedre, not only the Fadres, bote also tho that ben Clerks ant othere that been notable Persones yn every House of the same Ordre, yn as gret Nombre as is goodly possible to assemble unto oure Abbeye of Westminster, the vth Day of May next comynge. Ant seythe that non suche as is byfore seid be excused fro the said Congregation withoute so reasonable ant evident a Cause that by alle Reson oythe to be except as yeo ant they both desiren to eschue our Indignation. Yeven under oure Signet of the Egle, yn the Absence of our Other, at our own Town of Lycestre the xxvth Day of Marche.

N U M. CXXV.

Mandatum pro Convocatione.

A. D. 1421.

Registr.

Chicheley,  
fol. xxiii. b.

**H**enricus permissione Divina Cant. Archiepiscopus, &c. Venerabili fratri nostro Domino Ricardo, Dei Gratia London Episcopo Salutem, &c. Fraternam in Domino Caritatem. Magna & ardua tam Ecclesiæ quam Regni negotia, quæ vobiscum & aliis confratribus nostris London nuper dum essemus communicavimus, & quæ pro eorum Expeditione nostra Communi deliberatione, maturiore egebant consilio, nos inducunt ut cum omni celeritate possibili, De Dei misericordia, ope, & Gratia confisi, provinciale Concilium celebremus. Vestræ idcirco Fraternitati tenore præsentium committimus & mandamus quatenus omnes & singulos nostræ Cantuariens. Ecclesiæ Suffraganeos infra dictam nostram provinciam Cantuariens. constitutos, & absentium Episcoporum hujusmodi si qui fuerint vicarios in Spiritualibus generales citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Catholicum, ac singula Capitula Earundem; Archidiaconos, Abbates, & Priores Conventus sub se habentes, & alios Ecclesiarum Prælatos, exemptos & non exemptos, Clerumque cujuslibet Dioc. Provinciæ nostræ antedictæ, nec non Universitatum [Oxon.] & Cantebrigg. Cancellarios, cæterosque omnes & singulos Ecclesiasticam Jurisdictionem obtinentes, cujusunque Conditionis, Status, aut Gradus extiterint, quod compareant Coram nobis, aut nostris in hac parte locum tenentibus, seu Commissariis, si nos (quod absit) tunc impediri contigerit, in Ecclesia Sancti Pauli London quinto die Mensis Maii prox. futur. cum continuatione & prorogatione dierum tunc sequentium & locorum; Omnes videlicet venerabiles fratres nostri Episcopi & Suffraganei, ac cæteri Prælati, & Decani Ecclesiarum Cath. & Archidiaconi superius nominati, nec non prædicti Cancellarii personaliter; Capitula vero Ecclesiarum Cath. ac cæteri qui Jurisdictionem obtinent Ecclesiasticam, ut præmittitur, per Unum ad minus fide dignum sufficienter litteratum, providum, & discretum; Clerusque cujuslibet Dioc. per duos conformes compareant procuratorem & procuratores, ad tractand. nobiscum de & super præmissis & ea concernentibus, ipsis tunc ibidem serius exponendis, suæque consilia & auxilia super Eis impensuri; & ad consensendum hiis quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerit ordinari; facturique ulterius, & recepturi quod præmissorum qualitas exigit & requirit: Denunciantes eisdem venerabilibus fratribus nostris ac per eos Decanis, Archidiaconis, ac cæteris Prælati, exemptis & non exemptis, nec non procuratoribus pro Capitulis Cath. Ecclesiarum, aut pro Clero, in forma prædicta Electis, quod ipsos, aut eorum aliquem, a personali comparitione in hujusmodi Convocatione excusatos seu excusatum, nullo modo habere intendimus ista vice, immo in casu quo non comparuerint modo supra dicto ipsorum qui absentes fuerint contumaciam juxta juris exigentiam canonice puniemus. Tenore



nore etiam præsentium peremptorie vos citamus quod eisdem die & loco coram Nobis, vel Locum nostrum tenentibus, aut Commissariis personaliter compareatis, de & super præmissis una cum aliis Suffraganeis nostris, ut præmittitur, tractaturi, facturique & recepturi, quatenus ad vos attinet, quod superius est expressum. Vobis insuper, ut supra, injungimus & mandamus quod omnibus & singulis prælatis Ecclesiarum Exemptarum, non mendicantibus, vestræ & aliorum venerabilium fratrum nostrorum Coepiscoporum dictæ provinciæ nostræ Dioc. cujuscunque fuerint Ordinis, per vos & ipsos Confratres nostros prout vos & Unumquemque Vestrum concernit, effectualiter intimetis, ut præfatis die et loco absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, Nobiscum intersint facturi & recepturi in præmissis, & ea concernentibus, quod superius continetur. Singulis etiam venerabilibus fratribus nostris Coepiscopis & Suffraganeis nostris antedictis & Eorum Vicariis in Spiritualibus hujusmodi injungatis, seu faciatis injungi, quod singuli Eorum singillatim de facto suo quatenus pertinet ad Eosdem, Nos, seu Locum nostrum tenentes, vel Commissarios, dictis die & loco per suas literas patentes Citatorum nomina continentes, distincte certificent & aperte: Vosque pari forma Nos, vel Commissarios nostros, quatenus ad vos attinet eisdem die & loco more solito debite certificaretis Literis Vestris Patentibus habentibus hunc tenorem sigillo vestro sigillat. Dat in manerio nostro de Otteford xiv die mensis Marcii Anno Domini Millesimo cccmo xxmo, Et nostre Translationis Anno Septimo.

N U M. CXXVI.

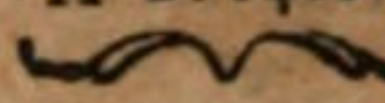
Mandatum pro Conovatione.

**H**enricus permissione Divina Cantuar. Archiepiscopus totius Angliæ primas, & Apostolicæ sedis Legatus Venerabili Fratri nostro Domino Johanni Dei Gratia Londoniensi Episcopo, Salutem & Fraternali in Domino Caritatem. Magna nunc arduis & urgentibus negotiis Defensionem Fidei juriumque & libertatum Ecclesiæ Anglicanæ, nec non utilitatem Reipublicæ ac Statum & Prosperitatem Regis & Regnicolarum Eiusdem concernentibus nos impellit necessitas, Prælatos & Clerum nostræ Cantuariens. Provinciæ convocare. Fraternitati igitur Vestræ committimus & mandamus quatenus omnes & singulos dictæ nostræ Cant. Ecclesiæ Suffraganeos infra nostram provinciam constitutos, & absentium Episcoporum, si qui fuerint, vicarios in Spiritualibus Generales, ac Diocesium vacantium Custodes Spiritualitatis & Officiales, citetis seu citari faciatis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus sub se habentes; & alios Ecclesiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuscunque Dioc. provinciæ nostræ antedictæ citari peremptorie & præmuniri volumus & mandamus, quod iidem Episcopi, Suffraganei nostri, vicarii Generales, Decani, & Custodes sive Officiales, Abbates Priores, Archidiaconi, ac Cæteri Ecclesiarum Prælati, Exempti & non Exempti, Personaliter, & quodlibet Capitulum Ecclesiarum Cath. per unum de Capitulo Graduatum, vel magis idoneum; dictique singuli Abbates, sive Priores Conventus sub se habentes obstante impedimento legitimo per unam Religiosam personam de Conventu Graduatam, si quæ sit, seu alias per unam magis idoneam de eodem Conventu, Clerusque cujuscunque Dioc. Provinciæ antedictæ per duos procuratores Graduatos ejusdem Dioc. seu alias, si non fuerint, per duos sufficientiores & habiliores Dioc. in Eorum beneficiis realiter Residentes, compareant coram nobis aut nostris in hac parte Locum tenentibus vel Commissariis, si nos tunc (quod absit) impediri contigerit, in Ecclesia Cath. Sancti Pauli London, die lunæ prox. post dominicam qua contat. in Ecclesia Misericordias Domini, viz. xv die mensis Aprilis prox. futur. cum Continuatione & Prorogatione dierum tunc sequentium, si oporteat, & locorum; ad tractand. nobiscum de & super præmissis, & ea concernentibus, ipsis tunc ibidem serius exponendis, suaque Consilia & auxilia super eis impensuri, & ad consentiendum hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ contigerit concorditer ordinari; facturique

A. D. 1426

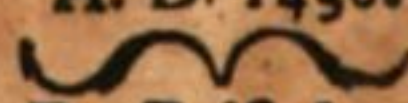
Registr.  
Chicheley,  
fol. lxx. a.



A. D. 1426.  facturique ulterius, & recepturi, quod justum fuerit, & quod negotiorum inibi tractandorum qualitas & natura exigunt & requirunt: Denunciantes Eisdem venerabilibus fratribus nostris, ac per eos Decanis, Archidiaconis ac cæteris Prælatiis, exemptis & non exemptis, nec non procuratoribus pro Capitulis Ecclesiarum Cath. aut pro Clero in forma supradicta Electis, quod ipsos aut ipsorum aliquem a personali comparitione in hujusmodi Congregatione excusatos seu excusatum nullo modo habere intendimus ista vice; immo in casu quo non comparuerint modo supradicto ipsorum qui absentes fuerint contumaciam juxta juris exigentiam canonice puniemus. Tenore etiam præsentium peremptorie vos citamus quod Eisdem die & loco coram nobis vel locum nostrum tenentibus, aut Commissar. personalit. compareatis de & super Præmissis una cum aliis Suffraganeis, ut premittitur, tractaturi, facturique & recepturi quatenus ad vos attinet prout superius continetur; præsensque mandatum nostrum quatenus vestras Civitatem & Dioc. concernit exequi per omnia faciatis. Prælatiis insuper non mendicantibus vestræ & Aliorum venerabilium fratrum nostrorum Coepiscoporum dictæ provinciæ diocesum, cujuscumque fuerint ordinis, per vos & confratres nostros, prout vos & unumquemque Eorum concernit, volumus intimari ut Præfatis die & loco, absque præjudicio privilegiorum suorum in hac parte quibus per hoc derogari nolumus, nobiscum intersint, facturi & recepturi in præmissis, & ea contingentibus, quod superius est expressum. Vobis etiam ut supra injungimus & mandamus quod omnibus & singulis venerabilibus fratribus nostris Coepiscopis & Suffraganeis antedictis vicariisque in Spiritualibus ac Diocesum vacancium Custodibus Spiritualitatis injungatis, seu faciatis injungi, quod singuli Eorum singillatim de facto suo quatenus pertinet ad Eosdem, Nos, seu Locum nostrum Tenentes vel Commissarios dictis die & loco per Litteras Eorum patentes tenorem præsentium, ac etiam Citatorum nomina continentes, distincte certificent, ut est moris: vosque pari forma, Nos vel Commissarios nostros, quatenus ad vos attinet, eisdem die & loco more solito debite certificare curetis litteris vestris patentibus habentibus hunc tenorem. Dat. in Hospitio nostro Leicestriæ xix die mensis Martii, Anno Domini Millesimo cccmo xxvto. Et nostræ Translationis Anno Duodecimo.

## N U M. CXXVII.

Recommendatio Magistri Willielmi Lyndewode utriusque Juris Doctoris, ad Ecclesiam Herfordensem, in Eventu fiendæ Cessionis, &c.

A. D. 1438.  
 Ex Epistol.  
Tho. de Bekyn-  
tona. in Bibl.  
Lambeth.  
num. cxxi.  
fol. 1.

POST Recommendationes obnixas, ac Pedum Oscula beatorum, Patrum Beatissime: Intelligi nobis datum est quod Reverendus in Christo Pater Thomas Herfordens. Episcopus jam annosus ac Senio & nimia Corporis debilitate fractus, implorata primitus & Obtenta in ea parte Apostolicæ sedis Gratia, deliberavit, & secum conclusit, in brevi Pastoralis Officii cedere Dignitati; Et reliqua deinceps, extremaque Vivendi tempora, sub Observantia monasticæ Vitæ, & Sanctæ Contemplationis Ocio consummare. Et cum Nobis jam desiderium ingens sit, & Cura non facilis, ut Herfordensi Ecclesiæ, quæ in Regni nostri Angliæ confinio, & inter Populos non parum natura feroces ac indomitos sita consistit, migrante Venerabili Patre prædicto, de Successore Electissimo & per Omnia Laudabilium ac Insignium meritorum per Sanctitatem Vestram, quam id ipsum sapere non ambigimus, Sancta & tam Deo quam Hominibus Chara, acceptaque nimis fiat prociti, en cum ad plurimos Regni nostri Valentes, probos, Scientificosque Viros Oculos convertissemus, tum demum ad Egregia, & maxima laude digna, Virtutes & Morita Egregii & sincere nobis dilecti Clerici & Consilarii nostri Magistri Willielmi Lyndewode, Utriusque Juris Doctoris, Custodis Privati Sigilli nostri, lumina descedentes, Ipsum utique non secus quam ut Virum Eminentioris Scientiæ, probatæque per Omnia, & Mundissimæ Vitæ, magnique Consilii & Experientiæ in Agendis, Virum denique ita Castum, Humilem, & Modestum, ac inflexibiliter ubi opus sit, Justum, ut locorum quocunque pervenerit Omnia Vitæ propriæ integritate Purificet; Quemque ab Ambitu eatenus sepositum Scimus ut malit nunquam, quam vel suis usquam Precibus, aut Opera ad hoc data sua, seu precio Cujusquam Ordinari Antistes: Ipsum, inquam, ut Summe meritum, & præfatæ Herfordensi Ecclesiæ, ac dispensationi Ejusdem,



Ejusdem, attenta temporum & locorum malitia, non modo accommodum & utilem, sed valde pernecessarium, non absque Dei inspiratione, uti speramus, favoribus Apostolicis duximus Commendandum. Ipsum igitur Beatissime ac Benignissime Pater, humiliter ac devotissime Supplicamus, non tam sui, quam dictæ Ecclesiæ Gratia, ut in Ea prodesse magis, quam præesse queat; Dignetur Beatitudo Vestra in Eventum fiendæ Cessionis de qua Supra meminimus, gratiose ac favorabiliter suscipere Recommissum. In hoc, Beatissime Pater, rem magni apud Deum meriti, & laudis apud Homines immensæ, penes Nos vero Gratulationis & Complacentiæ Singularis, & generaliter Rem Omnibus propitiam & gratulabundam, operabitur Apostolica Celsitudo. Quam diu & feliciter præservet & muniat Æternus Ecclesiæ Sponsus & Pontifex, Jesus Christus. Script. in Palatio nostro apud Westmonasterium juxta Civitatem nostram London, duodecimo die Julii, Anno Domini Mccccxxxviii. Et Regnorum nostrorum Sexto-decimo.

A. D. 1438.

N U M. CXXVIII.

Procuratorium pro Convocat. Feb. 7. 1508.

**P**Ateat Universis per Præsentes quod nos Capitulum Ecclesiæ Metropolitanae B. Petri Ebor. dilectos nobis in Christo Ven. Viros, A. B. & c. nostros veros legitimos & indubitatos Procuratores Excusatores & Nuncios speciales Conjunctim & divisim, Ordinamus facimus & Constituimus per præsentes: Ad comparand. coram Reverendissimo in Christo Patre & Domino Domino Christo-phero Dei Gratia Ebor. Archiepiscopo Angliæ primate & Apostolicæ sedis legato, Ejusve Locum-tenente, aut Commissario seu Commissariis quibuscunque in Convocatione Cleri Dioc. & Provinciæ Ebor. in Ecclesia Metropolitana Ebor. prædict. die Mercurii, viz. 7 die Febr. prox. futur. post Dat. præsentium, cum continuatione & prorogatione dierum, si oporteat, sequentium, & locorum celebrand. Ad tractand. coram Eodem Reverendissimo Patre ejusve Locum tenente, aut Commissario seu Commissariis, ac Cæteris Prælati ac Cleri procuratoribus, tunc præsentibus, de & super hiis quæ præfatum Dominum Archiepiscopum, statumque, Libertatem, & Honorem Ecclesiæ Metropolitanae prædictæ, ibidem exponi contigerit, Concernent. suumque sanum Consilium impendend. Concordand. etiam Consentiend. & Concludend. & si opus fuerit Dissentiend. super hiis quæ tunc ibidem de Communi Consilio & Assensu dictorum Prælatorum & Procuratorum, divina favente Clementia, salubriter contigerit Ordinari. Ratum, Gratum, & Firmum habentes & habituri quicquid dicti Procuratores nostri, nomine nostro fecerint in præmissis. In cujus, & c. Dat. ultimo die Januar. Anno Domini 1508.

A. D. 1508.

E Registro  
Dec. & Capit.  
Ebor. ab An-  
no 1504.  
fol. 32, 33.

N U M. CXXIX.

Commissio ad Colligend. primæ Decima duarum Decimarum secundam Medietatem.

**C**Arolus permissione Divina Herefordens. Episcopus Dilecto nobis in Christo Priori & Convent. De Wenlock nostræ Dioc. Salutem Gratiam & Benedictionem. Cum nos virtute brevis Regii cujus Dat. est apud Westm. xv die mensis Junii Prædict. Domini nostri Regis Anno nono nobis transmissi ad assignandum, & deputandum, aliquos viros fidedignos nostræ Dioc. pro levatione & collectione duarum Decimarum eidem Domino nostro Regi a Prelatis & Clero Cant. Provinciæ in ultima Convocatione sive sacra Synodo Provinciali Prælatorum & Cleri hujusmodi in Ecclesia Cathedrali divi Pauli London, xxii die mensis Junii Anno Domini Milleesimo quingentesimo xiv inchoata Ac usque ad & in xxmum diem mensis Decembris Anno Domini prox. sequent. extunc de diebus in dies continuat. & prorogat. pro conservatione & defensione hujus incliti regni Angliæ & Ecclesiæ Anglicanæ, ac aliis Considerationibus, sub certis modis, formis, Conditionibus, Provisionibus, & Exceptionibus, concessarum & de

A. D. 1514.

E Registr.  
Car. Borhe.  
Heref. Episc.  
fol. xxvi, xxviii.



A. D. 1514. quibuscumque beneficiis & possessionibus Ecclesiasticis, taxatis & non taxatis, & ad Decimam solvere consueveritis etiam de quibus cunque beneficiis & possessionibus Ecclesiasticis prioratum alienigenarum in quorumcunque manibus Ecclesiasticorum, seu sæcularium virorum existent, solvend. vos ad levand. & colligend. primam Decimam dictarum duarum Decimarum, & utramque medietatem ejusdem unam viz. & primam medietatem ejusdem levand. colligend. & solvend. in Festo Sancti Michaelis Archangeli Anno Domini Millesimo quingentesimo xviii instant. de beneficiis & possessionibus Ecclesiasticis supradictis infra Archidiaconatum Salop. Collectorem deputavimus, prout in prioribus literis nostris tenorem plenum dict. brevis in se continent. vobis transmissis evidenter liquet; vobis igitur mandamus quatenus præfatam secundam Medietatem dictæ primæ Decimæ levare ut præfertur & colligere curetis, & de dicta medietate Domino nostro Regi ad Festum Sancti Michaelis Archangeli prox pro solutione Ejusdem, medietatis limitat. fideliter respondeatis: Ita tamen quod de beneficiis & possessionibus Ecclesiasticis tam in dicto brevi regio specificatis quæ a solutione antedictarum Decimarum & cujusslibet medietatis sive partis Earundem in Concessione ipsarum excipiuntur quamque etiam in Scheda præsentibus annex. expressis quæ a solutione secundæ medietatis dictæ primæ decimæ ex causis in concessione notatis & specificatis excusantur, exonerantur, ac nostro Certificatorio relinquuntur, nichil exigatis, levetis, aut colligatis: Ceteraque omnia & singula faciatis expediatisque juxta memorati brevis Regii tenorem, vim, formam, & effectum; In cujus rei testimonium sigillum nostrum præsentibus est appensum. Dat. apud Ludlow xxiii die mensis Junii Anno Domini Millesimo quingentesimo xviii. Et nostre Conf. Anno Secundo.

N U M. CXXX.

Mandatum pro Concilio Prov. Ebor. 22 Jan. 1514.

A. D. 1514.  
Registr. Dec.  
& Capit Ebor.  
fol. 71. a.

**T**homas permissione Divina Ebor. Archiepiscopus Angliæ Primas, & Apostolicæ sedis Legatus, dilectis in Christo Filiis Decano & Capitulo Ejusdem, salutem, Gratiam & Benedictionem. Quia propter quædam ardua & urgentia Negotia, Nos, statum, libertatem, & honorem Ecclesiæ nostræ Metropolitice Ebor. concernentia Prælatos & Clerum nostrarum Civitatis Dioceseos & Provinciæ Ebor. decrevimus Convocare, ut super præmissis, & ea concernentibus ad Dei Laudem, morum Reformationem, & Vitiorum Extirpationem, ipsiusque Ecclesiæ nostræ, status, libertatis, dignitatis & honoris Conservationem, Concilium cum Eisdem Prælati & Clero habere possimus & tractatum; Quocirca tenore præsentium, peremptorie vos citamus, & per vos Canonicos & Confratres vestros Absentes, sic citari volumus & mandamus, quod vos Decane antedictæ personaliter, dictumque Capitulum per Unum, & Clerus Jurisdictionis ejusdem per duos Procuratores sufficientes & idoneos, ab ipsis Capitulo & Clero deputatos, Compareatis, & compareat Quilibet Eorundem coram Nobis, aut Nostri Locum-tenentibus, Commissariis, aut Commissario, Pluribus aut Uno, in hac parte deputat. aut deputandum in Ecclesia nostra Metropolitica Ebor. prædict. die Lunæ, viz. xxii die mensis Januarii, prox. fut. post Dat. præsentium, cum continuatione & prorogatione dierum tunc sequent' si oporteat, & locorum, ad tractand. consentiend. & concludend. super præmissis, & aliis præmissa Concernentibus, vobis & ipsis tunc ibidem seriose exponendis, vestraque & sua sana Consilia in hac parte impensuri, facturique ulterius & recepturi quod ipsum proinde Concilium divina favente Gratia duxerit concorditer Ordinandum tunc ibidem. De die vero receptionis præsentium, & qualiter hoc præsens Mandatum nostrum fueritis executi, nec non de nominibus per vos in hac parte citand. nos, aut nostrum locum tenent. Commissarios aut Commissarium prædict. citra diem xxii dicti mens. Januarii, distincte & aperte Certificetis, per Literas vestras patentes harum seriem continentes Dat. nostro sub sigillo in hospitio nostro prope Westm. xii die Mens. Nov. Anno Domini, M. D. xiv. & nostræ Translat. Anno primo.

N U M.



## N U M. CXXXI.

## Mandatum pro Continuatione Convocationis.

**W**illielmus permissione Divina Cant. Archiepiscopus totius Angliæ Pri- A. D. 1515.  
 mas, &c. Ven. Confratri nostro Ricardo, &c. Inchoata nuper Sancta E Regist.  
 Synodo Provinciali sive Convocatione Prælatorum & Cleri nostræ Cant. Pro- Sylvester.  
 vinciæ in Ecclesia Cathedrali Sancti Pauli London, die, viz. xxii mensis Junii Episc. Wigorn.  
 ult. preteriti, & aliquandiu de diebus in dies continuata, non nulla inibi nego- fol. 141.  
 tia & materias utilitatem, honorem, & defensionem Universalis Ecclesiæ, &  
 præsertim Ecclesiæ Anglicanæ, & libertates Eccles. concernentia exposita  
 tractata & communicata fuere, quorum quædam propter eorum arduitatem  
 pretextu absentiæ quorundam Suffraganeorum nostrorum ac Prælatorum & Cleri  
 hujus modi Procuratorum nec non & aliorum de Clero nostræ Provinciæ Pre-  
 dictæ Magnæ literaturæ providorum, qui in dicta Synodo Provinciali sive Con-  
 vocatione interesse & personaliter juxta & secundum monitiones & Citationes  
 alias per nos, & nostra autoritate eis in hac parte legitime factas Comparuisse  
 debuissent, & alias Causas legitimas Coram nobis per Clerum prædictum tunc  
 & ibidem allegat. Expediri non poterant, sed remanserunt, prout adhuc rema-  
 nent, inexpedita & indeterminata: Unde quamvis contra dictos absentes ac-  
 ter procedere, & eorum Contumaciam legitime punire nec non Procuratoria  
 non Personaliter juxta Monitiones prædictas Compartmentum insolita & insuffici-  
 entia pronuciare potuissemus, de Consensu tamen Confratrum meorum ad tunc  
 nobis in ea parte assidentium, alias contra ipsos procedendum decrevimus; &  
 ne (quod absit) negotia tam ardua & materiæ in grave damnum & præjudicium  
 Ecclesiæ Universalis & Angliæ Ecclesiæ transeant & remaneant inexpedita &  
 indeterminata, sed ut majori habita maturitate eo facilius & celerius terminen-  
 tur quo plurium sapientum ac proborum fulciantur autoritate & Consensu ip-  
 sam Sanctam Synodum Provinciale sive Cleri Convocationem usque ad & in  
 diem Martis, viz. xiii diem Mensis Novembris proxime futur. de consilio & as-  
 sensu Confratrum nostrorum, ac Prælatorum, ac Cleri antedicti, duximus Con-  
 tinuandam & prorogandam, prout de facto prorogavimus & continuavimus tunc  
 & ibidem præfatos Suffraganeos nostros ac Prælatos & Clerum ac alios viros  
 providos Provinciæ nostræ antedictæ modo & forma subscriptis, ac ad effectum  
 infra scriptum autoritate Convocationis prædictæ denuo præmunientes & citan-  
 dos fore decrevimus ac decernimus per præsentis: Vestræ igitur fraternitati  
 committimus & mandamus firmiter injungendo quatenus prorogationem & Con-  
 tinuationem nostras prædict. debite publicando omnes & singulos Episcopos Suf-  
 fraganeos nostros in Provincia nostra Cant. prædicta Constitutos, & absentium  
 Episcoporum & Dioc. Vacantium Vicarios in Spiritualibus Generales præmu-  
 niatis & ex abundanti peremptorie Citetis, & per Eos prout Consuetum, & ad  
 eosdem pertinet, Decanos & Priores Ecclesiarum Cathedralium & singula Capi-  
 tula earundem, Archidiaconos, Abbates, & Priores sub se Conventus habentes,  
 & alios Ecclesiarum Prælatos exemptos & non exemptos Clerumque cujusslibet  
 Dioces Provinciæ antedictæ citari & præmuniri volumus & mandamus, quos  
 nos etiam tenore præsentium sic Citamus, quod ipsi omnes Venerabiles Fratres  
 nostri Episcopi Suffraganei, Vicarii Generales (si qui sint) Decani Archidia-  
 conique ac Abbates & Priores, & aliarum Ecclesiarum Prælati exempti & non  
 exempti, & quilibet Eorum, cessante omni excusatione affectata & quacunque  
 legitime absentandi per nos alias Concessione non obstante personaliter & me-  
 liori quo poterint suffulti consilio, Capitulum vero Ecclesiarum Cathedralium  
 per Unum ad minus fide dignum sufficienter literatum, providum & discre-  
 tum; Clerusque cujusslibet Dioces. per duos Consimiles Procuratores Compa-  
 reant Coram nobis aut nostris in hac parte locum tenentibus vel Commissariis, si  
 nos tunc impediri (quod absit) vel abesse contigerit, in Domo Capitulari in  
 Ecclesia Cathedrali S. Pauli London prædicta dicto xiii die mensis Novembris  
 proxime futuro, cum Continuatione & Prorogatione dierum tunc sequentium si  
 oporteat & locorum, una nobiscum in dicta Convocatione sive sacra Syno-  
 do Provinciali processuri, visuri & audituri tractaturi & sua sana Consilia  
 & Auxilia super præmissis & aliis præmissa Concernent. Impensuri, Commu-  
 nicaturi ulteriusque facturi & Recepturi quod justum fuerit & negotiorum  
 inibi



A. D. 1515.

inibi tractandorum qualitas & natura exigent & requirent. Denunciantes eisdem Ven. Fratribus nostris & Vicariis in Spiritualibus, Decanis, Archidiaconis Abbatibus Prioribus & cæteris Ecclesiasticis Prælatiis exemptis & non exemptis atque Procuratoribus pro Capitulis Ecclesiarum Cath. & pro Clero in forma Supradicta electis quod ipsos & eorum aliquem ista Vice nullo modo Nisi ex causa legitima & probabili coram Nobis sufficienter alleganda & probanda habebimus excusatos vel excusatum; Immo in casu quo non Comparuerint modo & forma supradictis acriori modo quo poterimus procedere & absentes punire intendimus prout justum fuerit in hac parte. Tenore in super præsentium peremptorie vos citamus quatenus Eisdem die & loco coram nobis seu locum nostrum tenentibus & Commissariis nostris modo & forma præmissis Compareatis præsensque nostrum mandatum quatenus Vos ac Civitatem & Dioces. vestras London concernit modo & forma superius expressatis exequi per omnia faciatis; & quid feceritis, & quid dicti Suffraganei nostri fecerint in præmissis, nos seu locum nostrum tenent. vel Commissarios dictis die & loco debite certificare curetis per vestras, singulique confratres nostri sic curent certificare per suas literas Patent harum seriem, modumque & formam Executionis eorundem una cum Schedulis vestris Citatorum nomina Continent vestris & eorum literis Certificatoriis annectendis authentice sigillatis. Dat. apud Lameth quoad sigillationem præsentium ultimo die Mensis Maii, Anno Domini 1515. & nostræ Translationis Anno 12º.

## N U M. CXXXII.

Literæ Legati Missæ Cant. Archiepiscopo ne celebret Generale Concilium.

A. D. 1518.

Registr. Car.  
Bothe. Heref.  
f. l. xxvii.

**M**Y Lorde after Right hertye commendacyons: This day to my no lytle mer-  
vaile I have seyn the Cope of suche Monitions as ye have directed to your  
Suffraganes commanding them by the same to Repaire to Lamebyth where ye in-  
tende to kepe a generail Counsaile with them for the Reformacyon of dyverse  
greate enormyties expressed in your saide monicyons and committed through  
your Province Alleging that the rather ye be moved so to do forasmuche as it  
hath pleas'd the Kings grace like a noble and vertuose Prince to move you ther-  
unto. My Lorde albeit such and many other things as be specially expressed in  
your said monicyons be to be reformed generally through the Church of Eng-  
land as well in my province, as in your, And that being Legate a latere to me  
chye fly it apperteyneth to se the Reformacyon of the Premysis though hyderto  
nor in tyme coming I have ne wolle execute any Juryfdiccion as Legate a latere  
but only as shal stande with the Kings pleasure, yet assured I am that his grace  
wolle not I shulde be so lytle esteemed that ye shulde interpryse the sayde Refor-  
macyon to the expresse derogacyon of the said dignitee of the See Apostolike,  
And otherwise then the Law wolle suffre you, without myne advyse, consent,  
and knowlege; Nor ye had no such commaundement of his Grace but ex-  
pressely to the contrary: And that well appered wher his Grace and Highnes  
Willed you to Repaire to me at Grenewiche syttyng in adminystracyon of Di-  
vines in the Quere; At whiche tyme I appoynted to have specyall communica-  
cyon with you aparte, Affor any Monicyons shulde be sente furthe. Where-  
fore my Lorde sythens ye have don otherwise than was aggreide at that tyme  
and the King commanded you, Necessary it shalbe that furthwith ye Repare  
to me as well to be lerned of the consyderacyons which moved you thus to  
do besydes my knowlege as also to have communicacyon with you for dyverse  
things concernyng your Person and Declaracyon of the same of the Kings Plea-  
sur further as at this tyme it shal not be moche incommodyous unto you thus  
to come to me forasmuche as I intende to lie at Richemount viii or x days from  
whens your place of Mortelake is not ferr dystaunt Wher ye may for the tyme  
right easely And plesauntly be logged and We bothe withe lytle payne often  
Repare togyther as the Case shal Requyre: And thus hartely fare ye well/  
From my House of Yourke, &c.

N U M.



## N U M. CXXXIII.

Literæ Legati a latere missæ Episcopo Hereford. ad intereffendum Concilio apud Ecclesiam Westm. Celebrando.

**R**everende in Christo frater plurimam salutem ac perpetuum bonorum omnium incrementum. Quoniam ob perspectam fidem præcipuamque nostram erga Sanctitatem suam Apostolicamque sedem observantiam Sanctissimus D. N. aliorum Reverendissimorum Cardinalum cætu & concilio ita maxime adnuente, Legationis honore nos, licet immeritos, Decorare dignatus est; Ne tam sublime fidei diligentiaque nostræ creditum munus usque quaque indigne gerere, fastigioque tam excelso appellatione solummodo frui videamur, consilia, cogitationes, vigiliæque omnes nostras eo intendimus, ut juxta nobis commissam Authoritatem suæ beatitudini Devotionem nostram comprobare, rem toti Christianitati perutilem Deoque altissimo acceptam facere, ac demum hujus incliti Regni Ecclesiæ imprimis prodesse queamus. Ad quod fane egregium opus absolvendum vestræ fraternitatis consilio plurimum inniti statuimus. Quam ob rem veluti Ecclesiæ membrum eam hiis literis studiose Rogamus & hortamur ut proxima die Lunæ post festum Cinerum ad sacras divi Petri Westmon' Aedes, ubi confessui habendo que concilio locum præscripsimus, convenire atque adesse non gravetur, quo de hiis quæ in Clero Reformanda, quæque ad nostre fidei augmentum spectare Censuerimus, commodius atque salubrius in commune consultari possit. Nostris igitur literis vestram fraternitatem Denuo rogamus ut omni mora aliisque Excusationibus post habitis, ad præscriptum tempus illuc accedere velit; nihil ambigentes presentes literas tantum perinde ponderis apud Eam habituras ac si monitoria alia nostra ad ipsam misissemus. Super quibus omnibus vestræ Fraternitatis Sententiam atque Responsum quanto brevius fieri potest expectamus: Et bene valete. Ex nostris Aedibus apud Westmon' die ultimo Decembris.

*Vester tanquam frater T. Car'lis Ebor'*

## N U M. CXXXIV.

Prorogatio Concilii Episcoporum per Legatum.

**R**everende in Christo noster tanquam frater amantissime, salutem & Since-  
ram in Domino Dilectionem, Etsi quum novissime pro Cleri Reformatione una cum vestra paternitate, cæterisque Reverendis Confratribus hujus Regni præsulibus in Aedibus nostris simul Omnes convenissemus, dies in crastino Nativitatis beatæ Mariæ Virginis ad bonum istud opus Absolvendum prescripta fuerit; Quoniam tamen iniquam pestem per unversam Londoniensem Civitatem, loca que illi adjacentia nunc maxime sævire intelligimus, adeo ut ad præfixum tempus non absque magno personæ nostræ nostrorumque ac vestrorum familiarium discrimine convenire possimus: Nec præterea a Religiosis super Capitulis quæ illis subeunda proposuimus quid agere decreverint certiores adhuc facti sumus; hanc ob causam, tum etiam ut grassantem pestem pro Viribus declinemus; Convocationem istam ad primum diem Lunæ post festum Cinerum prox' futur' differre Statuimus, ea tempora salubriora esse judicantes & conficiendis hiis quæ ad Laudem Dei & Christianæ Religionis dignitatem per petuamque omnium nostrum gloriam tractare incepimus aptiora. Vestram igitur paternitatem in Domino monemus & hortamur ut ad præfatum diem Lunæ sic omnino adesse velit, ac interim diligenter Articulos pro Cleri Reformatione conceptos in sua diocesi exequi non gravetur, ut ad suum huc adventum quid boni illic egerit nobis cumulatius referre possit: Quæ bene valeat. Ex nostris Aedibus die xxi Augusti M. D. xviii.

*Vester tanquam frater T. Car'lis Eborum.*

*Reverendo in Christo patri domino Episcopo Hereforden. nostro tanquam fratri Charissimo*



N U M. CXXXV.

Commissio ad monendum Clerum quod Compareant, &c. ad Synodum  
Celebrandam, &c. Super quibusdam Articulis.

Registr. Car.  
Bothe Heref.  
fo. xliii.

**C**AROLUS permissione divina Herefordensis Episcopus, Dilecto nobis in Christo filio Magistro Willielmo Webbe Archidiacono nostro Hereford' Salutem Gratiam & Benedictionem. Cum ad regimen Ecclesie Christi, Divina disponente Clementia, Vocatis, inter alia pro commissorum subditorum votiva delectione nihil occurrit prestantius quam Ipsorum curam solícite exercere; ne igitur gregis nostri custodiam ad instar Mercenarii negligere videamur, vigilantí sollicitudine assidue Errata corrigere, aspera & devia in plana & directa convertere, commissoque nobis populo salutis incrementa minis trare, & circa reformandos in Clero mores & actus, prout nobis ex alto committitur, solertius intendere meditamur. Quod facilius ad effectum perducemus si Sanctorum patrum monita & decreta ad vitiorum extirpationem sanctæque matris Ecclesie honorem & utilitatem tam consulte quam sabubriter edita Executioni debitæ demandare curaverimus. Cui nunc efficacibus Studiis & promptis operibus intendere decrevimus: verum quoniam (ut sacre attestantur leges & canones) Integrum est Judicium quod plurimorum sententiis confirmatur non per nos solum præcipites, & nostræ prudentiæ innitendo; sed cum prudentum consilio, ac totius nostri Cleri assistentia ad præmissa procedendum fore decrevimus. Ipsosque de Clero omnes, & cujuscunque gradus, status, vel dignitatis ad Synodum nostram in domo Capitulari Ecclesie nostræ Cath' die infra script' per nos inchoand' tenend' & celebrand' cum continuatione & prorogatione dierum ex tunc sequentium & locorum, si oporteat, ad nobiscum de & super arduis causis & negotiis, ac præsertim quibusdam Articulis a Reverendissimo in Christo patre & Domino Domino Thoma miseratione Divina tituli sanctæ Cecilie Sacrosanctæ Romanæ Ecclesie presbitero Cardinali, Archiepiscopo Eborum, etiam sanctissimi Domini nostri Papæ Legato a latere, nobis in Concilio Episcoporum Cant' & Ebor' Provinc' simul apud Westmon' nuperri-me celebrat' tradit' ac per Nos Clero nostræ Dioc' publicand' & declarand' honorem & utilitatem Ecclesie concernentia procedend' tractand' communicand' consentiend' & concludend' citandos monendosque & vocandos fore decrevimus. Quocirca tenore præsentium peremptorie vos citamus & monemus, ac per vos Omnes & Singulos vestri Archidiaconatus Rectores, Portionarios, Vicarios perpetuos, Cantaristas, Stipendiarios, & Sacerdotes quoscunque citari & moneri volumus & mandamus, quos nos etiam tenore præsentium sic citamus & monemus, quatenus compareatis & compareant Eorum omnes & singuli coram nobis die Jovis quinto die mensis Maii prox' futur' in domo Capitulari antedicta, cum continuatione & prorogatione dierum tunc sequentium, si oporteat, & locorum, in Synodo antedicta, de & super Causis supradictis, & Articulis ac aliis tunc & ibidem exponendis, honorem & utilitatem Ecclesie concernent. ut premittitur, tractaturi, processuri, consilium assensum & consensum impensuri, Monitiones, Injunctiones, & Mandata canonica subituri, Ipsi in omnibus & singulis quatenus vos, & ipsos, & eorum quemlibet concernunt pariter Intimantes, vobis & Eisdem sic citatis monitis & vocatis, quod si in dicta Synodo comparere neglexeritis, neglexerint, aut eorum aliquis neglexerit, Nos tamen vna cum tunc præsentibus ad publicationem & executionem dictorum Articulorum, & Aliorum tunc ibidem exponend' decisionem & finalem determinationem procedemus prout de Jure fuerit procedendum, vestra seu Eorum absentia sive contumacia, in aliquo non obstante. Nec vos aut eorum aliquem ulterius vocare intendimus etiam si hujusmodi terminum continuari aut prorogari contigerit: Et quid in præmissis feceritis, Nos dictis die & loco per vestras literas patentes, harum seriem & singularum personarum per vos in hac parte nomina citat. in se continent' Autentice sigillat' Certificare curetis. Dat. Herefordiæ xxvi die mensis Aprilis, Anno Domini Millesimo quingentesimo xix. Et nostræ Cons' Anno tertio.

Certifica-



## Certificatorium Citat. ad Comparendum in Synodo.

**R**everendo in Christo patri ac Domino Domino Carolo permissione Divina Fol. xliii. b. Herefordens' Episcopo ; vester humilis & devotus Willielmus Webbe Archidiaconus Hereford. Reverentiam Omnimodam & obedientiam tanto patri debitam cum honore. Mandatum vestrum Reverend' pro Convocatione Cleri Archidiaconatus mei Hereford' ad Synodum vestram in domo Capitulari Ecclesiæ vestræ Cath' Herefordiæ quinto die Maii inchoand' cum ea qua decuit Reverentia xxvii die mensis Aprilis Recepi in hec Verba, Carolus permissione divina, &c. Et nostræ Cons' Anno tertio. Quarum Literarum vestrarum Reverend. vigore & auctoritate omnes & singulos Ecclesiarum Rectores, Portionarios, Vicarios perpetuos, Cantaristas, Stipendiarios & Sacerdotes alios quoscunque Archidiaconatus mei prædicti quos tam arcto temporis intervallo per me, aut Officialem meum, & Apparitores apprehendere, aut quoquo alio modo citare & præmonere potui, debita & exacta impensa ex parte mea diligentia peremptorie citavi & citari feci & moneri, quod comparent & eorum quilibet compareret coram paternitate vestra, tempore & loco in dictis literis vestris limit' ad ea faciend' que tenor & qualitas ejusdem mandat' vestr' in se exigunt & Requirit, Intimavimus, &c. ut supra. Et sic mandat' vestrum Reverend' juxta vim, formam & effectum ejusdem, in omnibus quatinus in possibili fuit humiliter sum Executus. Nomina vero omnium & singulorum in dict. Archidiaconatu meo, ut præmittitur, citat' in Scedula præsentibus annexa describuntur. In cujus Rei Testimonium Sigillum Archidiaconatus mei prædict' præsentibus apponi feci, Dat' Hereford' Quarto die mensis Maii Anno Domini Millesimo quingentesimo Decimo nono.

Die loco & anno præscriptis, emanarunt consimiles literæ mutatis mutandis, Decano Ecclesiæ Cath' Hereford' ad citandum & monendum, seu citari & moneri faciend' omnes dict' Ecclesiæ in Dignitate constitut' & præbendar' vicariosque Chorales & Cantaristas In eadem: nec non omnes Rectores proprietar' Vicarios perpetuos, Cataristas, Cæterosque Capellanos quoscunque Civitatis & Jurisdictionis Decanalıs Hereford' quod compareant Die & loco supradictis in literis limitatis ad faciend' juxta vim, formam, tenorem, & effectum earundum literarum, & de nominibus in hac parte citat. debit. per suas literas, Die & loco perscriptis autentice sigillat. certificavit ac penes Registrarium & Act' dimisit, &c.

Acta in dicta Convocatione sive sacra Synodo Prælatorum & Cleri Civitatis, Decanatus, & Archidiaconatus Hereford' celebrat' in Ecclesia Cath' Hereford' Quinto die mensis Maii Anno Domini Millesimo quingentesimo xix.

**D**ecantata primo Missa de Spiritu Sancto ad summum sive autenticum altare in Choro Ecclesiæ Cath' antedictæ, & percantatis Letaniis a Clero antedict' de Ecclesia Cath' Prædict' in Processione generali per Civitatem progredient' & ad Ecclesia Cath' reversis, ibique subsecut' inclinat' & Orationibus in Synod' dici solitis perlectum est Evangelium *Designavit*, cum decantatione hymni Veni Creator, factaque collatione Clero, ad domum Capitularem progressum est, ibique certificat' Domino de nominibus citat' & præmonitorum, tam per Decanum in Civitate & Decanatu, quam per Archidiaconum in Archidiaconatu Hereford' per literas Dict' Decani & Archidiaconi patentes ; Venerabilis vir Magister Willielmus Burghill Decretorum Doctor Thesaurarius Ecclesiæ Cath' antedict' & Consistorii Episcopalis ejusdem Officialis, Auctoritate & Mandato memorat' Reverend' in Christo patris & Domini Domini Caroli permissione divina Hereford' Episcopi tunc & ibidem personaliter constituti & presentis quædam Capitula Articulos sive quasdam Constitutiones ( de quibus patebit inferius ) a Reverendissimo in Christo Patre & Domino Domino Thoma miseratione divina tituli sanctæ Cæcilie sacrosanctæ Romanæ Ecclesiæ Presbytero Cardinali, Archiepiscopo Eborum sanctissimi Domini nostri Papæ Legato a latere, in Concilio Episcoporum Cant' & Eborum Provinc' simul apud Westm. celebrat' tradit' & Clero publicand' & declarand' honorem & utilitatem



tem Ecclesiæ vitam honesta temque Clericorum, habituum morumque Eorund Reformationem concernentia publicavit & declaravit; sicque Continuata est dict' Synodus usque ad horam tertiam post meridiem ejusdem diei, & ad domum capitularem antedict' facta monitione quod omnes & singuli citati tunc & ibidem intersint, Nullusque illicentius a Synodo Recedat. Quibus loco & tempore qui prius intererant ibidem Convocatis, Quibusdam capitulis sive Articulis precipuis de habitu Clericorum, de que vita Moribusque Ordinandorum in vulgari, pro faciliore & uberiori Eorundem intellectu, per memoratum venerabilem virum Magistrum Willielmum Burghill expositis & publicatis, ad quædam alia Capitula & Articulos prælatos tangentia, & ad publicationem Eorundem progressus, Eadem perlegit & publicavit, & copiam sive Exemplar dict' Articulorum sive Capitulorum quibuscunque petentibus fiend' & tradend' fore decrevit dict' Reverendus in Christo Pater; omnesque proprietarios, sive Ecclesias appropriatas in sua Dioc' habentes citat' preconizat' & nullo modo comparentes pronunciavit contumaces, pœna contumaciarum hujusmodi usque horam nonam sequentis diei Reservata, & comparitionem præsentium & comparentium Ratificand' & Approband'; prestita benedictione sua solemni, hujusmodi Synodum explevit finivit & Ordinari' auctoritate dissolvit.

## N U M. CXXXVI.

## Mandatum pro Convocatione Ex Orig' Episc' Lincoln.

A. D. 1523.

**W**illielmus permissione Divina Cant' Archiepiscopus totius Angliæ Primas, & Apostolicæ sedis Legatus, Venerabili Fratri nostro Domino Cuthberto Dei Gratia London Episcopo salutem & Fraternali in Domino Caritatem. Literas Domini nostri Regis, sigillo suo sigillatas, nuper recepimus in hæc verba. Henricus viii. Dei Gratia Angliæ & Franciæ Rex, Fidei Defensor, & Dominus Hiberniæ, Reuerendissimo in Christo Patri Willielmo eadem Gratia Archiepiscopo Cant' totius Angliæ Primati, Salutem. Quibusdam arduis & urgentibus negotiis, Nos securitatem & Defensionem Ecclesiæ Anglicanæ, ac Pacem Tranquillitatem Bonum publicum & Defensionem Regni nostri, & Subditorum nostrorum concercentibus, vobis in fide & dilectione quibus nobis tenemini Rogando Mandamus, quatenus Præmissis debito intuitu attentis & ponderatis, Universos & Singulos Episcopos vestræ Provinciæ, ac Decanos & Priores Ecclesiarum Cath' Abbates & Priores & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Dioc' Ejusdem Provinciæ, ad Comparend. coram nobis in Ecclesia S. Pauli Lond' vel alibi, prout melius expedire videritis, cum Omni Celecitatem accommoda modo debito Convocari faciatis, ad tractand' consentiend' & concludend' super præmissis & aliis quæ sibi clarius exponentur tunc ibidem ex parte nostra: Et hoc sicut nos, & Statum regni nostri, ac Honorem & Utilitatem Ecclesiæ prædictæ diligitis, nullatenus omittatis. Teste meipso apud Westmon' sexto Februar' Anno Regni nostri xiv. Quocirca Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos dictæ Ecclesiæ nostræ Cant' Suffraganeos infra dictam nostram Provinciam Cant' constitutos, ac absentium Episcoporum & Diocesium vacantium Vicarios in spiritualibus Generales citetis peremptorie, ac per eos Decanos, ac Priores Ecclesiarum Cath' ac singula Capitula Earundem, Archidiaconos, Abbates, Priores, Conventus sub se habentes, & alios Ecclesiarum Prælatos Exemptos & non exemptos, Clerumque cujuslibet Dioc' Provinciæ nostræ antedictæ Citari peremptorie & præmuniri volumus & mandamus, Quod iidem Episcopi Suffraganei, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, ac cæteri Ecclesiarum Prælati, Exempti & non Exempti, personaliter; & quodlibet Capitulum Ecclesiarum Cath' per Unum; Clerusque cujuslibet Dioc' Provinciæ antedictæ per duos sufficientes Procuratores habentes Auctoritatem Potestatem & Mandatum sufficient' Continuationi & Prorogationi dierum extunc sequentium & Locorum, si oporteat, Consentiend'; Coram nobis aut nostris in hac parte Locum tenent. vel Commissar' si nos tunc impediri contigerit, in Ecclesia Sancti Pauli London xx die mensis Aprilis prox' futur' una cum Continuatione & Prorogatione dierum ex tunc sequentium & Locorum, ad Tractand' super arduis & urgentibus Negotiis securitatem & defensionem Ecclesiæ



Ecclesiæ Anglicanæ, ac Pacem & Honorem, Bonum publicum, & Defensionem hujus Regni concernent' Iplis tunc ibidem seriosius exponendis; suaque Consilia & Auxilia super eis impensur' & ad consentiendum hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ contigerit salubriter ordinari in præmissis; factur' ulterius & receptur' quod justum fuerit, & hujusmodi negotiorum qualitas exigit & requirit. Tenore etiam præsentium peremptorie vos citamus quod iisdem die & loco coram nobis aut nostr. locum tenent' vel Commissar' personaliter compareatis super dictis negotiis tractaturi; Et nostrum Mandatum quat' vestram Civitatem & Dioc' concernit Exequi per omnia faciat. Vobis etiam injungimus, ut Supra, & Mandamus, quod omnibus & singulis venerabilibus Fratribus nostris Coepiscopis vestris, vel vicariis hujusmodi injungatis, quod singuli eorum singillatim de facto quat' pertineat ad eosdem Nos, seu locum tenent' nostrum vel nostros Commissarios, dictis die & loco per Literas suas Patentes, Citatorum nomina continentes, distincte certificent & aperte; vosque pari forma nos, seu Commissarios nostros, quat' ad vos attinet, eisdem die & loco more solito debite certificetis per Literas vestras Patentes \* *hunc* tenorem habentes, sigillo vestro sigillat. Dat in Manerio nostro de Lamehith Septimo die Mens' Februar' Anno Dom. 1522. & nostræ Translationis Anno xx°.

Ex Autographo. *Ibid.*

**R**everendo in Christo Patri & Domino Domino Jo' permissione divina Lincoln Episcopo vestrove in hac parte Vicario in spiritualibus Generali sive Commissario deputato seu in posterum deputando, vester humilis & devotus Georgius Hennage in decretis Baccalaureus Archidiaconus Archidiaconatus Oxon, omnimodam Reverentiam & Obedientiam tanto Patri debitas cum honore. Literas vestras Reverendas, præsentibus annexas, nobis nuperime directas, primo die instantis Mensis *Martii* cum omni ea qua decuit Reverentia recepimus Exequendas, ipsarumque Literarum vestrarum Auctoritate pariter & Vigore, Omnes & singulos Abbates & Priores, viz. Willielmum permissione divina Abbatem de *Oseney*; Henricum eadem permissione Abbatem de *Eyensham*, Robertum miseratione divina Abbatem de *Brucra*, & Jo' eadem miseratione Priorem *S. Frideswide Oxon*, ac alios Ecclesiarum Prælatos Exemptos & non Exemptos, in quadam Scheda præsentibus annexa descriptos, ac totum Clerum Archidiaconat' nostri prædict' quorum nomina pariter ac Cognomina in eadem Scheda conscribuntur peremptorie citari & præmuniri fecimus, quod dicti Abbates & Priores personaliter, Clerus quoque universus nostri Archidiaconatus per duos Procuratores peritos & sufficientes, jurium & secularium negotiorum Experientiam atque notitiam meliores habentes, compareant coram Reverendissimo in Christo patre & Domino Domino Willielmo permissione divina Cant' Archiepiscopo totius Angliæ Primate, & Apostolicæ sedis Legato, aut ejus locum tenente aut Commissario in Ecclesia Cath' S. Pauli London 20 die Mens' April, jam prox' futur' cum continuatione & prorogatione dierum ex tunc sequentium & locorum, si oporteat, cum Præfato Reverendissimo Patre, & Aliis Reverendis Patribus Episcopis, Archidiaconis, Decanis, Collegiorumque Magistris & Custodibus, Abbatibus, Prioribus & Procuratoribus totius Cleri Provinciæ Cant' super arduis & urgentibus Causis & Negotiis, &c. Dat' 27 die mensis Martii A. D. 1523.

A. D. 1523.

Collat. cum  
Priori Man-  
dato ad Episc.  
Lond. Re-  
gistr. Tun-  
stall, fol. 34.  
Et ad Episc.  
Hereford, Re-  
gistr. Bothe.  
fol. 93.

N U M. CXXXVII.

Citatio Concilii Legatini; ex ipso Mandato ad Episcopum Lincoln Transmisso.

**T**homas miseratione Divina titulo S. Cecilie Sacrosanctæ Romanæ Ecclesiæ Presbyter' Card' Ebor' Archiepiscopus Apostolicæ sedis Legatus Angliæ Primas, & Cancellarius necnon felicitis Recordationis [& nuper Domini nostri Leonis ejus Nominis] Papæ X. Sanctissimique in Christo Patris & Domini nostri Domini Adriani divina providentia [illius] nominis Papæ VI. moderni, & [hujus] dictæ sedis ad serenissimum & [potentissimum in Christo] Principem & Domi-

[*dudum illius nominis*]  
[*hujus*]  
[*illustrissimum*]



num nostrum Hen. viii. Dei gratia Angliæ & Franciæ Regem fidei Defensorem & Dominum Hiberniæ, Universumque ejus Angliæ Regnum, ac omnes & singulas ipsius Regni provincias, civitates, terras atque loca illi subjecta & alia illi adjacentia etiam de latere Legatus; Venerabili Fratri nostro Jo. *Lincoln* Episcopo\*. Cum non solum ex juris Communis Dispositione sed etiam ex præfati fœlicis recordationis Domini *Leonis* nuper Papæ decimi per suas sub Plumbo literas, speciali Commissione, & Sanctissimi Domini nostri *Adriani* divina providentia Papæ VI. moderni dictarum literarum cum omnibus & singulis in eis contentis facultatibus, & aliis clausulis, per suas etiam sub Plumbo literas extensione & prorogatione, nobis inter Cætera sit concessa potestas non modo Regulares, verum etiam Sæculares Ecclesiasticas personas, tam exemptas quam non Exemptas, ac Clerum Regni & Locorum\* Reformandi, & ad honestiores vivendi mores tam in Capite, quam in membris reducendi; proque hujusmodi Reformatione fienda facultatibus amplissimis utendi, prout in [|| ipsis] Literis Apostolicis\* Nobis concessis plenius continetur. Nos igitur Thomas Cardinalis, & Legatus de Latere antedictus onus hujusmodi Reformationis pro divina & sacrosanctæ sedis Apostolicæ reverentia in Nos assumentes, & juxta datam nobis a Deo prudentiam sollicitè ad implere cupientes; atque ad memoriam [revocantes] quod Venerabilis Frater noster Dominus Willielmus Cant' Archiepiscopus totius Angliæ Primas & Apostolicæ sedis Legatus, ad Ecclesiam Cathedralē S. *Pauli* London Prælatos, & Clerum suæ Cantuariensis Provinciæ ad Tractandum cum eis super quibusdam arduis negotiis & causis tam securitatem & defensionem Ecclesiæ Anglicanæ, quam Tranquillitatem & Bonum Publicum hujus Regni Angliæ, Vicesimo die Mensis Aprilis ult' præterit' per suas literas monitorias & Citatorias convocaverit. Scientes insuper, quod & sacri Canones attestantur, magis integrum fore judicium quod plurimorum judiciis roboratur, Prælatos & Clerum nostræ Ebor' Provinciæ ad Ecclesiam Conventualem Exempti Monasterii S. Petri Westmon' pro hujusmodi Regularium & Sæcularium personarum Ecclesiasticarum & Cleri Reformatione Convocavimus; atque etiam illuc præfatum Venerabilem fratrem nostrum Cantuariensem Archiepiscopum, cum Provinciæ suæ Cant' Prælati ac Clero, Locorum & Temporis opportunitate captata, pro hujusmodi Reformatione efficacius & melius fienda advocavimus: Eodemque venerabili fratre nostro ac Prælati & Clero suæ Cant' Provinciæ xxii die dicti mensis *Aprilis* juxta nostram Monitionem illis in hac parte factam ad dictam Ecclesiam Conventualem accedentibus, & coram nobis in domo Capitulari dicti Monasterii comparentibus cum inter cætera quæ ibidem tractari Cæperunt super Mandatis Procuratoriis tam Decanorum [\* Priorum Ecclesiarum Cathedralium, & Capitulorum Eorundem Aliorumque Prælatorum absentium, & Cleri dictæ Cant' Provinciæ ac Procuratorum in eis constitutorum sufficienti potestate nonnihil dubietatis emerferit, ex eo videlicet quod ipsis Procuratoribus in Eorum hujusmodi mandatis non erat, prout antea deliberatum\* & conclusum [fuit,] expresse data\* facultas Coram Nobis in nostra hujusmodi Convocatione *Legatina* in dicta Ecclesia Conventuali comparendi cum sufficienti potestate ad Tractand' & Communicand' super hujusmodi Regularium & Sæcularium personarum Ecclesiasticarum ac Cleri Reformatione, & aliis [Arduis negotiis securitatem & defensionem Ecclesiæ Anglicanæ, nec non Bonum publicum & Tranquillitatem hujus Regni Angliæ] concernentibus: Vestræ igitur Fraternitati tenore præsentium, Auctoritate nostræ Legationis prædictæ firmiter injungendo mandamus quat' cum omni celeritate accomoda Decanum Ecclesiæ vestræ Cathedralis, Capitulum Eiusdem, Abbates\* Priores || & Archidiacones ac Clerum vestræ Diocesis pro hujusmodi procuratoriis in forma debita & sufficienti conficiendis, citetis, convocetis, & moneatis, seu citari convocari & moneri faciatis, & quod [|| die Martis, viz. 2do die mensis Junii prox' futur'] Decanus [\* dictæ] Ecclesiæ † Cathedralis *Lincoln*, [|| Abbatesque Priores] & Archidiaconi qui hætenus [-] non comparuerunt legitime coram Nobis in dicta Convocatione nostra] personaliter, \* Capitulum † per Unum, Clerus vero per duos sufficientes Procuratores in dicta Ecclesia Conventuali Westmon' || cum prorogatione dierum tunc sequentium, si oporteat, & locorum, coram nobis, aut nostris in ea parte locum-tenentibus sive Commissariis Uno vel pluribus, compareant, ad tractandum nobiscum sive locum nostrum tenent' [† coram nobis in nostra hujusmodi Convocatione legitime non comparuerunt.] \* vel Saltem per Unum. † etiam. || die Lunæ post festum Corporis Christi 8. viz. die mensis Junii prox' fut'

[ five ]



[five] Commissar' una cum præfato Venerabili Fratrem nostro Cant' Archiepif- [aut]  
 copo Aliis[que] Episcopis & Prælatiſ, ac Clero tam noſtræ Ebor' quam Cant' [quoq;]  
 Provinciæ, ſuper hujusmodi Regularium & Sæcularium perſonarum Eccleſiaſti-  
 carum & Cleri Reformatione, Eorumque honeſte vivendi & incedendi modo,  
 atque aliis [negotiis arduis, Securitatem & Deſenſionem Eccleſiæ Anglicanæ, [Articulis hñ.  
 ac Bonum publicum & tranquillitatem hujus Regni Angliæ concernentibus] juſmodi Refor-  
 mationem con-  
 ipſis tunc ibidem ſerioſius exponendis, ſuaque conſilia & auxilia ſuper hiis im-  
 pendend' & inſuper ad conſentiend' hiis quæ ibidem ad Honorem Dei & Eccleſiæ  
 Anglicanæ, [Pacemque & tranquillitatem ac Bonum Publicum hujus regni] [Deſunt]  
 tam noſtra & præfati Venerabilis fratris noſtri Cant' Archiepiſcopi, quam Præ-  
 latorum & Cleri utriuſque Provinciæ communi deliberatione || contigerit Ordi- || in præmiſſis  
 nar; Noc non ad ulterius faciend' & recipiend' quod hujusmodi \* negotiorum & circa ea.  
 Qualitas & Natura de ſe † Exigit & requirit; una cum clauſula rati habitionis \* Negotii.  
 Omnium & ſingulorum per [dictos] Procuratores in Præmiſſis, & circa ea † Exigunt &  
 ipſorum \* Nominibus in noſtra hujusmodi Convocatione actorum & agendo- [Hujusmodi]  
 rum. De diebus vero receptionis præſentium & quid in præmiſſis feceritis Nos \* Conſtituen-  
 aut Locum tenentes ſive Commiſſarios noſtros, dictis die & loco perſonaliter, tum.  
 vel per literas veſtras patentes harum ſeriem continentes ſigillo veſtro ſigillat'  
 una cum Nominibus Omnium & Singulorum per vos || Citatorum & Monitorum || in hac parte.  
 debite certificetis. Dat' ſub ſigillo noſtro in Ædibus noſtris prope Weſtmon'  
 † vii die Menſis Maii Anno Dom. 1532. † 2do die.

Quarum quidem literarum Reverendiſſimarum, vigore pariter & autoritate  
 vos Archidiaconum tonore præſentium peremptorie citamus & monemus, Vo-  
 biſque earundem Autoritate mandamus, quod vos virtute Earundem Literarum  
 Reverendiſſimarum Omnes & ſingulos Abbates & Priores, & alios Eccleſiarum  
 Prælatos, exemptos & non exemptos, infra veſtrum Archidiaconatum ubilibet  
 Conſtitut' peremptorie Citetis & Moneatis quod compareatis & compareant co-  
 ram dicto Reverendiſſimo in Chriſto patre Cardinali & Legato de Latere ante-  
 dicto, ſeu ejus Commiſſario ſive Commiſſariis, Uno vel pluribus, aut locum te-  
 nent' die & loco in dictis ſuis Literis Reverendiſſimis ſpecificatis & limitatis;  
 cum Continuatione & Prorogatione dierum & locorum, ſi oporteat, ad Tra-  
 ctand' cum præfato Reverendiſſimo Domino Cardinali & Legato de Latere an-  
 tediſto Ejuſve Commiſſariis una cum Præfato Reverendiſſimo Patre Cant' Archie-  
 piſcopo Aliiſque Episcopis, & Prælatiſ, ac Clero tam Ebor' quam Cant' Prov'  
 nec non ad impendendum veſtra & eorum Conſilia & Auxilia ac ulterius faciend'  
 & recipiend' Ea quæ Tenor & Effectus dictarum literarum RR. in & de  
 ſe exigunt & requirunt. Citetis inſuper & moneatis peremptorie Clerum  
 dicti veſtri Archidiaconatus quod ſufficienter & legitime per unum compa-  
 reant vel Duos Procuratorem ſeu Procuratores, coram Nobis aut noſtro in  
 ea parte Deputat' quocumque in Eccleſia Paroch' Omn' Sſ. villæ Northamp-  
 ton die Jovis in Septimana Pentecoſtes prox' futur' ad Nominand' Conſtituend'  
 & Eligend' una cum Clero Aliorum Archidiaconatum noſtræ Dioc' Lincoln'  
 duos ſufficientes Procuratores pro Clero totius noſtræ Dioc' Lincoln' ad  
 comparend' coram præfato Reverendiſſimo in Chriſto Patre Cardinali &  
 Legato de Latere prædict' Ejuſve Commiſſario ſive Commiſſariis aut Locum  
 Tenent' die & loco in dictis literis RR. limitatis & ſpecificatis, cum Conti-  
 natione & Prorogatione ſi oporteat dierum & locorum, ad Tractand' Com-  
 municand' & Conſentiend' ac ulterius faciend' & recipiend' ea quæ tenor'  
 & effectus Prædictarum Literarum RR. de ſe exigunt & requirunt; Cum  
 clauſula rati-habitionis Omnium & Singulorum per dictos Procuratores in  
 præmiſſis & circa ea, ipſorum nominibus, in huſmodi Convocatione Actorum  
 & Agendorum. Et quid in præmiſſis feceritis nos aut Deputatum noſtrum  
 hujusmodi dicto die Jovis in ſeptimana Pentecoſtes prox' in præfata Eccleſia Pa-  
 rochiali Omn' Sſ. villæ Northampton debite certificare curetis per literas ve-  
 ſtras patentes harum ſeriem, Nominaque Omnium & Singulorum per vos in ea  
 parte Citandorum in ſe Continentes Sigillo veſtro autentice Sigillat. Dat' ſub  
 ſigillo noſtro apud vetus Templum London xi die Menſis Maii, Anno Dom'  
 1532. Et noſtræ Conſecrat' Anno Tertio.



N U M. CXXXVIII.

## Breve Reg' pro Convocatione Ebor'.

A. D. 1530.  
Registr. Dec.  
& Capit. Ebor.  
sede Vacant.  
fol. 637.

**H**enricus Octavus Dei Gratia Angliæ & Franciæ Rex, Fidei Defensor, & Dominus Hybernæ, Custodi Spiritualitatis Archiepiscopatus Eborum, ipsa sede Vacante, Salutem. Quibusdam arduis de Causis & Urgentibus Negotiis Nos, securitatem & Defensionem Ecclesiæ Anglicanæ, ac Pacem, Tranquillitatem, Bonum Publicum, & Defensionem Regni Angliæ & subditorum nostrorum Ejusdem concernentibus, Vobis in fide & dilectione quibus Nobis tene-mini Rogando Mandamus quatenus Præmissis debito intuitu attentis & ponderatis, Universos & singulos Episcopos Provinciæ Archiepiscopatus illius, ac Decanos & Priores Ecclesiarum Cathedralium, Abbates, Priores & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Dioces' Ejusdem Provinciæ ad Comparendum Coram Vobis in Ecclesia Cathedrali B. Petri Ebor' vel alibi prout melius expedire Videritis, duodecimo die Januarii prox' futur' more debito Convocari faciatis: Ad tractandum, consentiendum, & concludendum super Præmissis, & aliis quæ sibi clarius exponentur tunc ibidem ex parte nostra. Et hoc sicut Nos & Statum Regni nostri, ac Honorem & Utilitatem Ecclesiæ prædictæ diligitis, nullatenus Omittatis. Teste Meipso apud Westmonaster' vii die Decembris Anno Regni nostri xxiido.

N U M. CXXXIX.

## Breve Reg. pro Convocatione, cum Procuratorio Decani &amp; Capituli Ebor'.

A. D. 1531.  
Registr. Dec.  
& Capit. Ebor.  
ab Ann. 1504.  
fol. 181.

**H**enricus Octavus Dei Gratia, &c. Quibusdam arduis [ut supra] Universos & singulos Episcopos vestræ Provinciæ— Ad comparend' coram vobis in Ecclesiæ B. Petri Ebor' vel alibi prout melius expedire Videritis, cum Omni Celeritate accommoda modo debito Convocari faciatis, &c. Teste Meipso apud Westm' 23 die Mens' Decembr' Anno Regni nostri 23.

Pateat Universis per Præsentes, quod Nos Brianus Decanus, & Capitulum Ecclesiæ Metrop. Ebor' dilectos nobis in Christo Honorabiles & Circumspectos Viros confratres nostros, Magistr' Lancelotum Collyns Thesaurarium Ecclesiæ Metrop' Ebor' prædict' Canonicumque Residentiarium Ejusdem, Willielmum Clyfton Subdecanum, Willielmum Clayton Decretorum Doctores, & Willielmum Moke A. M. Canonicos Ecclesiæ nostræ Metropol' Ebor' Præbendarios, ac Magistros Thomam Tashe in Legibus Bacchalaureum Causarum nostrarum Auditorem, & Thomam Marrer in Decretis Baccalaureum Custodem fabricæ Ecclesiæ nostræ Metropol' Ebor' prædict' nostros veros & legitimos Procuratores, Excusatores, & Nuncios speciales Ordinamus, Facimus, & Constituimus per Præsentes, ad Comparend' pro Nobis & Nomine Nostro coram Reverendissimo in Christo Patre ac Domino, Domino Edwardo permissione Divina Ebor' Archiepiscopo Angliæ Primate & Apostolicæ sedis Legato, Ejusve Locum tenent' aut Commissariis seu Commissario, pluribus aut uno, in Convocatione Cleri Civitatis, Dioceseos, & Provinciæ Ebor' in Ecclesia Metropol' Ebor' prædict' die Mercurii, viz. Septimo die Mensis instantis Februarii prox' futur' post Dat' præsentium, cum continuatione & prorogatione dierum si oporteat sequentium & Locorum celebranda, ad Tractand' coram Eodem Reverendissimo Patre, Ejusve Locum-tenent' aut Commissariis seu Commissario, pluribus aut Uno, Deputat' aut Deputand' Deputatove seu Deputando, ac Cæteris Prælatiis & Cleri Procuratoribus tunc præsentibus de & super hiis quæ Dominum nostrum Regem, Pacem, Tranquillitatem, Bonum Publicum & Defensionem Ecclesiæ & Regni Anglicani & Subditorum Ejusdem, nec non Statum, Honorem, Utilitatem, & Neceilitatem Nostram & Ecclesiæ Civitat' Dioces' & Provinciæ Nostrarum concernent' & aliis quæ Clarius ex parte Domini nostri Regis ibidem exponi



exponi contigerit, suumque Sanum Consilium impendend' Concordand' Consentiend' & Concludend' super hiis quæ tunc ibidem de Communi Consilio & Assensu dictorum Prælatorum, divina favente Clementia, salubriter contigerit Ordinari: Ratum, Gratum, & Firmum habentes & habituri, quicquid dicti Procuratores nostri, aut aliquis Eorum nomine nostro fecerint seu fecerit in Præmissis. In Cujus Rei testimonium Sigillum nostrum quo in hac parte utimur præsentibus apponi fecimus. Dat' in domo nostra Capitulari quinto die mensis Februar' Anno Dom' 1531.

## N U M. CXL.

Mandatum Prioris & Capitul' Cant' pro Continuatione Convocationis,  
Anno 1532.

Ex ipso Originali Episc' Lincoln'

*Collat' cum Registro Hieronymi Wigorn' Episcopi, fol. 79.*

**J**O' permissione divina *Lincoln* Episc', &c. Literas Reverendi Confratris nostri *A. D. 1532.*  
Domini Domini Jo' London Episcopi recepimus in hæc verba: Jo', &c. vestræ fraternitati tenore præsentium innotescat quod nos Venerabilis & Religiosi viri Thomæ Ecclesiæ Christi Cant' Prioris & ejusdem loci Capituli literas sub eo qui sequitur verborum tenore recepimus. Thomas permissione divina Ecclesiæ Christi Cant' Prior' & Ejusdem loci Capitulum, ad quos omnis & omnimoda Jurisdictio spiritualis & Ecclesiastica quæ ad Archiepiscopum Cant' pertinuit sede plena, ipsa sede jam per obitum bonæ Memoræ Domini Willielmi Warham nuper dictæ sedis Archiepiscopi Vacante, notorie dinoscitur pertinere, Reverendo in Christo Patri & Domino Domino Jo' Dei gratia London Episcopo, Omnimodam Reverentiam tanto Patri debitam cum honore. \* Quod-  
dam Breve Excellentissimi Principis & Domini nostri Domini Henrici viii *Cum: In Christo.*  
Dei Gratia Angliæ & Franciæ Regis, Fidei Defensoris, & Dom' Hiberniæ Illustrissimi, magno sub sigillo sigillat' & nobis direct' cum omni Reverentia recepimus in hæc verba. Henricus viii, &c. dilectis sibi in Christo Custodi sive Custodibus Spiritualitatis Archiepiscopatus Cant' ad quem omnis & omnimoda jurisdictio spiritualis & Ecclesiastica quæ ad ipsum Archiepiscopum pertinuit sede plena, ipsa sede jam vacante notorie dinoscitur pertinere, Ejusve aut Eorum Deputato sive Deputatis in hac parte, Salutem. Cum nos xv die Maii ult' præterit' per Breve nostrum Reverendissimo in Christo Patri Willielmo Cant' Archiepiscopo tunc superstiti direct' ob diversas Causas & Considerationes nos moventes de Avisamento Concilii nostri præsentem Convocationem per Clerum Cant' Provinciæ de mandato nostro per aliud Breve nostrum Eidem Archiepiscopo direct' apud Westm' || tent' duximus Prorogand' ad & usque Westm' prædict' ibidem *vto die Novemb' prox' futur' etiam tenend'* Sicque dicta Concocatio per Eundem Archiepiscopum Eodem xv die Maii usque Westm' prædict' ad & usque dictum *vtum diem Novemb' procat' fuerat & extiterat, ibidem tunc tenenda.* Nos certis urgentissimis causis Nos movent' ac Statum Regni nostri nec non Republ' & tranquillitatem Ejusdem Regni concernent' Vobis mandamus quod dictam Convocationem usque dictum *vm diem Nov'* Sic in forma prædict' prorogat' ad usque Westm' prædict' ad & in *vm diem Febr' prox' futur' etiam debito modo prorogetis, ibi tunc tenend' & prosequend'* una cum Continuatione & Prorogatione dierum & locorum, de die in diem, prout in ea parte convenit in Omnibus, prout per aliud Breve nostrum dicto Reverendissimo Patri tunc superstiti direct' continetur, de dat' apud Westm' xix die Augusti Anno xxi Regni nostri pro hujusmodi Convocatione sive sacra Synodo Provinciali tenenda prosequenda & exercenda. || Mandates præterea ex *Mandantes:*  
parte nostra Universis & singulis Episcopis, nec non Abbatibus & Præloribus tam Exemptis quam non Exemptis, Archidiaconis, Decanis, & omnibus personis Ecclesiasticis quibuscunque dictæ Cant' Provinciæ quorum interest aut interesse poterit in hac parte, quod ipsi & eorum quilibet Vobis in præmissis Omnibus & singulis faciendis & expediendis intendentes sint consulentes & auxiliantes pariter & obediens, prout decet. T. meipso apud Westm' xxviii die Octob' Anno Regni nostri 24. Nos omnia & singula in dicto Brevi Regio contenta & spe-



A. D. 1532. & specificata juxta Effectum ejusdem prout decet exequi volentes, & ut omnis ambiguitatis Scrupulus & occasio de & super procuratoriis Episcoporum Prælatorumque & Cleri Cant' Provinciæ a presenti Convocatione alias *Autoritate dicti* Reverendissimi Patris inchoata celebrata & continuata Absentium ad tunc exhibitis, & aliis in ista Eadem Convocatione Actis & gestis, & in posterum Agendis, tollatur & auferatur, Paternitati igitur vestræ Reverendæ Committimus & Mandamus quat' omnes & singulos dictæ Ecclesiæ Christi Cant' Suffraganeos infra Provinciam Cant' Constitutos, ac absentium Episcoporum & Dioc' Vacantium Vicarios in Spiritualibus Generales peremptorie citari faciatis, & per eos Decanos & Priores Ecclesiarum Cath' ac singula Capitula Earundem, Archidiaconos, Abbates, Prioresque Conventus sub se habentes, & alios Ecclesiarum Prælatos Exemptos & non Exemptos, Clerumque cujusslibet Dioces' Provinciæ antedictæ citari peremptorie & præmuniri volumus & Mandamus, quod iidem Episcopi Suffraganei prædicti, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, ac Cæteri Ecclesiarum Prælati Exempti & non Exempti, nec non Procuratores Cleri Provinciæ antedictæ, quorum nomina in Scheda præsentibus annexa conscribuntur, personaliter, Cæteri vero Episcopi Suffraganei prædicti, Vicarii in spiritualibus generales, Decani Ecclesiarum Cathedralium, Abbates & Priores exempti & non exempti, Archidiaconi & alii Ecclesiarum Prælati, per eorum sufficientes procuratores habentes in ea parte Autoritatem, Potestatem, & Mandatum sufficiens coram Reverendissimo in Christo Patre Cant' Archiepiscopo totius Angliæ Primate & Apostolicæ sedis Legato, qui pro tempore fuerit, Ejusve Commissario seu Commissariis, aut locum Tinent' & coram alio Quocunque, nomine & jure Ecclesiæ Christi Cant' aut alio jure quocunque, ad tunc præsentis Convocationis Præsident' sive Locum tenent' quocunque, in Convocatione & sacro Provinciali Concilio Prælatorum & Cleri Cant' Provinciæ alias per Præfatum Reverendissimum in Christo Patrem Dominum Willielmum nuper Archiepiscopum Cant' in Ecclesia Cath' Divi Pauli London, vto die mensis Novemb' Anno Domini 1529 inchoat' & de die in dies continuat' & nuper ex causis urgent' ad domum Capitularem infra Monast' S. Petri Westmon' scituat' prorogat' & ibidem de diebus in dies continuat' & prorogat' & adhuc pendent' compareant, Et eorum quilibet compareat in domo Capitulari infra Ecclesiam vestram Cathedralem D. Pauli London, die Lunæ, viz. xvii die mensis Martii prox' futur' post dat' Præsentium, cum continuatione & prorogatione dierum ex tunc sequentium & Locorum si oporteat, ad Omnia & singula in præsentis Convocatione inchoata & pendentia, acta & gesta, Exercent' & prosequend' nec-non super aliis Arduis & Urgentibus Causis & Negotiis Securitatem & defensionem Ecclesiæ Anglicanæ, Serenissimique Domini nostri Regis, hujusque sui regni Angliæ pacem & tranquillitatem, bonum publicum & Defensionem Concernent' ipsis tunc ibidem serius exponend' Tractand' & Communicand' suaque Consilia & Auxilia super eis impensur' Et ad consentiend' hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ Anglicanæ in præmissis contigerit Ordinari; facturique ulterius & recepturi quod justum fuerit, & hujusmodi negotii qualitas exigit & requirit. Tenore etiam præsentium vos Citamus quod eisdem die & loco coram Reverendissimo in Christo Patre Cant' Archiepiscopo qui pro tempore fuerit, ejusve Commissario sive Commissariis aut Locum-Tenente, & coram alio quocunque nomine & jure dictæ Ecclesiæ Christi Cant' aut alio jure quocunque ad tunc præsentis Convocationis præsidente personaliter compareatis super dictis negotiis tractaturi, præfensque nostrum Mandatum quatenus vestras Civitatem & Dioces' concernit exequi per omnia faciatis. Vobis etiam injungimus ut supra & mandamus quod omnibus & singulis Reverendis Confratribus vestris coepiscopis dictæ provinciæ vel Vicariis in Spiritualibus hujusmodi injungatis seu faciatis injungi, quod singuli Eorum sigillatim de facto suo quatenus pertinet ad Eosdem Reverendissimum Patrem Cant' Archiepiscopum qui pro tempore fuerit, Ejusve Commissarium sive Commissarios aut Locum-tenent, aut alium Quemcunque jure & nomine Ecclesiæ Christi Cant' aut alium jure quocunque ad tunc præsentis Convocationis Præsidentem, dictis die & loco per literas suas patentes Monitorum sive Citatorum nomina continentes distincte certificent & aperte; Vosque pari forma, quatenus ad vos attinet, eisdem die & loco more solito debite Certificetis, per vestras literas Patentes hunc tenorem habentes sigillo vestro sigillat. Dat' in domo nostro Capitulari, &c. Decimo die mens' Februar' A. D. Mccccxxxii.



## N U M. CXLI.

Certificatorium Regi, quod Convocatio Ebor' corroborat suo consensu,  
*Quod Episcopus Romanus in Sacris Scripturis non habet aliquam Ma-*  
*jorem Jurisdictionem in Regno Angliæ quam quivis alius Externus*  
*Episcopus.*

**I**llustrissimo & Excellentissimo Principi & Domino, Dom' Henrico Octavo, A. D. 1534.  
 Dei Gratia Angliæ & Franciæ Regi, Fidei Defensori, & Domino Hyber- Registr. Lee.  
 niæ, Edwardus permissione Divina Ebor' Archiepiscopus Angliæ Primas & Me- Arch' Ebor'  
 tropolitanus, Salutem. Vestræ Regiæ Celsitudini tenore præsentium innotesci- fol. 88.  
 mus & significamus quod cum juxta Vestræ Regiæ Majestatis Mandatum coram  
 Prælati & Clero Eboracensis Provinciæ in sacra Synodo Provinciali sive Con-  
 vocatione Prælatorum & Cleri ejusdem Provinciæ Ebor' in Domo Capitulari Ec-  
 clesiæ Metropolitice Ebor' quinto die mensis Maii Anno Domini 1534, jam In-  
 stanti celebrat' & de diebus in dies continuat' Congregatis, proposita fuit se-  
 quens Conclusio, *Quod Episcopus Romanus in Sacris Scripturis non habet aliquam ma-*  
*jorem Jurisdictionem in Regno Angliæ quam quivis alius externus Episcopus*; ac insu-  
 per ex parte Præsidentium in eadem Synodo per Nos deputatorum, memorati  
 Prælati & Clerus rogati & requisiti ut illam Conclusionem suo Consensu Con-  
 firmarent & Corroborarent, si illam veritati Consonam, & Sacris Scripturis non  
 repugnantem existimarent aut judicarent; tandem dicti Prælati & Clerus Ebor'  
 Provinciæ antedictæ post diligentem Tractatum in ea parte habitum, ac matu-  
 ram deliberationem, unanimiter & concorditer, Nemine Eorum discrepante,  
 prædictam Conclusionem fuisse & esse Veram affirmarunt, & Eidem concorditer  
 consenserunt. Quæ Omnia & Singula vestræ Regiæ Celsitudini tenore præsen-  
 tium intimamus & significamus. In Quorum Omnium & singulorum testimo-  
 nium sigillum nostrum Præsentibus apponi fecimus. Dat' in castro nostro de  
 Cawode, secundo die mensis Junii Anno Dom' 1534. Et nostræ Consecrationis  
 Anno tertio.

## N U M. CXLII.

## Breve Reg' pro Prorogatione Convocat' Ebor'

**H**enricus Octavus, &c. Reverendissimo in Christo Patri Edwardo, &c. Sa- Ibid. fol. 93.  
 lutem. Cum præsens Convocatio Cleri vestræ Ebor' Provinciæ post di-  
 versas prorogationes apud Ecclesiam Metropolitica S. Petri Ebor' jam modo  
 tenetur & instans existit; certis tamen urgentibus Causis & Considerationibus  
 nos moventibus de Advisamento Consilii nostri ipsam præsentem Convocationem  
 die Mercurii, viz. tertio die Februarii prox' futur' ad & usque certum diem per  
 Vos rationabiliter assignandum, limitandum, & appunctuandum, debito modo  
 prorogetis & prorogari faciatis, apud Ecclesiam Metropolitica S. Petri Ebor'  
 prædict' ibidem tunc tenendam, una cum prorogatione & continuatione Loco-  
 rum & Dierum prout convenit. Mandantes præterea ex parte nostra universis  
 & singulis Episcopis nec non Abbatibus & Prioribus, tam Exemptis quam non  
 Exemptis, Archidiaconis, Decanis & Omnibus Aliis Personis Ecclesiasticis qui-  
 buscunque dictæ vestræ Ebor' Provinciæ Quorum interest, aut interesse poterit  
 in hac parte, quod ipsi & Eorum quilibet Vobis in Præmissis Omnibus & Singu-  
 lis faciendis, agendis, & exequendis intendentes sint, consulentes pariter, &  
 obedientes, prout decet. & Nos de die prorogationis sic per Vos assignand' &  
 appunctuand' nobis in Cancellariam nostram in Quinden' Pasch' prox' futur' una  
 cum tenore hujus Brevis nostri in Scriptis sub sigillo vestro in debita forma Cer-  
 tificetis. Teste meipso apud Westm' xxvi Januarii Anno Regni nostri vice-  
 simo sexto.



## N U M. CXLIII.

Petitio superioris domus in Convocatione contra Libros suspectæ  
Doctrinæ, &c.

A. D. 1534.  
Bibl. Cotton.  
Cleopatra,  
E. 5. fol. 331.

**D**ecimo nono die Decembris A. D. 1534. Episcopi, Abbates, & Priores, Superioris Domus Convocationis sive sacre Synodi Cantuar' Provinciæ in Domo Capitulari Ecclesiæ Cathedralis Divi Pauli London', in præsentia Reverendissimi in Christo Patris & Domini Domini *Thoma* permissione Divina *Cantuar'* Archiepiscopi, totius Angliæ Primatis & Metropolitan, legitime congregati, unanimi Eorum Consensu pariter & Assensu consentiebant, quod dictus Reverendissimus Pater apud illustrissimum in Christo Principem & Dominum nostrum, Dominum *Henricum* Dei gratia *Angliæ & Franciæ* Regem Fidei Defensorem & Dominum *Hyberniæ* Ecclesiæq; Anglicanæ sub Deo caput Supremum, instantiam faceret, quatenus sua Regia Majestas dignaretur pro Augmento fidei subditorum suorum decernere & mandare; quod omnes & singuli subditi sui penes quos, aut in quorum possessione, aliqui libri suspectæ Doctrinæ existunt, præsertim in lingua Vulgari, citra aut ultra Mare impressi, moneantur & cogantur Eisdem suspectæ Doctrinæ libros, infra tres menses a tempore monitionis in ea parte factæ, coram Personis per Regiam Majestatem nominandis præsentare & realiter exhibere, sub certa pæna per Regiam Majestatem moderanda & limitanda. Et quod ulterius sua Regia Majestas dignaretur decernere quod Sacra Scriptura in vulgarem Linguam Anglicanam, per quosdam Probos & Doctos Viros per dictum illustrissimum Regem Nominandos, transferatur, & Populo pro eorum eruditione deliberetur & tradatur. Ac insuper quatenus sua Regia Majestas dignaretur prohibere & mandare, etiam indicta & imposita Pæna, ne quisquam Laicorum aut Sæcularium subditorum suorum de fide Catholica, aut articulis fidei, Sacra Scriptura, aut Ejusdem intellectu, publice disputare aut aliquo modo rixose contendere præsumat in futurum.

## N U M. CXLIV.

## Commissio Domino Episcopo pro Jurisdictione sua Episcopali Exercenda.

A. D. 1535.  
Registr. Edw.  
Fox. Here-  
ford. fol. 1, 2.

**H**enricus Octavus Dei Gratia Angliæ & Franciæ Rex Fidei Defensor' Dominus Hyberniæ ac in terris supremum Ecclesiæ Anglicanæ sub Christo caput, Reverendo in Christo Patri Edwardo Hereford' Episcopo, salutem. Quandoquidem omnis juris dicendi Autoritas atque etiam Jurisdictio omnimoda, tam illa quæ Ecclesiastica dicitur quam Sæcularis, a Regia potestate velut a Supremo capite & Omnium infra Regnum nostrum Magistratum fonte & scaturigine, primitus emanaverit, sane illos qui jurisdictione hujusmodi ante hac non nisi precario fungebantur, Beneficium hujusmodi sic eis ex Liberalitate Regia indultum, gratis Animis agnoscere, idque Regiæ munificentia solummodo acceptum referre, eique (quoties ejus Majestati videbitur) libenter reddere, convenit. Cum itaque nos jure nostro universum Clerum totius Regni nostri *Angliæ* visitare intendentes, & visitationem inchoantes prout revera inchoavimus, per dilectum nobis *Thomam Cromwell* Secretarium nostrum Primarium, & Rotulorum sive Scriniorum nostrorum Magistrum sive Custodem, nostrum ad quasunque causas Ecclesiasticas nostra Autoritate uti *supremi Capitis dictæ Ecclesiæ Anglicanæ* quomodolibet tractand' sive ventiland' Vicegerentem Vicarium Generalem & Officiale principalem per alias literas patentes sigillo nostro majori communitas constituerimus & præfecerimus; Reverendissimoque Patri & prædilecto Consiliario nostro *Thoma Cant' Archiepiscopo* ac per eum Tibi, & aliis hujus Regni nostri Episcopis quibuscunque, ne pendente Visitatione nostra hujusmodi aliquas Ecclesias, aut Monasteria, sive loca alia Ecclesiastica quæcunque visitare, aut ea quæ sunt jurisdictionis exercere attentares sive attentarent, per alias literas inhibuerimus; Quia tamen ipse *Thomas Cromwell* nostris, & hujus Regni nostri *Angliæ*, tot & tam arduis negotiis adeo præpeditus existit quod ad omnem jurisdictionem nobis ut supremo Capiti hujusmodi Competentem ubique locorum



locorum infra hoc Regnum nostrum, & præsertim in his quæ moram commode non patiuntur, aut sine Subditorum nostrorum injuria differri non possunt, in sua persona expediend' non sufficiet; Nos hujus in hac parte supplicationibus humilibus inclinati, & nostrorum subditorum commodis consulere Cupientes, Tibi Vices nostras sub modo & forma inferius descriptis Committend' fore teque licentiand' esse decrevimus. Ad Ordinandum igitur quoscunque infra diocesim tuam *Hereford'* ubicunque Oriund' quos moribus & literatura ( prævio diligenti & riguroso examine) idoneos fore compereris, ac ad omnes etiam Sacros & Presbyteratus Ordines promovend' præsentatosque ad Beneficia Ecclesiastica quæcunque infra Dioces' tuam *Hereford'* constitut' si ad Curam Beneficiis hujusmodi imminentem sustinend' habiles reperti fuerint & idonei, & non aliter, admittend' ac in & de iisdem instituend' & investiend' ac etiam ( si res ita exigat ) destituend' Beneficiaque Ecclesiastica quæcunque ad tuam Collationem sive dispositionem spectantia & pertinentia Personis idoneis conferend'. Atque approband' Testamenta & Ultimas Voluntates quorumcunque tuæ Dioces' Bona, Jura sive Credita non ultra summam Centum Librarum in bonis suis vitæ & mortis suarum tempore habentium : Nec non Administrationes Quorumcunque subditorum nostrorum tuæ Dioces' ab Intestato decedentium ; quorum Bona, Inventeria sive Credita, non ultra summam prædict' vitæ & mortis suarum tempore sese extendent, quatenus hujusmodi testamentorum Approbatio atque Administrationis concessio per præcessores tuos, aut Eorum Alicujus respective Commissarios, retroactis temporibus fiebat, ac fieri & committi potuit, & non aliter, Committend'. Calculumque Ratiocinium & alia in ea parte requisita expediend' Causasque, Lites, & Negotia coram te aut tuis Deputatis pendent Indecisa, nec non Alias sive Alia, quasunque sive quæcunque, ad forum Ecclesiasticum pertinentia ad te aut tuos deputatos per Viam querelæ aut appellationis devolvendi sive deducend' quæ citra legum nostrarum & Statutorum Regni nostri offensam coram te aut tuis Deputatis agitari, aut ad suam sive alicujus Commissariorum per te Vigore hujus Commissionis nostræ Deputandorum Cognitionem devolvi aut deduci valeant & possint examinand' decidend'. Cæteraque omnia & singula in Præmissis tantum, seu circa ea necessaria, seu quomodolibet Opportuna, præter & ultra ea quæ Tibi ex Sacris Literis divinitus commissa Esse dinoscuntur, vice, nomine, & autoritate nostris exequend'. Tibi, de cujus sana doctrina, Conscientiæ puritate, Vitæque & Morum integritate, & in rebus gerendis fide & industria plurimum confidimus, Vices nostras, cum potestate alium vel alios, Commissarium, vel Commissarios, ad præmissa vel Eorum aliqua surrogand' & substituend' Eisdemque ad placitum revocand' tenore præsentium committimus & liberam facultatem concedimus ; Teque Licentiamus per præsentem ad nostrum Beneplacitum duntaxat duraturas cum cujuslibet congruæ & Ecclesiasticæ Coercionis potestate, quacunque inhibitione ante Dat' præsentium emanat' in aliquo non obstante : Tuam Conscientiam coram Deo strictissime onerantes, & ut summo omnium Judici aliquando rationem reddere, & coram Nobis tuo sub periculo Corporali respondere intendis, Te admonentes, ut interim tuum Officium juxta Evangelii normam pie & sancte exercere studeas, Et ne quem ullo tempore unquam vel ad sacros Ordines promoveas, vel ad Curam Animarum gerend' quovismodo admittas, nisi Eos duntaxat quos ad tanti & tam Venerabilis Officii functionem, Vitæ & Morum integritas, certissimis testimoniis approbata, Literarumque scientia, & aliæ Qualitates Requisitæ ad hoc Habiles & Idoneos clare & luculenter ostenderint & declaraverint. Nam ut maxime compertum cognitumque habemus, morum Omnium, & Maxime Christianæ Religionis Corruptelam a malis pastoribus in populum emanasse, sic & veram Christi Religionem, Vitæque & morum Emendationem a bonis pastoribus iterum delectis & assumptis in integrum restitutam iri, haud dubie speramus. In cujus rei testimonium præsentem literas nostras inde fieri, & sigilli nostri quo ad Causas Ecclesiasticas Ultimur appensione jussimus Communiti. Dat' xiv die mensis Octobris, Anno Dom' 1535. Et Regni nostri 27.



## N U M. CXLV.

## Commissio Domino Episcopo pro Visitatione sua Ordinand'

A. D. 1536.  
Ibid. fol. 7, 8.

**H**enicus, &c. Cum nos alias jure nostre Clerum totius Regni nostri visitare intendentes Reverendissimo in Christo Patri ac prædilecto Conciliario nostro *Thoma Cant'* Archiepiscopo ac per Eum aliis hujus Regni nostri Episcopis quibuscunque ne pendente Visitatione nostra hujusmodi aliquas Ecclesias aut Monasteria sive loca alia Ecclesiastica quæcunque, Clerumve aut Populum hujus Regni nostri Visitare Attentarent, inter alia inhibuerimus; ac postmodum ad humilem tuam supplicationem nonnulla Jurisdictionis Ecclesiasticæ administrationem concernentia per alias literas nostras, non obstante inhibitione hujusmodi, relaxaverimus, prout in Eisdem aliis literis nostris plenius continetur: Quia tamen in Eisdem apertis Verbis tuæ Paternitati non indulgetur, nec relaxatur tibi, ut possis Visitationem tuam Ordinariam in Ecclesia tua Cathedrali, Civitate, & Dioces' *Hereford'* exercere, ac proinde desideras tibi per Nos in hac parte etiam relaxari; Nos sperantes eandem Visitationem Vitia extirpandi Virtutesque plantandi causa & intentione a Te exercitam iri, tuis in hac parte humilibus supplicationibus inclinati, Ad visitand' Ecclesiam tuam Cathedrali Civitatemque & Dioces' *Hereford'* necnon omnia & singula Monasteria Abbatis & Prioratus, Collegia, & alia loca pia tam religiosa quam Hospitalia quæcunque Clerumque & Populum dictæ Dioces' *Hereford'* quatenus Ecclesiæ, Monasteria, Abbatia, Prioratus, Collegia, Hospitalia, Clerus, & alia loca pia prædicta, a jurisdictione Episcopali ibidem exempta non sunt, & quatenus per Te & Prædecessores tuos *Hereford'* Episcopos Visitatio hujusmodi temporibus retroactis juste exerceri possit, ac per Te sive Eosdem, de legibus & juribus Regni nostri exerceri possit, & potest, & non aliter: Nec non ad inquirendum per Te aliumve vel alios ad id per Te deputandum sive deputandos, tam ex Officio mero mixto quam promotio super Quorumcunque excessibus, Criminibus, seu defectibus quibuscunque ad forum Ecclesiasticum spectantibus infra dictam *Herefordens'* Dioces' ac Delinquentes sive Criminosos juxta comperta per Te in hac parte per legitima juris remedia pro modo Culpæ, prout natura aut qualitas delicti poposcerit coercend' & puniend' Cæteraque Omnia & singula quæ circa negotium Visitationis & Inquisitionis hujusmodi necessaria fuerint, seu quomodolibet Opportuna, vice, nomine & autoritate nostris exequend' præter & ultra Ea quæ tibi alias in Prioribus literis nostris commissa Esse dinoscuntur, Tibi de cujus sana doctrina, conscientia puritate, Vitæque & Morum integritate, ac in rebus gerendis fide & industria plurimum confidimus Vices nostras, cum potestate alium vel alios, Commissarium vel Commissarios, ad præmissa vel Eorum aliqua Surrogand' & Substituend' tenore præsentium Committimus ac liberam facultatem concedimus, teque Licentiamus per præsentem, ad nostrum Beneplacitum duraturas. In Cujus, &c. Dat' xxi die mens' Julii Anno Dom' 1536. Et Regni nostri 28.

See the like Commission to Bishop Bonner. Bishop Burnet's Hist. Ref. Vol. 1. Append. p. 184.

## N U M. CXLVI.

## Monitio ad Comparend' in Convocatione.

A. D. 1536.  
Registr. Fox.  
Hereford.  
fol. 5. a.

**J**ohannes permissione Divina London' Episcopus Venerabili Viro Magistro Hugoni Corey Ll. D. Reverendi in Christo Patris Domini *Edwardi Herefordens'* Episcopi in remotis Agentis Vicario in Spiritualibus Generali, Salutem, Gratiam, & Benedictionem. Literas Reverendissimi in Christo Patris & Domini Domini *Thoma* Permissione Divina *Cant'* Archiepiscopi totius Angliæ Primatis & Metropolitanæ Breve etiam sive Mandatum Excellentissimi in Christo Principis & Domini nostri Domini *Henrici* Octavi Dei Gratia Angliæ & Franciæ Regis Fidei Defensoris & Domini Hybernæ ac in Terra Ecclesiæ Anglicanæ sub Christo Capitis Supremi ad infra scripta continent' datas decimo die instantis mensis Maii, noveritis Nos cum ea qua decuit Reverentia recepisse. Quorum



Quarum quidem Literarum Reverendissimarum auctoritate pariter & vigore A. D. 1536.  
 Vos tenore præsentium citamus & peremptorie præmonemus vobisque manda-  
 mus, quod Vos Decanum & Capitulum ac Archidiaconos Ecclesiæ Cathedralis  
*Hereford* nec non Abbates & Priores Conventus sub se habentes ac alios Eccle-  
 siarum Prælatos Exemptos & non Exemptos eorumque Capitula, Clerum etiam  
 Civitatis & Dioceſeos *Hereford* peremptorie citari faciatis, viz. ut Vos Deca-  
 nus, Archidiaconi, & Cæteri Ecclesiarum Prælati Exempti & non Exempti Per-  
 sonaliter, & Capitulum dictæ Ecclesiæ Cathedralis per Unum, Clerusque dictæ  
 Dioc' per duos sufficientes procuratores, habentes in ea parte Potestatem &  
 Autoritatem ac Mandatum sufficient' Continuationi & Prorogationi dierum ex  
 tunc sequentium, si oporteat, fiend. Consentiendi, compareatis & compareant,  
 coram Præfato Reverendissimo Patre Cant' Archiepiscopo aut Ejus in hac parte  
 Locum tenente sive Commissario, in Ecclesia Cathedrali S. Pauli London' die  
 Veneris ix<sup>o</sup> die Mensis Junii prox' futur' cum continuatione & prorogatione die-  
 rum ex tunc sequentium & locorum, Ad tractandum super arduis & urgentibus  
 Negotiis securitatem & defensionem Ecclesiæ Anglicanæ, ac Pacem, Tranquilli-  
 tatem, Bonum Publicum, & Defensionem hujus Regni concernentibus Vobis  
 & Iplis tunc ibidem serioſius exponendis; Vestraque & sua Consilia & Auxilia  
 super Eis impensuri, & ad Consentiend' hiis quæ ibidem ex deliberatione Com-  
 muni ad Honorem Dei & Ecclesiæ in præmissis contigerit concorditer Ordinari;  
 Facturique ulterius & recepturi quod justum fuerit & hujusmodi, Negotii Qua-  
 litas exigit & requirit. Vobis insuper injungimus quod Præfatum Reveren-  
 dissimum Patrem seu Ejus Locum tenentem sive Commissarium Prædict' die &  
 Loco per Literas Vestras Patentes harum seriem una cum Scedula Eisdem literis  
 Vestris annexa, nomina per Vos Citatorum habente plene Continentes cum Om-  
 ni eo quod in Præmissis feceritis citra dictum ix<sup>m</sup> diem Mensis Junii debite cer-  
 tificare curetis. Dat' in Palatio nostro sub sigillo nostro xi<sup>o</sup> die Mensis Maii,  
 Anno Dom' 1536. Et nostræ Conſecrat' Anno sexto.

## N U M. CXLVII.

## Breve Regium ad interessend' Parlamento.

**H**enricus VIII. Dei Gratia Angliæ & Franciæ Rex, Fidei Defensor, Domi-  
 nus Hybernæ, & in Terra Supremum Caput Anglicanæ Ecclesiæ, Custodi  
 Spiritualitatis Episcopatus *Hereford* ipso Episcopo in remotis agente, Salutem.  
 Quia de Avisamento & assensu Concilii nostri quibusdam arduis & urgentibus  
 Negotiis, Nos, Statum & Defensionem Regni nostri Angliæ ac Ecclesiæ Angli-  
 canæ concernentibus quoddam Parliamentum nostrum apud Westm' viii die  
 Junii prox' futur' teneri ordinavimus, & ibidem Vobiscum ac cum Cæteris Præ-  
 latis, magnatibus, & proceribus dicti Regni nostri colloquium habere & tracta-  
 tum: Vobis in fide & dilectione quibus Nobis tenemini firmiter injungendo  
 mandamus quod Consideratis dictorum Negotiorum arduitate & periculis im-  
 minentibus, cessante Excusatione quacunque, dictis die & loco personaliter in-  
 terſitis; Nobiscum, ac cum Prælatis, Magnatibus, & Proceribus Prædictis su-  
 per dictis negotiis tractaturi vestrumque Consilium impensuri, Et hoc sicut Nos  
 & Honorem nostrum, ac Salvationem & Defensionem Regni & Ecclesiæ præ-  
 dictorum, expeditionemque dictorum negotiorum Diligitis nullatenus Omit-  
 tatis. Præmonentes Decanum & Capitulum Ecclesiæ Vestræ *Herefordens* &  
 Archidiaconos totumque Clerum vestræ Dioc' quod iidem Decanus & Archidia-  
 cono in propriis personis, ac dictum Capitulum per Unum, idemque Clerus  
 per duos Procuratores idoneos, plenam & sufficientem potestatem ab ipsis Ca-  
 pitulo & Clero divisim habentes, prædictis die & loco personaliter interſint, ad  
 Consentiend' his quæ tunc ibidem de Communi Consilio dicti Regni nostri, di-  
 vinâ favente Clementia contigerit Ordinari. Teste Meipso apud Westm' xxviii  
 die Aprilis, Anno Regni nostri xxviii.

Ibid. fol. 4. b.



num nostrum Hen. viii. Dei gratia Angliæ & Franciæ Regem fidei Defensorem & Dominum Hiberniæ, Universumque ejus Angliæ Regnum, ac omnes & singulas ipsius Regni provincias, civitates, terras atque loca illi subjecta & alia illi adjacentia etiam de latere Legatus; Venerabili Fratri nostro Jo. *Lincoln* Episcopo\*. Cum non solum ex juris Communis Dispositione sed etiam ex præfati fœlicis recordationis Domini *Leonis* nuper Papæ decimi per suas sub Plumbo literas, speciali Commissione, & Sanctissimi Domini nostri *Adriani* divina providentia Papæ VI. moderni dictarum literarum cum omnibus & singulis in eis contentis facultatibus, & aliis clausulis, per suas etiam sub Plumbo literas extensione & prorogatione, nobis inter Cætera sit concessa potestas non modo Regulares, verum etiam Sæculares Ecclesiasticas personas, tam exemptas quam non Exemptas, ac Clerum Regni & Locorum\* Reformandi, & ad honestiores vivendi mores tam in Capite, quam in membris reducendi; proque hujusmodi Reformatione fienda facultatibus amplissimis utendi, prout in [|| ipsis] Literis Apostolicis\* Nobis concessis plenius continetur. Nos igitur Thomas Cardinalis, & Legatus de Latere antedictus onus hujusmodi Reformationis pro divina & sacrosanctæ sedis Apostolicæ reverentia in Nos assumentes, & juxta datam nobis a Deo prudentiam sollicite ad implere cupientes; atque ad memoriam [revocantes] quod Venerabilis Frater noster Dominus Willielmus Cant' Archiepiscopus totius Angliæ Primas & Apostolicæ sedis Legatus, ad Ecclesiam Cathedralē S. *Pauli* London Prælatos, & Clerum suæ Cantuariensis Provinciæ ad Tractandum cum eis super quibusdam arduis negotiis & causis tam securitatem & defensionem Ecclesiæ Anglicanæ, quam Tranquillitatem & Bonum Publicum hujus Regni Angliæ, Vicesimo die Mensis Aprilis ult' præterit' per suas literas monitorias & Citatorias convocaverit. Scientes insuper, quod & sacri Canones attestantur, magis integrum fore judicium quod plurimorum judiciis roboratur, Prælatos & Clerum nostræ Ebor' Provinciæ ad Ecclesiam Conventualem Exempti Monasterii S. Petri Westmon' pro hujusmodi Regularium & Sæcularium personarum Ecclesiasticarum & Cleri Reformatione Convocavimus; atque etiam illuc præfatum Venerabilem fratrem nostrum Cantuariensem Archiepiscopum, cum Provinciæ suæ Cant' Prælati ac Clero, Locorum & Temporis opportunitate captata, pro hujusmodi Reformatione efficacius & melius fienda advocavimus: Eodemque venerabili fratre nostro ac Prælati & Clero suæ Cant' Provinciæ xxii die dicti mensis *Aprilis* juxta nostram Monitionem illis in hac parte factam ad dictam Ecclesiam Conventualem accedentibus, & coram nobis in domo Capitulari dicti Monasterii comparentibus cum inter cætera quæ ibidem tractari Cæperunt super Mandatis Procuratoriis, tam Decanorum [\* Priorum Ecclesiarum Cathedralium, & Capitulorum Eorundem Aliorumque Prælatorum absentium, & Cleri dictæ Cant' Provinciæ ac Procuratorum in eis constitutorum sufficienti potestate nonnihil dubietatis emerferit, ex eo videlicet quod ipsis Procuratoribus in Eorum hujusmodi mandatis non erat, prout antea deliberatum\* & conclusum [fuit,] expresse data\* facultas Coram Nobis in nostra hujusmodi Convocatione *Legatina* in dicta Ecclesia Conventuali comparendi cum sufficienti potestate ad Tractand' & Communicand' super hujusmodi Regularium & Sæcularium personarum Ecclesiasticarum ac Cleri Reformatione, & aliis [Arduis negotiis securitatem & defensionem Ecclesiæ Anglicanæ, nec non Bonum publicum & Tranquillitatem hujus Regni Angliæ] concernentibus: Vestræ igitur Fraternitati tenore præsentium, Auctoritate nostræ Legationis prædictæ firmiter injungendo mandamus quat' cum omni celeritate accommoda Decanum Ecclesiæ vestræ Cathedralis, Capitulum Ejusdem, Abbates\* Priores || & Archidiacones ac Clerum vestræ Diocesis pro hujusmodi procuratoriis in forma debita & sufficienti conficiendis, citetis, convocetis, & moneatis, seu citari convocari & moneri faciatis, & quod [|| die Martis, viz. 2do die mensis Junii prox' futur'] Decanus [\* dictæ ] Ecclesiæ † Cathedralis *Lincoln*, [|| Abbatesque Priores] & Archidiaconi qui hactenus [† non comparuerunt legitime coram Nobis in dicta Convocatione nostra] personaliter, \* Capitulum † per Unum, Clerus vero per duos sufficientes Procuratores in dicta Ecclesia Conventuali Westmon' || cum prorogatione dierum tunc sequentium, si oporteat, & locorum, coram nobis, aut nostris in ea parte locum-tenentibus sive Commissariis Uno vel pluribus, compareant, ad tractandum nobiscum sive locum nostrum tenent' [† etiam. || die Lunæ post festum Corporis Christi 8. viz. die mensis Junii prox' fut']

\* Salutem & fraternam in Domino Caritatem.

\* Prædictorum.

[|| deest.]

\* de super.

[reducentes]

[\* Et Priorum ac Capitulorum Ecclesiarum Cath' quam aliorum Prælatorum.

\* erat.

[deest.]

\* vel prorogata.

[quibusdam Articulis hujusmodi reformationem Concernentibus;]

\* quoque & || Exemptos & Non Exemptos.

|| desunt.

\* deest.

† vestra.

|| Abbates

quoque & Prio.

res Exempti &

non Exempti.

[† coram nobis

in nostra hujusmodi Convo-

catione legitime non comparuerunt.]

\* vel Saltem per Unum.

† etiam.

|| die Lunæ post festum Corporis Christi 8.

viz. die mensis Junii prox' fut'

[five]



[five] Commissar' una cum præfato Venerabili Fratre nostro Cant' Archiepis- [aut]  
 copo Aliis[que] Episcopis & Prælatiſ, ac Clero tam noſtræ Ebor' quam Cant' [quoq;]  
 Provinciæ, ſuper hujusmodi Regularium & Sæcularium perſonarum Eccleſiaſti-  
 carum & Cleri Reformatione, Eorumque honeſte vivendi & incedendi modo,  
 atque aliis [negotiis arduis, Securitatem & Deſenſionem Eccleſiæ Anglicanæ, [Articulis hujus-  
 ac Bonum publicum & tranquillitatem hujus Regni Angliæ concernentibus] jufmodi Refor-  
 ipsis tunc ibidem ſerioſius exponendis, ſuaque conſilia & auxilia ſuper hiis im- mationem con-  
 pendend' & inſuper ad conſentiend' hiis quæ ibidem ad Honorem Dei & Eccleſiæ cernentibus]  
 Anglicanæ, [Pacemque & tranquillitatem ac Bonum Publicum hujus regni] [Deſunt]  
 tam noſtra & præfati Venerabilis fratris noſtri Cant' Archiepiſcopi, quam Præ-  
 latorum & Cleri utriusque Provinciæ communi deliberatione || contigerit Ordi- || in præmiſſis  
 nar; Noc non ad ulterius faciend' & recipiend' quod hujusmodi \* negotiorum & circa ea.  
 Qualitas & Natura de ſe † Exigit & requirit; una cum clauſula rati habitioſis \* Negotii.  
 Omnium & ſingulorum per [dictos] Procuratores in Præmiſſis, & circa ea † Exigunt &  
 ipſorum \* Nominibus in noſtra hujusmodi Convocatione actorum & agendo- Requirit.  
 rum. De diebus vero receptionis præſentium & quid in præmiſſis feceritis Nos [Hujusmodi]  
 aut Locum tenentes ſive Commiſſarios noſtros, dictis die & loco perſonaliter, tium.  
 vel per literas veſtras patentes harum ſeriem continentes ſigillo veſtro ſigillat'  
 una cum Nominibus Omnium & Singulorum per vos || Citatorum & Monitorum || in hac parte  
 debite certificetis. Dat' ſub ſigillo noſtro in Ædibus noſtris prope Weſtmon'  
 † vii die Menſis Maii Anno Dom. 1532. † 2do die.

Quarum quidem literarum Reverendiſſimarum, vigore pariter & autoritate  
 vos Archidiaconum tonore præſentium peremptorie citamus & monemus, Vo-  
 biſque earundem Autoritate mandamus, quod vos virtute Earundem Literarum  
 Reverendiſſimarum Omnes & ſingulos Abbates & Priores, & alios Eccleſiarum  
 Prælatos, exemptos & non exemptos, infra veſtrum Archidiaconatum ubilibet  
 Conſtitut' peremptorie Citetis & Moneatis quod compareatis & compareant co-  
 ram dicto Reverendiſſimo in Chriſto patre Cardinali & Legato de Latere ante-  
 dicto, ſeu ejus Commiſſario ſive Commiſſariis, Uno vel pluribus, aut locum te-  
 nent' die & loco in dictis ſuis Literis Reverendiſſimis ſpecificatis & limitatis;  
 cum Continuatione & Prorogatione dierum & locorum, ſi oporteat, ad Tra-  
 ctand' cum præfato Reverendiſſimo Domino Cardinali & Legato de Latere an-  
 tedicto Ejusve Commiſſariis una cum Præfato Reverendiſſimo Patre Cant' Archie-  
 piſcopo Aliiſque Episcopis, & Prælatiſ, ac Clero tam Ebor' quam Cant' Prov'  
 nec non ad impendendum veſtra & eorum Conſilia & Auxilia ac ulterius faciend'  
 & recipiend' Ea quæ Tenor & Effectus dictarum literarum RR. in & de  
 ſe exigunt & requirunt. Citetis inſuper & moneatis peremptorie Clerum  
 dicti veſtri Archidiaconatus quod ſufficienter & legitime per unum compa-  
 reant vel Duos Procuratorem ſeu Procuratores, coram Nobis aut noſtro in  
 ea parte Deputat' quocumque in Eccleſia Paroch' Omn' Sſ. villæ Northamp-  
 ton die Jovis in Septimana Pentecoſtes prox' futur' ad Nominand' Conſtituend'  
 & Eligend' una cum Clero Aliorum Archidiaconatuum noſtræ Dioc' Lincoln'  
 duos ſufficientes Procuratores pro Clero totius noſtræ Dioc' Lincoln' ad  
 comparand' coram præfato Reverendiſſimo in Chriſto Patre Cardinali &  
 Legato de Latere prædict' Ejusve Commiſſario ſive Commiſſariis aut Locum  
 Tenent' die & loco in dictis literis RR. limitatis & ſpecificatis, cum Conti-  
 natione & Prorogatione ſi oporteat dierum & locorum, ad Tractand' Com-  
 municand' & Conſentiend' ac ulterius faciend' & recipiend' ea quæ tenor'  
 & effectus Prædictarum Literarum RR. de ſe exigunt & requirunt; Cum  
 clauſula rati-habitioſis Omnium & Singulorum per dictos Procuratores in  
 præmiſſis & circa ea, ipſorum nominibus, in huſmodi Convocatione Actorum  
 & Agendorum. Et quid in præmiſſis feceritis nos aut Deputatum noſtrum  
 hujusmodi dicto die Jovis in ſeptimana Pentecoſtes prox' in præfata Eccleſia Pa-  
 rochiali Omn' Sſ. villæ Northampton debite certificare curetis per literas ve-  
 ſtras patentes harum ſeriem, Nominaque Omnium & Singulorum per vos in ea  
 parte Citandorum in ſe Continentes Sigillo veſtro autentice Sigillat. Dat' ſub  
 ſigillo noſtro apud vetus Templum London xi die Menſis Maii, Anno Dom'  
 1532. Et noſtræ Conſecrat' Anno Tertio.



N U M. CXXXVIII.

## Breve Reg' pro Convocatione Ebor'.

A. D. 1530.  
 Registr. Dec.  
 & Capit. Ebor.  
 sede Vacant.  
 fol. 637.

**H**enricus Octavus Dei Gratia Angliæ & Franciæ Rex, Fidei Defensor, & Dominus Hybernæ, Custodi Spiritualitatis Archiepiscopatus Eborum, ipsa sede Vacante, Salutem. Quibusdam arduis de Causis & Urgentibus Negotiis Nos, securitatem & Defensionem Ecclesiæ Anglicanæ, ac Pacem, Tranquillitatem, Bonum Publicum, & Defensionem Regni Angliæ & subditorum nostrorum Ejusdem concernentibus, Vobis in fide & dilectione quibus Nobis tene-mini Rogando Mandamus quatenus Præmissis debito intuitu attentis & ponderatis, Universos & singulos Episcopos Provinciæ Archiepiscopatus illius, ac Decanos & Priores Ecclesiarum Cathedralium, Abbates, Priores & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Dioces' Ejusdem Provinciæ ad Comparendum Coram Vobis in Ecclesia Cathedrali B. Petri Ebor' vel alibi prout melius expedire Videritis, duodecimo die Januarii prox' futur' more debito Convocari faciatis: Ad tractandum, consentiendum, & concludendum super Præmissis, & aliis quæ sibi clarius exponentur tunc ibidem ex parte nostra. Et hoc sicut Nos & Statum Regni nostri, ac Honorem & Utilitatem Ecclesiæ prædictæ diligitis, nullatenus Omittatis. Teste Meipso apud Westmonaster' vii die Decembris Anno Regni nostri xxiido.

N U M. CXXXIX.

## Breve Reg. pro Convocatione, cum Procuratorio Decani &amp; Capituli Ebor'.

A. D. 1531.  
 Registr. Dec.  
 & Capit. Ebor.  
 ab Ann. 1504.  
 fol. 181.

**H**enricus Octavus Dei Gratia, &c. Quibusdam arduis [ut supra] Universos & singulos Episcopos vestræ Provinciæ— Ad comparend' coram vobis in Ecclesiæ B. Petri Ebor' vel alibi prout melius expedire Videritis, cum Omni Celeritate accommoda modo debito Convocari faciatis, &c. Teste Meipso apud Westm' 23 die Mens' Decembr' Anno Regni nostri 23.

Pateat Universis per Præsentes, quod Nos Brianus Decanus, & Capitulum Ecclesiæ Metrop. Ebor' dilectos nobis in Christo Honorabiles & Circumspectos Viros confratres nostros, Magistr' Lancelotum Collyns Thesaurarium Ecclesiæ Metrop' Ebor' prædict' Canonicumque Residentiarium Ejusdem, Willielmum Clyfton Subdecanum, Willielmum Clayton Decretorum Doctores, & Willielmum Moke A. M. Canonicos Ecclesiæ nostræ Metropol' Ebor' Præbendarios, ac Magistros Thomam Tashe in Legibus Bacchalaureum Causarum nostrarum Auditorem, & Thomam Marrer in Decretis Baccalaureum Custodem fabricæ Ecclesiæ nostræ Metropol' Ebor' prædict' nostros veros & legitimos Procuratores, Excusatores, & Nuncios speciales Ordinamus, Facimus, & Constituimus per Præsentes, ad Comparend' pro Nobis & Nomine Nostro coram Reverendissimo in Christo Patre ac Domino, Domino Edwardo permissione Divina Ebor' Archiepiscopo Angliæ Primate & Apostolicæ sedis Legato, Ejusve Locum tenent' aut Commissariis seu Commissario, pluribus aut uno, in Convocatione Cleri Civitatis, Dioceſeos, & Provinciæ Ebor' in Ecclesia Metropol' Ebor' prædict' die Mercurii, viz. Septimo die Mensis instantis Februarii prox' futur' post Dat' præsentium, cum continuatione & prorogatione dierum si oporteat sequentium & Locorum celebranda, ad Tractand' coram Eodem Reverendissimo Patre, Ejusve Locum-tenent' aut Commissariis seu Commissario, pluribus aut Uno, Deputat' aut Deputand' Deputatove seu Deputando, ac Cæteris Prælatis & Cleri Procuratoribus tunc præsentibus de & super hiis quæ Dominum nostrum Regem, Pacem, Tranquillitatem, Bonum Publicum & Defensionem Ecclesiæ & Regni Anglicani & Subditorum Ejusdem, nec non Statum, Honorem, Utilitatem, & Neceſſitatem Nostram & Ecclesiæ Civitat' Dioces' & Provinciæ Nostrarum concernent' & aliis quæ Clarius ex parte Domini nostri Regis ibidem exponi



exponi contigerit, suumque Sanum Consilium impendend' Concordand' Consentiend' & Concludend' super hiis quæ tunc ibidem de Communi Consilio & Assensu dictorum Prælatorum, divina favente Clementia, salubriter contigerit Ordinari: Ratum, Gratum, & Firmum habentes & habituri, quicquid dicti Procuratores nostri, aut aliquis Eorum nomine nostro fecerint seu fecerit in Præmissis. In Cujus Rei testimonium Sigillum nostrum quo in hac parte utimur præsentibus apponi fecimus. Dat' in domo nostra Capitulari quinto die mensis Februar' Anno Dom' 1531.

## N U M. CXL.

Mandatum Prioris & Capitul' Cant' pro Continuatione Convocationis,  
Anno 1532.

Ex ipso Originali Episc' Lincoln'

*Collat' cum Registro Hieronymi Wigorn' Episcopi, fol. 79.*

**J**O' permissione divina *Lincoln* Episc', &c. Literas Reverendi Confratis nostri *A. D. 1531.*  
Domini Domini Jo' London Episcopi recepimus in hæc verba: Jo', &c. vestræ fraternitati tenore præsentium innotescat quod nos Venerabilis & Religiosi viri Thomæ Ecclesiæ Christi Cant' Prioris & ejusdem loci Capituli literas sub eo qui sequitur verborum tenore recepimus. Thomas permissione divina Ecclesiæ Christi Cant' Prior' & Ejusdem loci Capitulum, ad quos omnis & omnimoda Jurisdicção spiritualis & Ecclesiastica quæ ad Archiepiscopum Cant' pertinuit sede plena, ipsa sede jam per obitum bonæ Memoræ Domini Willielmi Warham nuper dictæ sedis Archiepiscopi Vacante, notorie dinoscitur pertinere, Reverendo in Christo Patri & Domino Domino Jo' Dei gratia London Episcopo, Omnimodam Reverentiam tanto Patri debitam cum honore. \* Quod-  
dam Breve Excellentissimi || Principis & Domini nostri Domini Henrici viii || *Cum In Christo.*  
Dei Gratia Angliæ & Franciæ Regis, Fidei Defensoris, & Dom' Hiberniæ Illustrissimi, magno sub sigillo sigillat' & nobis direct' cum omni Reverentia recepimus in hæc verba. Henricus viii, &c. dilectis sibi in Christo Custodi sive Custodibus Spiritualitatis Archiepiscopatus Cant' ad quem omnis & omnimoda jurisdicção spiritualis & Ecclesiastica quæ ad ipsum Archiepiscopum pertinuit sede plena, ipsa sede jam vacante notorie dinoscitur pertinere, Ejusve aut Eorum Deputato sive Deputatis in hac parte, Salutem. Cum nos xv die Maii ult' præterit' per Breve nostrum Reverendissimo in Christo Patri Willielmo Cant' Archiepiscopo tunc superstiti direct' ob diversas Causas & Considerationes nos moventes de Avisamento Concilii nostri præsentem Convocationem per Clerum Cant' Provinciæ de mandato nostro per aliud Breve nostrum Eidem Archiepiscopo direct' apud Westm' || tent' duximus Prorogand' ad & usque Westm' prædict' ibidem *vto die Novemb' prox' futur' etiam tenend'* Sicque dicta Concocatio per Eundem Archiepiscopum Eodem xv die Maii usque Westm' prædict' ad & usque dictum *vtum diem Novemb' proगत' fuerat & extiterat, ibidem tunc tenenda.* Nos certis urgentissimis causis Nos movent' ac Statum Regni nostri nec non Republ' & tranquillitatem Ejusdem Regni concernent' Vobis mandamus quod dictam Convocationem usque dictum *vm diem Nov'* Sic in forma prædict' prorogat' ad usque Westm' prædict' ad & in *vm diem Febr'* prox' futur' etiam debito modo prorogetis, ibi tunc tenend' & prosequend' una cum Continuatione & Prorogatione dierum & locorum, de die in diem, prout in ea parte convenit in Omnibus, prout per aliud Breve nostrum dicto Reverendissimo Patri tunc superstiti direct' continetur, de dat' apud Westm' xix die Augusti Anno xxi Regni nostri pro hujusmodi Convocatione sive sacra Synodo Provinciali tenenda prosequenda & exercenda. || Mandates præterea ex *Mandantes*  
parte nostra Universis & singulis Episcopis, nec non Abbatibus & Prætoribus tam Exemptis quam non Exemptis, Archidiaconis, Decanis, & omnibus personis Ecclesiasticis quibuscunque dictæ Cant' Provinciæ quorum interest aut interesse poterit in hac parte, quod ipsi & eorum quilibet Vobis in præmissis Omnibus & singulis faciendis & expediendis intendentes sint consulentes & auxiliantes pariter & obedientes, prout decet. T. meipso apud Westm' xxviii die Octob' Anno Regni nostri 24. Nos omnia & singula in dicto Brevi Regio contenta & spe-



A. D. 1532.

& specificata juxta Effectum ejusdem prout decet exequi volentes, & ut omnis ambiguitatis Scrupulus & occasio de & super procuratoriis Episcoporum Prælatorumque & Cleri Cant' Provinciæ a presenti Convocatione alias *Autoritate dicti* Reverendissimi Patris inchoata celebrata & continuata Absentium ad tunc exhibitis, & aliis in ista Eadem Convocatione Actis & gestis, & in posterum Agendis, tollatur & auferatur, Paternitati igitur vestræ Reverendæ Committimus & Mandamus quat' omnes & singulos dictæ Ecclesiæ Christi Cant' Suffraganeos infra Provinciam Cant' Constitutos, ac absentium Episcoporum & Dioc' Vacantium Vicarios in Spiritualibus Generales peremptorie citari faciatis, & per eos Decanos & Priores Ecclesiarum Cath' ac singula Capitula Earundem, Archidiaconos, Abbates, Prioresque Conventus sub se habentes, & alios Ecclesiarum Prælatos Exemptos & non Exemptos, Clerumque cujuslibet Dioces' Provinciæ antedictæ citari peremptorie & præmuniri volumus & Mandamus, quod iidem Episcopi Suffraganei prædicti, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, ac Cæteri Ecclesiarum Prælati Exempti & non Exempti, nec non Procuratores Cleri Provinciæ antedictæ, quorum nomina in Scheda præsentibus annexa conscribuntur, personaliter, Cæteri vero Episcopi Suffraganei prædicti, Vicarii in spiritualibus generales, Decani Ecclesiarum Cathedralium, Abbates & Priores exempti & non exempti, Archidiaconi & alii Ecclesiarum Prælati, per eorum sufficientes procuratores habentes in ea parte Autoritatem, Potestatem, & Mandatum sufficiens coram Reverendissimo in Christo Patre Cant' Archiepiscopo totius Angliæ Primate & Apostolicæ sedis Legato, qui pro tempore fuerit, Ejusve Commissario seu Commissariis, aut locum Tenent' & coram alio Quocunque, nomine & jure Ecclesiæ Christi Cant' aut alio jure quocunque, ad tunc præsentis Convocationis Præsident' sive Locum tenent' quocunque, in Convocatione & sacro Provinciali Concilio Prælatorum & Cleri Cant' Provinciæ alias per Præfatum Reverendissimum in Christo Patrem Dominum Willielmum nuper Archiepiscopum Cant' in Ecclesia Cath' Divi Pauli London, vto die mensis Novemb' Anno Domini 1529 inchoat' & de die in dies continuat' & nuper ex causis urgent' ad domum Capitularem infra Monast' S. Petri Westmon' scituat' prorogat' & ibidem de diebus in dies continuat' & prorogat' & adhuc pendent' compareant, Et eorum quilibet compareat in domo Capitulari infra Ecclesiam vestram Cathedralem D. Pauli London, die Lunæ, viz. xvii die mensis Martii prox' futur' post dat' Præsentium, cum continuatione & prorogatione dierum ex tunc sequentium & Locorum si oporteat, ad Omnia & singula in præsentis Convocatione inchoata & pendentia, acta & gesta, Exercent' & prosequend' nec-non super aliis Arduis & Urgentibus Causis & Negotiis Securitatem & defensionem Ecclesiæ Anglicanæ, Serenissimique Domini nostri Regis, hujusque sui regni Angliæ pacem & tranquillitatem, bonum publicum & Defensionem Concernent' ipsis tunc ibidem serius exponend' Tractand' & Communicand' suæque Consilia & Auxilia super eis impensur' Et ad consentiend' hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Ecclesiæ Anglicanæ in præmissis contigerit Ordinari; facturique ulterius & recepturi quod justum fuerit, & hujusmodi negotii qualitas exigit & requirit. Tenore etiam præsentium vos Citamus quod eisdem die & loco coram Reverendissimo in Christo Patre Cant' Archiepiscopo qui pro tempore fuerit, ejusve Commissario sive Commissariis aut Locum-Tenente, & coram alio quocunque nomine & jure dictæ Ecclesiæ Christi Cant' aut alio jure quocunque ad tunc præsentis Convocationis præsidente personaliter compareatis super dictis negotiis tractaturi, præfensque nostrum Mandatum quatenus vestras Civitatem & Dioces' concernit exequi per omnia faciatis. Vobis etiam injungimus ut supra & mandamus quod omnibus & singulis Reverendis Gonfratribus vestris coepiscopis dictæ provinciæ vel Vicariis in Spiritualibus hujusmodi injungatis seu faciatis injungi, quod singuli Eorum sigillatim de facto suo quatenus pertinet ad Eosdem Reverendissimum Patrem Cant' Archiepiscopum qui pro tempore fuerit, Ejusve Commissarium sive Commissarios aut Locum-tenent, aut alium Quemcunque jure & nomine Ecclesiæ Christi Cant' aut alium jure quocunque ad tunc præsentis Convocationis Præsidentem, dictis die & loco per literas suas patentes Monitorum sive Citatorum nomina continentes distincte certificent & aperte; Vosque pari forma, quatenus ad vos attinet, eisdem die & loco more solito debite Certificetis, per vestras literas Patentes hunc tenorem habentes sigillo vestro sigillat. Dat' in domo nostro Capitulari, &c. Decimo die mens' Februar' A. D. Mccccxxii.

N U M.



## N U M. CXLI.

Certificatorium Regi, quod Convocatio Ebor' corroborat suo consensu,  
*Quod Episcopus Romanus in Sacris Scripturis non habet aliquam Ma-*  
*jorem Jurisdictionem in Regno Angliæ quam quivis alius Externus*  
*Episcopus.*

**I**llustrissimo & Excellentissimo Principi & Domino, Dom' Henrico Octavo, A. D. 1534.  
 Dei Gratia Angliæ & Franciæ Regi, Fidei Defensori, & Domino Hyber- Registr. Loc.  
 niæ, Edwardus permissione Divina Ebor' Archiepiscopus Angliæ Primas & Me- Arch' Ebor'  
 tropolitanus, Salutem. Vestræ Regiæ Celsitudini tenore præsentium innotesci- fol. 88.  
 mus & significamus quod cum juxta Vestræ Regiæ Majestatis Mandatum coram  
 Prælati & Clero Eboracensis Provinciæ in sacra Synodo Provinciali sive Con-  
 vocatione Prælatorum & Cleri ejusdem Provinciæ Ebor' in Domo Capitulari Ec-  
 clesiæ Metropolitice Ebor' quinto die mensis Maii Anno Domini 1534, jam In-  
 stanti celebrat' & de diebus in dies continuat' Congregatis, proposita fuit se-  
 quens Conclusio, *Quod Episcopus Romanus in Sacris Scripturis non habet aliquam ma-*  
*jorem Jurisdictionem in Regno Angliæ quam quivis alius externus Episcopus*; ac insu-  
 per ex parte Præsentium in eadem Synodo per Nos deputatorum, memorati  
 Prælati & Clerus rogati & requisiti ut illam Conclusionem suo Consensu Con-  
 firmarent & Corroborarent, si illam veritati Consonam, & Sacris Scripturis non  
 repugnantem existimarent aut judicarent; tandem dicti Prælati & Clerus Ebor'  
 Provinciæ antedictæ post diligentem Tractatum in ea parte habitum, ac matu-  
 ram deliberationem, unanimiter & concorditer, Nemine Eorum discrepante,  
 prædictam Conclusionem fuisse & esse Veram affirmarunt, & Eidem concorditer  
 consenserunt. Quæ Omnia & Singula vestræ Regiæ Celsitudini tenore præsen-  
 tium intimamus & significamus. In Quorum Omnium & singulorum testimo-  
 nium sigillum nostrum Præsentibus apponi fecimus. Dat' in castro nostro de  
 Cawode, secundo die mensis Junii Anno Dom' 1534. Et nostræ Consecrationis  
 Anno tertio.

## N U M. CXLII.

## Breve Reg' pro Prorogatione Convocat' Ebor'

**H**enricus Octavus, &c. Reverendissimo in Christo Patri Edwardo, &c. Sa- Ibid. fol. 93.  
 lutem. Cum præsens Convocatio Cleri vestræ Ebor' Provinciæ post di-  
 versas prorogationes apud Ecclesiam Metropolitica S. Petri Ebor' jam modo  
 tenetur & instans existit; certis tamen urgentibus Causis & Considerationibus  
 nos moventibus de Advísamento Consilii nostri ipsam præsentem Convocationem  
 die Mercurii, viz. tertio die Februarii prox' futur' ad & usque certum diem per  
 Vos rationabiliter assignandum, limitandum, & appunctuandum, debito modo  
 prorogetis & prorogari faciatis, apud Ecclesiam Metropolitica S. Petri Ebor'  
 prædict' ibidem tunc tenendam, una cum prorogatione & continuatione Locorum  
 & Dierum prout convenit. Mandantes præterea ex parte nostra universis  
 & singulis Episcopis nec non Abbatibus & Prioribus, tam Exemptis quam non  
 Exemptis, Archidiaconis, Decanis & Omnibus Aliis Personis Ecclesiasticis qui-  
 buscunque dictæ vestræ Ebor' Provinciæ Quorum interest, aut interesse poterit  
 in hac parte, quod ipsi & Eorum quilibet Vobis in Præmissis Omnibus & Singulis  
 faciendis, agendis, & exequendis intendentes sint, consulentes pariter, &  
 obedientes, prout decet. & Nos de die prorogationis sic per Vos assignand' &  
 appunctuand' nobis in Cancellariam nostram in Quinden' Pasch' prox' futur' una  
 cum tenore hujus Brevis nostri in Scriptis sub sigillo vestro in debita forma Cer-  
 tificetis. Teste meipso apud Westm' xxvi Januarii Anno Regni nostri vice-  
 simo sexto.



## N U M. CXLIII.

Petitio superioris domus in Convocatione contra Libros suspectæ  
Doctrinæ, &c.

A. D. 1534.  
Bibl. Cotton.  
Cleopatra,  
E. 5. fol. 331.

**D**ecimo nono die Decembris A. D. 1534. Episcopi, Abbates, & Priores, Superioris Domus Convocationis sive sacræ Synodi Cantuar' Provinciæ in Domo Capitulari Ecclesiæ Cathedralis Divi Pauli London', in præsentia Reverendissimi in Christo Patris & Domini Domini *Thoma* permissione Divina *Cantuar'* Archiepiscopi, totius Angliæ Primatis & Metropolitan, legitime congregati, unanimi Eorum Consensu pariter & Assensu consentiebant, quod dictus Reverendissimus Pater apud illustrissimum in Christo Principem & Dominum nostrum, Dominum *Henricum* Dei gratia *Angliæ & Franciæ* Regem Fidei Defensorem & Dominum *Hyberniæ* Ecclesiæq; Anglicanæ sub Deo caput Supremum, instantiam faceret, quatenus sua Regia Majestas dignaretur pro Augmento fidei subditorum suorum decernere & mandare; quod omnes & singuli subditi sui penes quos, aut in quorum possessione, aliqui libri suspectæ Doctrinæ existunt, præsertim in lingua Vulgari, citra aut ultra Mare impressi, moneantur & cogantur Eisdem suspectæ Doctrinæ libros, infra tres menses a tempore monitionis in ea parte factæ, coram Personis per Regiam Majestatem nominandis præsentare & realiter exhibere, sub certa pœna per Regiam Majestatem moderanda & limitanda. Et quod ulterius sua Regia Majestas dignaretur decernere quod Sacra Scriptura in vulgarem Linguam Anglicanam, per quosdam Probos & Doctos Viros per dictum illustrissimum Regem Nominandos, transferatur, & Populo pro eorum eruditione deliberetur & tradatur. Ac insuper quatenus sua Regia Majestas dignaretur prohibere & mandare, etiam indicta & imposita Pœna, ne quisquam Laicorum aut Sæcularium subditorum suorum de fide Catholica, aut articulis fidei, Sacra Scriptura, aut Ejusdem intellectu, publice disputare aut aliquo modo rixose contendere præsumat in futurum.

## N U M. CXLIV.

## Commissio Domino Episcopo pro Jurisdictione sua Episcopali Exercenda.

A. D. 1535.  
Registr. Edw.  
Fox. Here-  
ford. fol. 1, 2.

**H**enricus Octavus Dei Gratia Angliæ & Franciæ Rex Fidei Defensor' Dominus Hyberniæ ac in terris supremum Ecclesiæ Anglicanæ sub Christo caput, Reverendo in Christo Patri Edwardo Hereford' Episcopo, salutem. Quandoquidem omnis juris dicendi Autoritas atque etiam Jurisdictio omnimoda, tam illa quæ Ecclesiastica dicitur quam Sæcularis, a Regia potestate velut a Supremo capite & Omnium infra Regnum nostrum Magistratuum fonte & scaturigine, primitus emanaverit, sane illos qui jurisdictione hujusmodi ante hac non nisi precario fungebantur, Beneficium hujusmodi sic eis ex Liberalitate Regia indultum, gratis Animis agnoscere, idque Regiæ munificentia solummodo acceptum referre, eique (quoties ejus Majestati videbitur) libenter reddere, convenit. Cum itaque nos jure nostro universum Clerum totius Regni nostri *Angliæ* visitare intendentes, & visitationem inchoantes prout revera inchoavimus, per dilectum nobis *Thomam Cromwell* Secretarium nostrum Primarium, & Rotulorum sive Scriniorum nostrorum Magistrum sive Custodem, nostrum ad quasunque causas Ecclesiasticas nostra Autoritate uti *supremi Capitis dictæ Ecclesiæ Anglicanæ* quomodolibet tractand' sive ventiland' Vicegerentem Vicarium Generalem & Officiale principalem per alias literas patentes sigillo nostro majori communitas constituerimus & præfecerimus; Reverendissimoque Patri & prædilecto Consiliario nostro *Thoma Cant' Archiepiscopo* ac per eum Tibi, & aliis hujus Regni nostri Episcopis quibuscunque, ne pendente Visitatione nostra hujusmodi aliquas Ecclesias, aut Monasteria, sive loca alia Ecclesiastica quæcunque visitare, aut ea quæ sunt jurisdictionis exercere attentares sive attentarent, per alias literas inhibuerimus; Quia tamen ipse *Thomas Cromwell* nostris, & hujus Regni nostri *Angliæ*, tot & tam arduis negotiis adeo præpeditus existit quod ad omnem jurisdictionem nobis ut supremo Capiti hujusmodi Competentem ubique locorum



locorum infra hoc Regnum nostrum, & præsertim in his quæ moram commode non patiuntur, aut sine Subditorum nostrorum injuria differri non possunt, in sua persona expediend' non sufficiet; Nos hujus in hac parte supplicationibus humilibus inclinati, & nostrorum subditorum commodis consulere Cupientes, Tibi Vices nostras sub modo & forma inferius descriptis Committend' fore teque licentiand' esse decrevimus. Ad Ordinandum igitur quoscunque infra diocesim tuam *Hereford'* ubicunque Oriund' quos moribus & literatura (prævio diligenti & rigorofo examine) idoneos fore compereris, ac ad omnes etiam Sacros & Presbyteratus Ordines promovend' præsentatosque ad Beneficia Ecclesiastica quæcunque infra Dioces' tuam *Hereford'* constitut' si ad Curam Beneficiis hujusmodi imminentem sustinend' habiles reperti fuerint & idonei, & non aliter, admittend' ac in & de iisdem instituend' & investiend' ac etiam (si res ita exigat) destituend' Beneficiaque Ecclesiastica quæcunque ad tuam Collationem sive dispositionem spectantia & pertinentia Personis idoneis conferend'. Atque approband' Testamenta & Ultimas Voluntates quorumcunque tuæ Dioces' Bona, Jura sive Credita non ultra summam Centum Librarum in bonis suis vitæ & mortis suarum tempore habentium: Nec non Administrationes Quorumcunque subditorum nostrorum tuæ Dioces' ab Intestato decedentium; quorum Bona, Inventeria sive Credita, non ultra summam prædict' vitæ & mortis suarum tempore sese extendent, quatenus hujusmodi testamentorum Approbatio atque Administrationis concessio per præcessores tuos, aut Eorum Alicujus respective Commissarios, retroactis temporibus fiebat, ac fieri & committi potuit, & non aliter, Committend'. Calculumque Ratiocinium & alia in ea parte requisita expediend' Causasque, Lites, & Negotia coram te aut tuis Deputatis pendent' Indecisa, nec non Alias sive Alia, quascunque sive quæcunque, ad forum Ecclesiasticum pertinentia ad te aut tuos deputatos per Viam querelæ aut appellationis devolvendi sive deducend' quæ citra legum nostrarum & Statutorum Regni nostri offensam coram te aut tuis Deputatis agitari, aut ad suam sive alicujus Commissariorum per te Vigore hujus Commissionis nostræ Deputandorum Cognitionem devolvi aut deduci valeant & possint examinand' decidend'. Cæteraque omnia & singula in Præmissis tantum, seu circa ea necessaria, seu quomodolibet Opportuna, præter & ultra ea quæ Tibi ex Sacris Literis divinitus commissa Esse dinoscuntur, vice, nomine, & autoritate nostris exequend'. Tibi, de cujus sana doctrina, Conscientiæ puritate, Vitæque & Morum integritate, & in rebus gerendis fide & industria plurimum confidimus, Vices nostras, cum potestate alium vel alios, Commissarium, vel Commissarios, ad præmissa vel Eorum aliqua surrogand' & substituend' Eisdemque ad placitum revocand' tenore præsentium committimus & liberam facultatem concedimus; Teque Licentiamus per præsentem ad nostrum Beneplacitum duntaxat duraturas cum cujuslibet congruæ & Ecclesiasticæ Coercionis potestate, quacunque inhibitione ante Dat' præsentium emanat' in aliquo non obstante: Tuam Conscientiam coram Deo strictissime onerantes, & ut summo omnium Judici aliquando rationem reddere, & coram Nobis tuo sub periculo Corporali respondere intendis, Te admonentes, ut interim tuum Officium juxta Evangelii normam pie & sancte exercere studeas, Et ne quem ullo tempore unquam vel ad sacros Ordines promoveas, vel ad Curam Animarum gerend' quovismodo admittas, nisi Eos duntaxat quos ad tanti & tam Venerabilis Officii functionem, Vitæ & Morum integritas, certissimis testimoniis approbata, Literarumque scientia, & aliæ Qualitates Requisitæ ad hoc Habiles & Idoneos clare & luculenter ostenderint & declaraverint. Nam ut maxime compertum cognitumque habemus, morum Omnium, & Maxime Christianæ Religionis Corruptelam a malis pastoribus in populum emanasse, sic & veram Christi Religionem, Vitæque & morum Emendationem a bonis pastoribus iterum delectis & assumptis in integrum restitutam iri, haud dubie speramus. In cujus rei testimonium præsentem literas nostras inde fieri, & sigilli nostri quo ad Causas Ecclesiasticas Utimur appensione jussimus Communituri. Dat' xiv die mensis Octobris, Anno Dom' 1535. Et Regni nostri 27.



## N U M. CXLV.

## Commissio Domino Episcopo pro Visitatione sua Ordinand'

A. D. 1536.  
Ibid. fol. 7, 8.

**H**enicus, &c. Cum nos alias jure nostre Clerum totius Regni nostri visitare intendentes Reverendissimo in Christo Patri ac prædilecto Conciliario nostro *Thoma Cant'* Archiepiscopo ac per Eum aliis hujus Regni nostri Episcopis quibuscunque ne pendente Visitatione nostra hujusmodi aliquas Ecclesias aut Monasteria sive loca alia Ecclesiastica quæcunque, Clerumve aut Populum hujus Regni nostri Visitare Attentarent, inter alia inhibuerimus; ac postmodum ad humilem tuam supplicationem nonnulla Jurisdictionis Ecclesiasticæ administrationem concernentia per alias literas nostras, non obstante inhibitione hujusmodi, relaxaverimus, prout in Eisdem aliis literis nostris plenius continetur: Quia tamen in Eisdem apertis Verbis tuæ Paternitati non indulgetur, nec relaxatur tibi, ut possis Visitationem tuam Ordinariam in Ecclesia tua Cathedrali, Civitate, & Dioces' *Hereford'* exercere, ac proinde desideras tibi per Nos in hac parte etiam relaxari; Nos sperantes eandem Visitationem Vitia extirpandi Virtutesque plantandi causa & intentione a Te exercitam iri, tuis in hac parte humilibus supplicationibus inclinati, Ad visitand' Ecclesiam tuam Cathedrali Civitatemque & Dioces' *Hereford'* necnon omnia & singula Monasteria Abbatis & Prioratus, Collegia, & alia loca pia tam religiosa quam Hospitalia quæcunque Clerumque & Populum dictæ Dioces' *Hereford'* quatenus Ecclesiæ, Monasteria, Abbatis, Prioratus, Collegia, Hospitalia, Clerus, & alia loca pia prædicta, a jurisdictione Episcopali ibidem exempta non sunt, & quatenus per Te & Prædecessores tuos *Hereford'* Episcopos Visitatio hujusmodi temporibus retroactis juste exerceri possit, ac per Te sive Eosdem, de legibus & juribus Regni nostri exerceri possit, & potest, & non aliter: Nec non ad inquirendum per Te aliumve vel alios ad id per Te deputandum sive deputandos, tam ex Officio mero mixto quam promotio super Quorumcunque excessibus, Criminibus, seu defectibus quibuscunque ad forum Ecclesiasticum spectantibus infra dictam *Herefordens'* Dioces' ac Delinquentes sive Criminosos juxta comperta per Te in hac parte per legitima juris remedia pro modo Culpæ, prout natura aut qualitas delicti poposcerit coercend' & puniend' Cæteraque Omnia & singula quæ circa negotium Visitationis & Inquisitionis hujusmodi necessaria fuerint, seu quomodolibet Opportuna, vice, nomine & autoritate nostris exequend' præter & ultra Ea quæ tibi alias in Prioribus literis nostris commissa Esse dinoscuntur, Tibi de cujus sana doctrina, conscientie puritate, Vitæque & Morum integritate, ac in rebus gerendis fide & industria plurimum confidimus Vices nostras, cum potestate alium vel alios, Commissarium vel Commissarios, ad præmissa vel Eorum aliqua Surrogand' & Substituend' tenore præsentium Committimus ac liberam facultatem concedimus, teque Licentiamus per præsentis, ad nostrum Beneplacitum duraturas. In Cujus, &c. Dat' xxi die mens' Julii Anno Dom' 1536. Et Regni nostri 28.

See the like Commission to Bishop Bonner. Bishop Burnet's Hist. Ref. Vol. 1. Append. p. 184.

## N U M. CXLVI.

## Monitio ad Comparend' in Convocatione.

A. D. 1536.  
Registr. Fox.  
Hereford.  
fol. 5. a.

**J**ohannes permissione Divina London' Episcopus Venerabili Viro Magistro Hugoni Corey Ll. D. Reverendi in Christo Patris Domini *Edwardi Herefordens'* Episcopi in remotis Agentis Vicario in Spiritualibus Generali, Salutem, Gratiam, & Benedictionem. Literas Reverendissimi in Christo Patris & Domini Domini *Thoma* Permissione Divina *Cant'* Archiepiscopi totius Angliæ Primatis & Metropolitanæ Breve etiam sive Mandatum Excellentissimi in Christo Principis & Domini nostri Domini *Henrici* Octavi Dei Gratia Angliæ & Franciæ Regis Fidei Defensoris & Domini Hybernæ ac in Terra Ecclesiæ Anglicanæ sub Christo Capitis Supremi ad infra scripta continent' datas decimo die instantis mensis Maii, noveritis Nos cum ea qua decuit Reverentia recepisse.

Quarum



Quarum quidem Literarum Reverendissimarum auctoritate pariter & vigore A. D. 1536.  
 Vos tenore præsentium citamus & peremptorie præmonemus vobisque mandamus, quod Vos Decanum & Capitulum ac Archidiaconos Ecclesiæ Cathedralis *Hereford* nec non Abbates & Priores Conventus sub se habentes ac alios Ecclesiarum Prælatos Exemptos & non Exemptos eorumque Capitula, Clerum etiam Civitatis & Dioceſeos *Hereford* peremptorie citari faciatis, viz. ut Vos Decanus, Archidiaconi, & Cæteri Ecclesiarum Prælati Exempti & non Exempti Personaliter, & Capitulum dictæ Ecclesiæ Cathedralis per Unum, Clerusque dictæ Dioc' per duos sufficientes procuratores, habentes in ea parte Potestatem & Auctoritatem ac Mandatum sufficient' Continuationi & Prorogationi dierum ex tunc sequentium, si oporteat, fiend. Consentiendi, compareatis & compareant, coram Præfato Reverendissimo Patre Cant' Archiepiscopo aut Ejus in hac parte Locum tenente sive Commissario, in Ecclesia Cathedrali S. Pauli London' die Veneris ix<sup>o</sup> die Mensis Junii prox' futur' cum continuatione & prorogatione dierum ex tunc sequentium & locorum, Ad tractandum super arduis & urgentibus Negotiis securitatem & defensionem Ecclesiæ Anglicanæ, ac Pacem, Tranquillitatem, Bonum Publicum, & Defensionem hujus Regni concernentibus Vobis & Ipsiſ tunc ibidem serioſius exponendis; Vestraque & sua Consilia & Auxilia super Eis impensuri, & ad Consentiend' hiis quæ ibidem ex deliberatione Comuni ad Honorem Dei & Ecclesiæ in præmissis contigerit concorditer Ordinari; Facturique ulterius & recepturi quod justum fuerit & hujusmodi, Negotii Qualitas exigit & requirit. Vobis insuper injungimus quod Præfatum Reverendissimum Patrem seu Ejus Locum tenentem sive Commissarium Prædict' die & Loco per Literas Vestras Patentes harum seriem una cum Scedula Eisdem literis Vestris annexa, nomina per Vos Citatorum habente plene Continentes cum Omni eo quod in Præmissis feceritis citra dictum ix<sup>m</sup> diem Mensis Junii debite certificare curetis. Dat' in Palatio nostro sub sigillo nostro xi<sup>o</sup> die Mensis Maii, Anno Dom' 1536. Et nostræ Consecrat' Anno sexto.

## N U M. CXLVII.

## Breve Regium ad interessend' Parlamento.

**H**enricus VIII. Dei Gratia Angliæ & Franciæ Rex, Fidei Defensor, Dominus Hybernæ, & in Terra Supremum Caput Anglicanæ Ecclesiæ, Custodi Spiritualitatis Episcopatus *Hereford* ipso Episcopo in remotis agente, Salutem. Quia de Avisamento & assensu Concilii nostri quibusdam arduis & urgentibus Negotiis, Nos, Statum & Defensionem Regni nostri Angliæ ac Ecclesiæ Anglicanæ concernentibus quoddam Parliamentum nostrum apud Westm' viii die Junii prox' futur' teneri ordinavimus, & ibidem Vobiscum ac cum Cæteris Prælatiſ, magnatibus, & proceribus dicti Regni nostri colloquium habere & tractatum: Vobis in fide & dilectione quibus Nobis tenemini firmiter injungendo mandamus quod Consideratis dictorum Negotiorum arduitate & periculis imminentibus, cessante Excusatione quacunque, dictis die & loco personaliter intersitis; Nobiscum, ac cum Prælatiſ, Magnatibus, & Proceribus Prædictiſ super dictis negotiis tractaturi vestrumque Consilium impensuri, Et hoc sicut Nos & Honorem nostrum, ac Salvationem & Defensionem Regni & Ecclesiæ prædictorum, expeditionemque dictorum negotiorum Diligitis nullatenus Omitatis. Præmonentes Decanum & Capitulum Ecclesiæ Vestræ Herefordens' & Archidiaconos totumque Clerum vestræ Dioc' quod iidem Decanus & Archidiaconi in propriis personis, ac dictum Capitulum per Unum, idemque Clerus per duos Procuratores idoneos, plenam & sufficientem potestatem ab ipsis Capitulo & Clero divisim habentes, prædictis die & loco personaliter intersint, ad Consentiend' his quæ tunc ibidem de Comuni Consilio dicti Regni nostri, divinâ favente Clementia contigerit Ordinari. Teste Meipso apud Westm' xxvii die Aprilis, Anno Regni nostri xxviii.

Ibid. fol. 4. b.



## N U M. CXLVIII.

## Monitio ad Comparend. in Convocatione.

A. D. 1539.

Registrum  
Bonner. Here-  
ford. fol. 4.

**T**homas permissione Divina Cant' Archiepisc', &c. Breve illustrissimi & invictissimi in Christo Principis, &c. recepimus in Hæc verba. Henricus Octavus, &c.— Quocirca Fraternitati vestræ committimus & mandamus quatenus Omnes & singulos dictæ Ecclesiæ nostræ Cant' Suffraganeos infra dictam nostram Provinciam Cant' constitutos, ac Absentium Episcoporum ( si qui sint ) Vicarios in Spiritualibus Generales citetis peremptorie, necnon Decanos & Priores Ecclesiarum Cath' & singula Capitula Eorundem, Archidiaconos, Abbates, Prioresque Conventus sub se habentes, & alios Ecclesiarum Prælatos Exemptos & non Exemptos, Clerumque Cujuslibet Dioc' Provinciæ nostræ antedictæ citari peremptorie & præmuniri Volumus & Mandamus, quod iidem Episcopi Suffraganei, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, & Cæteri Ecclesiarum Prælati, Exempti & non Exempti, Personaliter, & quodlibet Capitulum Ecclesiarum Cath' per Unum, Clerusque cujuslibet Dioc' Provinciæ antedictæ per duos sufficientes Procuratores compareant coram nobis, aut nostro in hac parte Locum tenente vel Commissariis si Nos tunc impediri contigerit in Ecclesia Cath' S. Pauli London die Veneris, viz. Secundo Die Mensis Maii prox' futur' cum Continuatione & Prorogatione dierum ex tunc Sequentium & Locorum si & quatenus expediat, Ad tractandum, &c. Dat' xxvi Mensis Martii, Anno Dom. 1539.

## N U M. CXLIX.

## Certificatorium Domino Regi super Executione Brevis Parlamentarii.

A. D. 1539.

Registr. Samp-  
son. Cicetrens.  
fol. 10.

**E**xcellentissimo in Christo Principi ac Domino Domino *Henrico* Dei gratia Angliæ & Franciæ Regi, Fidei Defensori, & Domino Hybernæ ac in terris sub Christo Ecclesiæ Anglicanæ Supremo Capiti, Vester humilis & devotus Subjectus & Obediens *Ricardus* permissione Divina *Cicestrensis* Episcopus omnimodam Subjectionem tanto Excellentissimo Principi debitam cum omni Honoris incremento. Breve vestræ Regiæ Celsitudinis datum apud Westmonasterium primo die Martii ultimo elapsi Mandatum vestrum Regium de interessendo in Parlamento tenendo apud Westmonasterium Prædictum xxviii die Mensis Aprilis prox' cum Ea qua potuimus Reverentia nuper recepimus— Cujus quidem Brevis Vigore pariter & Autoritate juxta tenorem Ejusdem Decanum & Capitulum Ecclesiæ nostræ Cathedralis Cicestr' Archidiaconosque nostræ Diocesis, viz. Johannem Worthiall Clericum Archidiaconum Archidiaconatus Cicestrensis, Edvardum More Archidiaconum Archidiaconatus Lewensis, totumque Clerum nostræ Dioces' summoneri fecimus quod compareant & quilibet Eorum compareat in Parlamento— dictis die & Loco; viz. idem Decanus & Archidiaconi in Propriis Personis, dictumque Capitulum per Unum, Clerusque Dioces' per duos Procuratores idoneos, plenam & sufficientem potestatem ab ipsis Capitulo & Clero divisim habentes, ad consentiendum hiis quæ tunc ibidem de Communi Consilio Regni vestri divina favente gratia ordinari contigerint. Dat' 26 die Mensis Aprilis supradict. Anno Domini 1539.

## N U M. CL.

## Procuratorium Capituli Ebor' pro Eodem Parlamento.

A. D. 1539.

Registrum  
Dec. & Cap.  
Ebor. ab An-  
no 1504.  
fol. 224. a.

**P**ateat Universis per Præsentes quod nos Capitulum Ecclesiæ Metropolitanæ Ebor' Ordinamus facimus & constituimus per præsentes venerabiles Viros Magistrum *Galsfridum Downes* S. T. P. Cancellarium Ecclesiæ Metropolitanæ Ebor' *Wilhelmum Holgyl* & *Johannem Braynesbie* S. T. P. Canonicos Ecclesiæ Metropolitanæ Ebor' Præbendariosque Præbendarum de *Langhton*, &c. & *Thomam Marsar* in Decretis Baccalaureum, Canonicum Ecclesiæ Collegiatæ

B. Ma-



B. *Maria de Suthwell* Conjunctim, & Quemlibet Eorum per se divisim, & in solidum, ita quod non sit melior Conditio Occupantis, sed quod Unus Eorum inceperit id Quilibet Eorum prosequi valeat & finire, Procuratores nostros, ad Comparendum & Interessendum pro Nobis & Nomine nostro in Parlamento Serenissimi in Christo Principis ac Potentissimi invictissimisque Domini nostri Domini *Henrici viii* Regis Angliæ & Franciæ ac Domini Hybernæ, Fidei Defensoris, & in terra Supremi Capitis Anglicanæ Ecclesiæ apud Westmonasterium pro quibusdam arduis negotiis se Statum & Defensionem Regni sui Angliæ, & Ecclesiæ Anglicanæ concernentibus xxviii die Mensis Aprilis prox' fut' tenendo, cum continuatione & prorogatione dierum subsequentium, ad Tractand' & Consentiend' hiis quæ tunc ibidem ex communi Consilio ipsius Regni Angliæ divina favente Clementia contigerit Ordinari: Ratum habentes & habituri quicquid dicti Procuratores nostri vel aliqui Eorum fecerint seu fecerit in Præmissis, seu aliquo Præmissorum. In Cujus Rei testimonium sigillum nostrum Commune præsentibus est appensum. Dat' in domo Capitulari Ecclesiæ Ebor' 2do die Mensis Aprilis Anno Dom' 1539.

A. D. 1539.

Procuratorium Ejusdem Capituli pro Convocatione.

**P**ateat Universis per præsentis quod Nos Capitulum Ecclesiæ Metropolitanæ Ebor' dilectos nobis in Christo honorabiles & circumspectos Viros Magistrum *Edwardum Kellert*, Ll. D. præcentorem Ecclesiæ Metropolitanæ Ebor' *Cuthbertum Marshall* S. T. P. *Edmundum Worsey* Canonicos Eccles. Ebor' ac Præbendarios Præbendarum de *Hustwheat* & *Bugthorp*, *Johannem Collman* Sub-Theaurarium Eccles. Metrop' Ebor' *Thomam Farrehere* in Legibus Baccalaureum Causarum sive Negotiorum nostrorum Auditorem, & *Christophorum Ashton* Custodem fabricæ Eccles. Metrop' Ebor' nostros veros & Legitimos Procuratores, Excusatores, & Nuntios speciales, Ordinamus facimus & Constituimus per præsentis, ad Comparend' pro Nobis & Nomine nostro coram Reverendissimo in Christo Patre & Domino Domino *Edwardo* permissione divina Ebor' Archiepiscopo, Angliæ Primate & Metropolitano ejusve Locum-tenente sive Commissario in Convocatione Cleri Dioces' & Provinciæ Ebor' in Ecclesiæ *S. Petri Ebor'* secundo die Maii prox' futur' post datam præsentium, cum Continuatione & Prorogatione dierum ex tunc sequentium, si oporteat, & Locorum celebrand' ad Tractand' coram Eodem Reverendissimo in Christo Patre, Ejusve Locum-tenente seu Commissario ac Cæteris Prælati & Cleri Procuratoribus tunc præsentibus de & super his quæ dictum Dominum nostrum Regem, Pacem, Tranquillitatem, Bonum publicum, & Defensionem Ecclesiæ Anglicanæ, Regni Angliæ, & subditorum Ejusdem concernunt, & aliis quæ tunc ibidem ex parte dicti Domini nostri Regis clarius exponentur, una cum Præfato Reverendissimo in Christo Patre, Ejusve Locum-tenente tractaturi, suumque Sanum consilium & auxilium impensuri, hiis etiam quæ tunc ibidem ordinari contigerint consensuri, ulteriusque facturi & recepturi quod natura & qualitas hujusmodi Convocationis de se exigunt: Ratum, gratum, & firmum habentes & habituri quicquid dicti procuratores nostri, aut aliquis Eorum nomine nostro fecerint seu fecerit in præmissis. In Cujus Rei testimonium, &c. Dat' ix die Mensis April' Anno Dom' 1539.

Ibid. fol. 225.

N U M. CLI.

Schedulæ Prorogationis Convocat' Ebor'.

24 Novemb. **I**N Dei nomine, Amen. Nos *Johannes Rookebie* Legum Doctor 1545. Reverendissimi in Christo Patris & Domini Domini *Roberti* permissione Divina Ebor' Archiepiscopi Angliæ Primatis & Metropolitanæ, Autoritate Excellentissimi in Christo Principis & Domini nostri Domini *Henrici viii* Dei gratia Angliæ, Franciæ, & Hybernæ Regis, Fidei Defensoris, & in terra Ecclesiæ Anglicanæ Supremi Capitis legitime fulcitus Vicarius in Spiritualibus Generalis & Officialis Principalis, in hac Sacra Convocatione sive Concilio Provinciali Commissarius sufficienter & legitime deputatus, Rite & Legitime Procedens

A. D. 1545.

Convoc. Book of York.



A. D. 1539. cedens hanc Sacro-sanctam Convocationem sive Synodum generalem Prælatorum & Cleri Provinciæ Ebor' in hos diem & locum alias prorogatam usque ad & in xxvi<sup>m</sup> diem mensis Januarii prox' immediate sequent' inter horas Octavam & Undecimam ante meridiem Eiusdem diei hoc Loco de Consensu Collegarum nostrorum continuamus & prorogamus: Monentes Omnes & Singulos jam præsentem, quatenus Eisdem Loco, die, & horis, intersint ad ulterius faciendum & recipiendum quod negotia & natura dictæ Convocationis suadebunt in hac parte in hiis scriptis.

14 Decemb. 1545.— In Dei Nomine Amen. Nos *Robertus* permissione divina Ebor' Archiepiscopus Angliæ Primas & Metropolitanus Autoritate Domini nostri Domini *Henrici* viii, &c. Legitime fulcitus, hanc Sacro-sanctam Convocationem sive Synodum generalem Prælatorum & Cleri Provinciæ Ebor' in hos diem & Locum alias Prorogatam usque ad & in xxii<sup>dum</sup> diem mensis Decembris prox' futur' inter horas octavam & undecimam ante meridiem Eiusdem diei hoc loco continuamus & prorogamus: Monentes omnes & singulos jam præsentem quatenus eisdem die & loco & horis intersint ad ulterius faciend' & recipiend' quod negotia & natura dictæ Convocationis suadebunt in hac parte in hiis scriptis.

# N U M. CLII.

## Monitio ad Synodum Legatinam.

A. D. 1555.  
Registrum  
Bonner Lond.  
fol. 394.

Edmundus permissione divina London Episcopus Reverendo in Christo Confratri nostro Thomæ eadem permissione Elien' Episcopo salutem & Fraternalam in Domino Charitatem; Noverit Fraternitas vestra Reverenda Nos Literas Commissionales & Mandataras Illustrissimi & Reverendissimi in Christo Patris ac Domini Domini Reginaldi miseratione divina Sanctæ Mariæ in Cosmedin sanctæ Romanæ Ecclesiæ Diaconi Cardinalis Poli nuncupati, sanctissimi Domini nostri Papæ & sedis Apostolicæ ad Serenissimos Phillippum & Mariam Angliæ Reges & Universum Angliæ Regnum de latere Legati, Sigill' Istius Illustrissimi & Reverendissimi Patris in quadam capsa Stanea & cera rubea cum filis Sericis rubei Coloris comprehenso Sigillatas nuper cum Ea qua decuit Reverentia, Obedientia & honore recepisse humilr' exequendas, sub Eo qui sequitur Verborum tenore. Reginaldus miseratione divina Sanctæ Mariæ in Cosmedin Sanctæ Romanæ Ecclesiæ Diaconus Cardinalis Polus Nuncupatus Sanctissimi Domini nostri Papæ & sedis Apostolicæ ad Serenissimos Phillippum & Mariam Angliæ Reges & Universum Angliæ Regnum de latere Legatus Venerabili & Nobis in Christo Dilecto Edmundo Episcopo London salutem in Domino sempiternam Circumspectioni tuæ de Qua in hiis & aliis plurimum confidimus ut Episcopos & Reliquos Provinciæ Cantuarien' Personas Ecclesiasticas quæ Sinodis Provincialibus de Jure vel legitima & hic hætenus approbata consuetudine interesse solent, quatenus ipsi intra competentem arbitrio tuo Statuendum terminum præsentem qua Spiritus Sancti gratia inspirante Autoritate Apostolica Nobis quomodolibet concessa & commissa qua fungimur cum eadem Circumspectione, tua & aliis tam Eiusdem Cantuarien' quam Eboracen' Provinciar' Episcopis, & reliquis Ecclesiasticis quæ jam hic adsunt personis inchoavimus Sinodo per se, vel si legitimo aliquo sunt Impedimento detenti per Procuratorem idoneum mandatum legitimum habentem adesse & usque ad ejus finem Interesse debeant per se vel alium etiam sub certis contra inobedientes arbitrio tuo comminandis pænis nomine nostro moneas & ad eandem Synodum Voces eadem Autoritate tenore præsentium committimus & mandamus, contrariis non obstantibus quibuscunque. Datum in Palatio apud Sanctum Jacobum prope Westmonaster' Anno a Nativitate Domini Millesimo Quingentesimo quinquagesimo Quinto sexto Idus Novembris Pontificatus Sanctissimi in Christo Patris & Domini nostri Domini Pauli divina Providentia Papæ Quarti Anno Primo. Sic Signatas, Reginaldus Cardinalis Polus Legatus. M. Antonius Faitæ Secretarius Lampsonius. Quarum quidem Literarum Reverendissimar' Vigore pariter & Authorite Nos Edmundus Episcopus antedictus vos Reverendum Confratrem nostrum prædictum & per Vos Decanum & Capitulum & Archidiaconos Ecclesiæ vestræ Cathedralis Cæterosque



rosque Prælatos quoscunque & Clerum Dioces' vestræ prædictæ tam Exemptos A. D. 1555. quam non Exemptos quoscunque tenore præsentium Authoritate prædicta præemptorie monemus; Vobisque & Illis sub pæna suspensionis ab Officio mandamus quatenus Vos Reverende Confrater antedictæ Decanusque Archidiaconi & Prælati personaliter, dictum vero Capitulum & Clerus per Vos autoritate & tenore præsentium monendi per Procuratorem idoneum sufficienter instructum & clausulam Ratihabitionis in Procuratorio suo habentem si personaliter comparere non possint aut voluerint coram dicto Illustrissimo & Reverendissimo in Christo Patre & Domino Cardinali & Legato prædicto Synodum prædictam Deo favente prosequuturo in Capella sive Oratorio vulgo vocat the Kings Chappell infra Palatium Regium apud Westmonaster' secundo die Mensis Decembris prox' post Datam præsentium venturi, ( si citius saltem venire non poteritis aut poterint) inter horas octavam & nonam antemeridiem ejusdem diei, cum continuatione & prorogatione Dierum & horarum ex tunc sequen' & Locorum si & quatenus dicto Illustrissimo & Reverendissimo Domino Cardinali & Legato antedicto ita expedire videatur, in Synodo Legatina prædict' cum aliis Prælati & Personis tam Cantuarien' quam Eboracen' Provinciar' Compareatis & Compareant Interitisque & intersint super hiis quæ in dicta Synodo tractabuntur tractaturi, deliberaturi, consensuri & conclusuri, Cæteraque facturi gesturi & expedituri quæ dictæ Synodi natura & Qualitas Litterarumque prædictar' tenor in & de se exigunt & requirunt, Vobis insuper injungimus & mandamus sub pæna suspensionis prædictæ tam de receptione & executione præsentium ac de omni Eo quod in hac parte feceritis unacum schedula nomina omnium in hac parte monendor' sufficienter & plene continente dictum Illustrissimum & Reverendissimum in Christo Patrem Cardinalem & Legatum antedictum dictis die hora & Loco debite Certificet Fraternitas vestra. Dat' in Palatio nostro London sub sigillo nostro Decimo die Mensis Novembris Anno Domini Millesimo Quingentesimo Quinquagesimo quinto Et nostræ Translationis Anno Decimo septimo.

*Ita est Edmundus Episcopus London.*

### N U M. CLIII.

#### Prorogatio Concilii Legatini.

**R**eginaldus miseratione divina tituli Sanctæ Mariæ in Cosmedin Sanctæ Romanæ Ecclesiæ Presbiter, &c. Venerabili fratri nostro Episcopo London seu Ejus in Spiritualibus Vicario vel Officiali Generali salutem in Domino Sempiternam. Cum Nos ultra Annum proxime elapsam tum ut bonorum Ecclesiasticorum quæ injuria Superiorum temporum ablata Serenissimor' Regis & Regina Præfatorum pietate Paulo ante Ecclesiæ restituta fuerant Ratio quædam & dispositio ad Dei Omnipotentis Gloriam & hujus Cleri & populi Utilitatem constitueretur, tum vero ut Ecclesia hæc Anglicana quæ ob præteriti Schismatis Calamitatem valde deformata erat in doctrina & moribus ad Sacrorum Canonum normam reformaretur, accitis & assistentibus Nobis utriusque Cantuarien' viz. Et Eboracen' Provinciæ Episcopis & Clero Synodum Instituissemus & inchoavissemus & in illa per nonnullos dies ad hoc Statutos ac de die in diem prorogatos rite & legitime procedendo nonnulla quæ ad Eorundem bonorum Ecclesiasticorum dispositionem pertinebant & multa alia quæ ad reformationem spectabant Statuta fuissent, ac deinde Sacram Synodum hujusmodi, tum quia Quadragesimale tempus quo Pastoribus a gregibus sibi commissis diutius abesse non licebat jam instabat, tum quia ad Ulteriora quæ tractanda remanebant absque Majorum informatione quæ sine singularum Diocesum Visitatione commode fieri non poterat, pergredi non satis bene Valebamus, Usque ad decimum diem Mensis Novembris prox. exinde sequentis prorogavissemus, Visitationemque per Ordinarios locorum etiam Authoritate nostra faciend' esse decrevissemus post modum quia ut ad certam nostram devenerat notitiam Visitatio in nonnullis Diocesibus propter earum amplitudinem & alias justas Causas ad id tempus compleri non potuerat pro Certiori bonor' Ecclesiasticor' prædictor' quantitatis & qualitatis ratione sine qua ad perfectam Illorum dispositionem devenire non poterat habenda majus temporis Spatium requirebatur, & ab nonnullas alias rationabiles Causas animum nostrum moventes Sacram Synodum prædictam usque in Decimum

A. D. 1557.

Registrum  
Bonner, Lond.  
fol. 424.



A. D. 1557. *W*um diem Mensis Novembris præfatum alias in ultima Sessione generali ejusdem Synodi prorogatum usque ad decimum diem Mensis Maii proxime sequentis in Ædibus nostris Lambethi Wintonien' Dioc' tunc celebrand' Authoritate Apostolica continuavimus & prorogavimus prout in aliis nostris superinde confectis Literis plenius continetur, cum autem ob maximam Victualium omnium hoc in Regno de præsentis vigentem penuriam Episcopis & aliis personis Ecclesiasticis quæ eidem Synodo de Jure vel consuetudine interesse tenentur non nisi cum magno Eorum incommodo ad eandem Synodum continuandam in decimum diem Mensis Maii proxime sequentis ut permittitur prorogata, eadem Authoritate Apostolica Nobis hac in nostra Legatione concessa qua fungimur, in hac parte tenore præsentium in diem decimum Mensis Novembris prox' sequentis continuamus & prorogamus, Circumspectioni igitur tuæ de qua in hiis & aliis plurimum confidimus quatenus per Te vel alium, vel alios Venerabiles Confratres nostros Episcopos & cæteras Provinciæ nostræ Cantuarien' prædictæ personas Ecclesiasticas quæ sacræ synodo præfatæ interesse quovismodo debuerint de prorogatione & continuatione Eiusdem in dictum decimum die proxime futuri Mensis Novembris Certificates Eisdemque quatenus Ipsi eodem decimo die Mensis Novembris in dictis Ædibus nostris Lambethi Sacræ Synodo quam cum eadem Circumspectione tua & aliis tam Cantuarien' quam Eboracen' Provinciar' prædictar' Episcopis & reliquis Personis Ecclesiasticis tunc interessent' alias Inchoavimus & ut præfertur prorogavimus, personaliter, vel si legitimo aliquo Impedimento sunt detenti, per earum Procuratores idoneos Mandatum legitimum habentes adsint, & usque ad ejus finem intersint etiam sub certis contra inobedientes tuo vel alior' tuorum hujusmodis literarum Executor' Arbitrio comminandis pœnis nomine nostro moneas & ad eandem Synodum sic prorogatam Voces & Cites Authoritate & tenore prædictis committimus & mandamus. Dat' in Manerio nostro de Croyden Winton' Dioc' Anno a Nativitate Domini 1551. Tertio Cl' Aprilis Pontificatus Sanctissimi in Christo Patris & Domini nostri Domini Pauli Divina Providentia Papæ Quarti Anno secundo.

(1557.)

## N U M. CLIV.

A. D. 1575. *W*ARTICLES, whereupon it was Agreed by the most Reverend Father in God the Archbishop of *Canterbury*, and Other the Bishops and the whole Cleargie of the Province of *Canterbury*, in the Convocation or Synode holden at *Westminster* by Prorogation, in the Yeere of our Lorde God, after the Computation of the Church of *Englande*, One thousande, five hundred, seventie five, touching th' Admission of apt and fyfte Persons to the Ministerie, and th' establishing of Good Orders in the Churche.

*Published by the Queenes Majesties Authoritie.*

## A R T I C L E S.

**I.** **T**Hat none shalbe made Deacon or Minister hereafter, but only suche as shal fyrste bryng to the Bishop of that Diocesse, from Men knowne to the same Byshop to be of sounde Religion, a testimoniall both of his honest Lyfe, and of his professyng the Doctrine expressed in the Articles of Religion, which concerne the Confession of the true Christian Fayth, and the Doctrine of the Sacramentes, comprised in a Book imprinted, intituled, *Articles, whereupon it was agreed by the Archbishops and Bishops of both Provinces, and the whole Cleargie in the Convocation holden at London, in the Yere of our Lord 1562, for the avoydyng of the diversities of Opinions, and for the establishyng of and consent touching true Religion, put foorth by the Queenes Authoritie.* And whiche also shal then be able to answer and render to the same Byshop an accompt of his fayth in Latine, agreeable and consonant to the said Articles, and shal fyrst subscribe to the said Articles. And that everie such Deacon shalbe of the Age of xxiii Yeeres, and shal continue in that office the space of a whole yeere at the least, before he be admitted to the order of priesthood, and everie suche minister shalbe of the



the ful age of xxiii yeeres. And that neyther of those Orders shalbe given, A. D. 1575  
but only upon a Sunday or Holyday, and in the face of the Church, and in  
suche maner and forme, and with al such other circumstances, as are ap-  
pointed by the booke intituled, *The fourme and manner of making and consecra-  
tyng Bishops, Priestes, and Deacons.*

2. *Item,* That no Bishop shall geve eyther of the sayde Orders to any that  
be not of his owne Diocesse, (other then Graduates, resiaunte in eyther of  
the Universities) unlesse they be dimitted under the hand and seale of that  
Byshop of whose Diocesse they are, and not upon letters dimissary of any  
Chauncelour, or other Officer to any Byshop.

3. *Item,* That unlearned Ministers heretofore made by any Byshops, shal  
not hereafter be admitted to any cure or spiritual function, accordyng to the  
Queenes Majesties Injunction in that behalfe, for which purpose the Byshop  
shall cause straight and diligent Examination to be used in the admission of al  
Curates to the charge of any Cure.

4. *Item,* That diligent Inquisition be made in every Diocesse for al such as  
have forged or counterfayte letters of orders, that they may be deposed by  
the Commissioners Ecclesiastical.

5. *Item,* That the Byshops by their letters do certifie one to another, the  
names of such counterfayte Ministers, to the end they be not suffered to serve  
in any other Diocesse.

6. *Item,* That from henceforth none shalbe admitted to any Orders Eccle-  
siastical, unless he do presently shew to the Byshop a true presentation of hym-  
self, to a benefice then voyde within the diocesse or jurisdiction of the sayde  
Byshop, or unlesse he likewise shewe to the sayde Byshop a true certificate,  
where presently he may be placed to serve some Cure within the same diocesse  
or jurisdiction, or unlesse he be placed in some Cathedral or Collegiate Church,  
or Colledge, or unlesse the Byshop shall forthwith place him in some vacant Be-  
nefice or Cure, or unlesse he be knowen to have sufficient Patrimonie or Lyue-  
hode of his own.

7. *Item,* That none shalbe admitted to any dignitie or benefice with cure of  
soules, unles he be qualified accordyng to the tenor of the first article: and yf  
any such dignitie or benefice be of the yeerely value of thirtie poundes or  
above, in the Queenes bookes, unlesse he shalbe a Doctor in some facultie, or a  
Batcheler of divinitie at the least, or a Preacher, lawfully allowed by some  
Byshop within this Realme, or be One of the Universities of Cambridge or  
Oxforde, and shal geve open tryal of his preachyng before the Byshop or Or-  
dinary, or some other learned men appointed by him, before his admission to  
such dignity or benefice: and neverthelesse, where the stipends or livinges be  
very small, there to choose and admit of the best that can be found in such Case  
of Necessity.

8. *Item,* That al Licenses for preachyng, graunted out by any Archbishops  
or Bishops within the Province of Canterburie, bearing date before the eight  
of February 1575 be voyde and of none effect: and neverthelesse, al such as  
shalbe thought meete for that office, to be admitted agayne without difficultie  
or charge, paying nothing for the same.

9. *Item,* That every Byshop take order, that able preachers within his dio-  
cesse, do earnestlie and with diligence teach theyr auditours sound doctrine of  
fayth and true religion, and continually exhort them to repentance and amende-  
ment of lyfe, that they may bryng forth the fruites of fayth and charitie, and  
be liberall in almes and other Good deedes commaunded by Gods word.  
And that none be admitted to be a Preacher, unlesse he be first a Deacon at  
the least.

10. *Item,* That every Bishop in his Diocesse, shal with all expedition take  
order that the Catechism allowed be diligently taught to the youth in everye  
Parishe Church, and that the Homilies (where no Sermons be had) be duely  
read in order, as they be prescribed, every Sunday and Holyday.

11. *Item,* That every Bishop shal lykewyse take order within his Diocesse,  
that every Parson, Vicar, Curate, and Stipendarie Priest, beyng under the de-  
gree of a Maister of Arte, and beyng no Preacher, shall provide and have of  
his Owne, within two monethes after warning geven to him or them, the New  
Testament, both in Latine and Englishe, or Welshe, and shal conferre daily one  
Chapter



**A.D. 1575.** Chapter of the same, the Latine and Englishe or Wellshe together. And that Archdeacons, Commissaries and Officials in theyr Synodes and Visitations, shall by theyr discretion appoynt to every of the sayde Parsons, Vicars, Curates, and Stipendarie Priestes, some certayne Taxe of the Newe Testament to be conde without booke, or otherwise to be travailed in, as shalbe thought most convenient to the said Archdeacons, Commissaries or Officials: and shall exact a rehearsal of the same, and examine them howe they have profited in the Studie thereof, at their next Synodes and Visitations, or suche other time or tymes, as to them shalbe thought meete.

12. *Item*, That from henceforth there be no Commutation of any Penance, by any having ordinary jurisdiction Ecclesiasticall, or any their Officers or Deputies, into any mulcte pecuniary, unlesse the same be done upon great and urgent Causes by the Consent of the Bishop of the Diocesse, declared in writing, and under his hand and seale.

13. *Item*, That al Archdeacons, and Others which have ordinary jurisdiction Ecclesiasticall, and theyr officers and deputies, shall call before all suche person and persons, as shalbe detected or presented before them, or any of them, of any Ecclesiastical crime or fault, and shall use all meanes by Law prescribed, to convince and punishe suche as be founde to be offenders, effectually upon paine of Suspension from hys or their office.

*God save the Queen.*

Imprinted at London, by Richard Jugge,  
Printer to the Queenes Majestie.  
*Cum privilegio Regie Majestatis.*

### The Article struck out by the Queen.

That the Byshops should take order, that it be publish'd and declared in every Parish Church within their Diocesses, before the first day of *May* then next following, That Marriages might be solemnized at all times in the year; so that the Bannes on their severall Sundays or Holydays, in the Service-time, were openly asked in the Church, and no Impediment objected; and so that also the said Marriage be publickly solemnized in the face of the Church at the aforefaid time of Morning Prayer.

*Dr. Heylin's Hist. of the Presbyter. Book vii. Sect. 14.*

### N U M. CLV.

*E. Tom. IV. Concil' Kerp' Card' de Aquire. Rom. 1693. p. 224. de Concil' Tolet' Prov' Ann' 1582.*

**Epist' Card' Boncampagni ad P. Card' Quizogam de Legato Regio in Concilio Toletano nullatenus nominando.**

*Illustriss. ac Reverendiss. Dom' Observandissime.*

**A.D. 1584.** **P**Ræter Ea quæ aliis literis Illustrissimæ D. V. scrip' de Provinciali Synodo Toletana, Placuit sanctissimo D. N. ut seorsim his literis de re graviori ad Eandem Synodum pertinente Illustrissimam amplitudinem Vestram admonerem; quo rectius quicquid factò opus sit intelligat, ac singulari prudentia dexteritateque sua id quam suacissime fieri poterit exequatur. Nunquam invenitur sæculares Principes Eorumve Nuncios interfuisse Conciliis, nisi Universalibus, ubi agitur de fide, reformatione, & de Pace; quod non deceat neque fas sit Illos spectatores fieri rerum quæ sacerdotibus dei nonnunquam Eveniunt, ut legitur in Can' XVII. Oñ' Synod' Constantin' Sess. 10. sub Adriano II. celebratæ. Interfuerunt nonnullis conciliis Provincialibus antiqui Reges, sed non alia de Causa quam ut reciperent fidem, & Patres ab Immanitate Infidelium seu Hæreticorum tuerentur. Extra hos Casus, Principes Sæculares, non invitatos, Conciliis



ciliis intervenire sanctorum patrum Decretis Historiis & Consuetudini quæ in Cæteris Omnibus Christiani nominis regnis & Provinciis ad hanc diem Observatur, valde repugnat. Quamobrem Pius IV. & Pius V. Papæ maximi specialibus mandatis providerant, ne aliqui nomine Regio in Concilio Provinciali superiori *Toletano* interesse deberent, sed Ejus Concilii absolutio Pontificum mandata prævenit, adeo ut effectum debitum sortiri tunc non potuerint. Nunc autem ne res transeat in Exemplum aliis Provinciis & Regnis, jubet Sanctissimus D. N. in publicatione facienda postremo hujus Concilii *Toletani* expungi, etiam in ipsomet Originali, mentionem Legati Regii qui præsentiam suam in Eo legitur exhibuisse p. 6. in 1. Act. ibi. " *Et ipsius nomine presente admodum illustri Gomezio de Avila, Marchione de Velada, &c. atque Eadem ratione Omitti illa verba, p. 55. in Gratiarum Actionibus " Perillustri Marchioni Legato Regio.* Hæc habui quæ sanctitatis suæ jussu & nomine D. V. Illustrissimæ significarem, Cui quod reliquum est bonam Opto valetudinem, meque Omni animi studio Commendo.

Roma die 10 Septembris. 1584.

D. V. Illustriss. ac Reverendiss. humillimus Servus  
Philippus Boncompagnus Card. S. Xysti.

Epistola D. Card' Quirogæ in qua respondet D. Cardinali S. Xysti, Circa Ea quæ objecta fuerunt: Et contendit exemplis Variis ex sacra antiquitate petitis, moris fuisse ut legati & ministri Regii in Actis Synodorum Nominarentur: Proindeque id licuisse ac licere modo Patribus Concilii *Toletani*.

*Illustriss. & Reverendiss. Domine:*

**L**iteris amplitudinis V. Illustrissimæ quas ad me 10 Sept. Sanctissimi D. N. nomine dedit duo continentur. Unum est, Sæculares Principes Eorumve Nuncios nunquam interfuisse Conciliis nisi *Universalibus*. In *Provincialibus* enim non alia de Causa Reges adfuisse, quam ut reciperent fidem, & Patres ab Immanitate infidelium seu hæreticorum tuerentur; vel quod invitati venissent. Alterum vero est, legati Regii nomen de nostri Concilii *Toletani* initio fineque expungi Oportere. His literis ut qua decet veneratione respondeam, exponam prius Causas Cur legatus Regius in Concilio Provinciali sit a Nobis admissus: Deinde cur videatur Nomen ejus sine magnis incommodis deleri non posse. Illud tamen Præfabor, nihil me temere & præcipitanter in Eo tunc Gessisse; sed doctis viris in Consilium adhibitis, & re tota cum Reverendissimis Episcopis Comprovincialibus meis mature Communicata.

Missus est igitur ad nostrum Concilium perillustis *Marchio Velada* a Rege Catholico Domino nostro cum honorificentissimis & modestissimis literis, ut ejus Majestatis nomine nostris tractatibus interesset: Eumque admisimus his de Causis.

I. Quia in Ea possessione Reges *Hispania* fuisse videramus, ut Præsentes *Conciliis Provincialibus* sui Regni essent, non modo Ipsi, sed Eorum Nomine Illustres Comitibus Officii Palatini. Cujus consuetudinis frequentia Exemplum sunt in Omnibus prope Conciliis *Toletanis* *Gotthorum* Regum tempore habitis. Nam in iii<sup>o</sup> *Toletano* præsens est *Reccaredus* Rex, cum Optimatibus. In iv. *Sisenandus* Rex. In v. *Chinthila* Rex cum senioribus Palatii sui. In viii<sup>o</sup> *Reccefvinthus* Rex cum Comitibus. In xii<sup>o</sup> & xiii<sup>o</sup> *Ervigius* Rex cum Eisdem Comitibus. In xv. xvi. & xvii. quæ nondum sunt impressa, *Egica* Rex cum Illustribus Palatinis ibidem subscribentibus. Quibus Omnibus Conciliis vix ulla Quæstio fidei agitata, si iii<sup>m</sup> xiv<sup>m</sup> & xv<sup>m</sup> excipias; Reformationis tantum Capita tractata; Nullum ibidem ab Hæreticis aut Infidelibus periculum, cum in iii<sup>o</sup> Concilio *Toletano* *Arianismus* ab *Hispania* penitus Exulasset.

II. Post recuperatam quoque de Sarracenis *Hispaniam*, idem factum in posterioribus *Conciliis Provincialibus*, quorum mentio aut in nostris Historiis extat, aut integra actorum Manuscripta Exemplaria apud Nos magno numero cum fide servantur. Nam in *Compostellano* Anno 876. adfuit *Aldefonsus* iiii<sup>us</sup>, Rex cognomento Magnus. Et in *Ovetensi* Anno 877. idem Rex cum Comitibus, quod scriptum reliquit *Samperus* Episc' *Asturicensis*, pervetustus auctor. In *Legionensi* Anno 1012 *Aldephonsus* V. cum Optimatibus Regni. In *Pamylonensi*



A. D. 1584. Anno 1023. *Sanctius IV. Rex Navarra* cum Optimatibus. In *Cojancensi* diœcesis *Ovetensis*, Anno 1050 *Tredenandus Magnus*. In *Faccensi* Anno 1063. *Arragonia Rex Ranimirus* cum Optimatibus. In altero *Legionensi* Anno 1090. sub *Reverio* Cardinali Legato *Urbani II. Aldephonsus Rex VI.* In *Palentino* sub *Raymundo* Archiepiscopo *Toletano* Anno 1129. *Aldephonsus VIII. Calisti II. fratris* filius. In *Carrionensi* Eodem Anno sub *Huberto* Cardinali Legato *Honorii II.* idem *Aldephonsus VIII.* Quod de his tribus posterioribus Conciliis memoriae prodidit in *Historia Compostellana Munio Aldephonsiades* Episcopus *Mindonien-* sis ejus *Ætatis* scriptor. His vero Omnibus Conciliis mores tantum Reformati Leguntur, hæresis nulla mentio.

Post id tempus rara apud Nos Provincialia sunt habita.

III. Similia Exempla recenti memoria habemus in his Conciliis Provincialibus quæ mox post finitam Sanctam Synodam *Tridentinam* Anno 1566 in Omnibus Hispaniæ Regnis sunt Celebrata. Nempe in *Toletano* superiore, *Compostellano*, *Tarraconensi*, *Valentino*, *Granatensi*, *Cesar Augustano*, *Brocarensi*, *Ulyssiponen-* si, & *Eborensi*: quibus legati regii semper interfuerunt.

IV. Eam ipsam Consuetudinem fuisse apud alias Nationes legeramus; ut in *Italia*, *Gallia*, *Germania*, & *Anglia*; in quibus Imperatores Occidentales & reges cum suis Optimatibus convenerunt ad Concilia Provincialia, in quibus Reformatio, non Causa fidei agebatur. De jure non disputamus: sed passim tamen Conciliorum Volumina & Historia id factum esse testantur. Ut exempli Causa in *Suessionensi* Anno 744. *Pipinus* adfuit cum suis Optimatibus. In Concilio apud *Theodonis villam* Anno 812 sub *Carolo M. & Ludovico* Imp. in fine dicitur "Imperatores & Gallia Principes subscripserunt, singuli singulas facientes Cruces. In *Metensi*, Comites & plures Nobiles. In *Aquisgranensi* celeberrimo Anno 816. *Ludovicus* Imp. In *Meldensi* Anno 845. sub *Carolo* juniore Canones repetuntur multorum Conciliorum quæ præsentibus regibus & approbantibus de reformatione essent habita. In Synodo quoque apud *S. Medardum* Anno 853. idem *Carolus* præfens fuit. Interfuit autem his ambabus Synodis magnus ille *Hincmarus* Archiepiscopus *Rhemensis*, Conciliorum gravis descriptor. In *Triburiensi* Anno 896. *Arnulphus* Rex cum Regni sui Principibus. In *Ingelheimensi* sub *Marino* legato Apostolico Anno 958. *Otho Germanorum & Ludovicus Francorum* reges affuerunt. In *Viceliaco Burgundia*, Anno 1145. *Ludovicus* Rex cum Regni principibus. In *Parisiensi* Anno 1187. *Philippus* Rex In *Herbi-polensi* Anno 1238. *Rodolphus* Imperator cum ducibus & Comitibus. Longum esset reliqua Numerare. Et tamen constat hos principes imprimis Catholicos, & libertatis Ecclesiasticæ vindices esse appellatos: quæstionem autem fidei nullam pœne his conciliis habitam. Tantum vero abest ut hi principes Invitados se venisse dicant, ut ipsi potius se Episcopos invitasse passim prædicent.

V. Referri quoque ab ipso *Gratiano* animadvertebamus Reges aliquos qui Conciliis hujusmodi interfuissent. Ut *Conradum* regem Concilio *Alphesiano* 31. q. 1. cap. Illud vero. *Pipinum* Regem Concilio *Wermeriensi* 29. q. 2. cap. Si quis ingenuus. *Henricum* Regem Concilio apud *Erphesfort* in *Germania* 15. q. 4. cap. Placita. ut in nova *Gratiani* Correctione habetur.

VI. Quorundam Conciliorum expressis Canonibus præcipi Videmus, ut Ea præsentibus Regibus haberentur, vel iudices Regii ad ipsa Concilia Provincialia convocarentur. Ut in Concilio apud *Palatium Vernis* Anno 755. præcipitur cap. 4. Ut singulis Annis mense Martio Synodus fiat in Regis præsentia. Et iii<sup>o</sup> Concilio *Toletano*, cap. 18. Ad Concilia (inquit) semel in Anno Episcopi congregentur: Iudices quoque locorum & actores fiscalium Patrimoniorum simul cum sacerdotali Concilio in Unum Conveniant. Et IV *Toletano*, cap. 3. Executor (inquit) a principe postuletur, qui cogat venire iudices seculares ad Synodum. Et in viii<sup>o</sup> *Toletano* *Rece-* vinthus Rex sic alloquitur Comites Palatinos: Vos etiam illustres Viros quos ex Officio Palatino huic sanctæ synodo interesse primatus Obtinuit, ac Nobilitas expectabiles honoravit, &c.

VII. Nunquam Pontificem aliquem Romanum, vel nostrum, vel Superiorum temporum memoria fuisse legeramus vel audieramus, qui aut Reges nostros interesse, aut Episcopos illos admittere prohibuisset.

VIII. Le:



VIII. Legatos Regis nostri modestissime hac sua præsentia usos in Conciliis omnibus superioribus accepimus: adfuisse videlicet tantum, non proposuisse, non sententias dixisse, nihil denique per Eos imminutam libertatem Ecclesiasticam. Ipsius autem Regis nostri Catholicam mentem & modestiam, Cum ex reliquis ejus actionibus, vitæque universa, tum ex his quas ad Concilium nostrum dedit literis agnovimus, quarum Exemplum iisdem verbis ad finem subjiciam. Et hæc quidem potissimum Causæ nos impulerunt ut regium legatum in Concilium admitteremus.

Extat quidem Canon ille xvii. Synodi viii<sup>e</sup> generalis Constantinopolitanæ quo Græcos *Impp.* Conciliis tantum generalibus interfuisse dicitur: Et in Eadem sententiam Cap. *Ubinam legistis* dist. 96. ex Epist. *Nichol. I.* ad *Michaellem* Imp. Neq; ignorabamus *Glossam* in cap. fin. *De iisque fiunt a Prælato*, &c. & in Capitulo *Adrianus I.* dist. 63. Et per multos Juris Canonici interpretes *Glossæ* auctoritatem secutos, Existimare, laicos Conciliis tantum Generalibus, quibus de Fide Agitur interesse posse: *Provincialibus* autem, nisi invitentur, non posse. Sed cum tam multa Contraria Exempla Reperiantur (fateor) aliquam aliam illorum Canonum fuisse sententiam sumus suspicati: nempe vel factum duntaxat superiorum temporum Narrasse, quod ita ad Eam diem acciderat ut Imperatores Orientales Synodis tantum Generalibus interfuissent, quibus semper hæreses aliquæ sunt profligatæ: vel Canonem illum *Constantinopolitanum*, & Epistolam *Nicolai* quæ Eodem tempore scripta est, frænare imprimis Voluisse *Michaelis* Imp. Audaciam, qui in Græcia Synodos aliquot *Provinciales* ad *Ignatium* Patriarcham deponendum, & Romani Pontificis auctoritatem minuendam paulo ante Congregaverat: vel certe quocunque modo is Canon intelligendus sit, in Occidente (quod multis Canonibus Græcis accidit) non admissum, & in *Hispania* præsertim contraria Consuetudine abrogatum: Cum tam multi Reges & Optimates nostris Conciliis Provincialibus interfuisse legantur, uti paulo ante e magno numero selectis Exemplis est demonstratum.

Hæc de priore Parte: Dicam nunc cur legati nomen ex Actis Concilii sine magnis Incommodis (meo quidem judicio) deleri non possit. Nam aut secreto id suaviterque faciendum est, ut Amplitudinis V. Illustrissimæ literæ significant, aut Publice. Secreto qui fieri poterit? Cum frequentissimo populo lecta sint in Templo ea Decreta, Regisque & Ejus legati nomen, tum in Principio, tum in Gratiarum Actionibus auditum? Cum Ecclesiarum Capitula ad suas Appellationes multa Exempla ejus Concilii describenda Curarint, Omniumque Oculis subjecerint? Cum Rex ipse ejus Concilii Exemplum per suum Legatum obtinuerit, & diligenter a se lectum ad S. D. N. miserit? Denique id Concilium Exequutioni mandari non potest, nisi de more typis excusum per Provinciam divulgetur. Hispaniæ autem leges imprimi quidquam non patiuntur, nisi Concilii Regii auctoritate probatum, & cum Originali Collatum fuerit.

Publice autem, & Contra Regis Voluntatem deleri legati nomen suaviter quidem nulla ratione potest. Nam Rex ipse Catholicus ut alioqui Religionis pietatisque est Observantissimus, ita juris auctoritatisque quam Sibi deberi existimat acerrimus propugnator esse Consuevit. Spoliari autem se inauditum moleste feret hac, quam a majoribus possessionem accepit, & qua ipse Etiam in aliis Conciliis est Usus. Deinde periculum est ne Reges, si se conciliis excludi videant incipiant variis artibus *Conciliorum Provincialium* Convocationes impedire, cum magno detrimento Ecclesiasticæ disciplinæ, ad quam vel instaurandam vel retinendam, antiquis vel recentibus Patrum decretis Eorum frequens Celebratio tantopere Commendatur: Quæ nunc etiam valde sunt necessaria ad sedis Apostolicæ Auctoritatem apud Reges & Populos tuendam.

Præterea hoc nostrum Concilium qualecunque est (quod magnis tamen laboribus Nobis constat) perpetua obruetur Oblivione; Et periculum est in posterum ne Concilii Provincialis Celebrandi mentionem quisquam nostrorum Episcoporum facere audeat, cum timeat Ejus Celebrationem Regem nostrum haud permissurum. Postremo, non puto defuturos Regi Consiliarios, qui ubi semel res in disputationem venire cæperit, non id permissu atque tolerantia Ecclesiæ, sed jam suo jure Regibus licere persuadere conentur. Non modo enim pugnabunt Exemplorum numero, & iis rationibus quas supra ad tolerandam Illorum præsentiam retulimus; sed Caussabuntur fortasse jure sibi posse timere Reges *Hispaniæ* a Conciliis Provincialibus, cum IV Concilio *Toletano*, *Swinthila* Rege vivente deposito, *Sisenandus* ejus hostis in Regem fuerit Confirmatus. Et nuper Anno



*A. D. 1584. 1473. Concilium Provinciale* ab Archiepiscopo & Episcopis Regi *Henrico IV.* ad versis in Oppido *Aranda* Celebratum, causa fuisse existimetur, ut *Aranda* Oppidum Eo ipso Anno, & Ejus Exemplum aliæ Urbes secutæ, a Rege deficerent.

Cavere quoque sibi Reges posse ne quid Patronatibus Regiis incommodetur, quibus diligenter Cautum est a *Concilio Tridentino*. Agi etiam sæpe in Conciliis Provincialibus de iis quæ ad Laicos pertinent, ut de Matrimoniis, & de aliis Causis Communibus: Quo eventu Laicos Conciliis interesse debere jura non prohibent, doctores non negant.

Multaque hujus generis Argumenta coacervabunt, quæ Regibus & Eorum Consiliariis in promptu erunt. Quod si maxime Causa cadant, cum ut res habet, & Amplitudo V. Illustrissima fatetur venire possunt invitati, curabunt semper se ab Episcopis invitari, quod haud difficulter obtinebunt.

Quamobrem cum Summorum Pontificum Prudentia in Regibus multa tolerantur, vel majoris Utilitatis parandæ Causa, vel majoris damni Vitandæ, (cujus rei multa Exempla proferri possent e nostra etiam *Hispania* petita, quæ fedi Apostolicæ maxime Obedientem se præbet) hoc certe tempore mihi toleranda videtur hujusmodi Regum præsentia, tam longa Consuetudine firmata; Ne Quæstio gravissima, & alto silentio hætenus sopita, si semel suscitetur, majora incommoda pariat, & Negotium Reipublicæ facessat.

Hæc sunt secreta Animi mei Consilia, quorum Ego neque Regem, neque quenquam ex Regiis ministris participem feci. Sed Ea quæ mihi de re proposita attente Cogitanti in mentem venerunt, his literis Exponenda putavi. V. Amplitudinis illustrissimæ erit Ea Omnia, aut Eorum Partem quæ maxime ex Usu esse Videbitur, ad SS. D. N. referre, ea Cautione quam rei magnitudo postulat, ne foras efferatur. Et quoniam a plerisque jam intellectum est remissum ad Nos ab Urbe Concilium Provinciale, idque ab Episcopis & Capitulis studiose Efflagitatur; publicari autem vel Executioni mandari, nisi hac difficultate sublata non potest, ut Me de suæ sanctitatis Voluntate quamprimum Illustrissima V. Amplitudo reddet Certiorem, precibus Omnibus Obsecro, Quam Deus Opt' Max' diu salvam fortunatissimamque servet. Toleti die 15 Novembris, MDLXXXIV.

*Amplitudinis V. Illustriss. & Reverendiss. humillimus servus.*

*G. Cardinalis Toletanus.*

#### N U M. CLVI.

Mandatum Archiepiscopi Cant' ad Publicandum Articulos Stabilitos in Convocatione Anno Dom' 1584.

*[A. D. 1585.]*

*Ex libro Instrum' Episcopi Lincoln.*

**J**ohannes divina providentia Cantuariensis Archiepiscopus totius Angliæ Primas & Metropolitanus, Venerabili Confratri nostro Domino Johanni eadem permissione London' Episcopo, Salutem, & Fraternali in Domino Caritatem. Cum in Sacra Synodo Provinciali sive Convocatione Prælatorum & Cleri nostræ Cantuar' Provinciæ auctoritate Brevis Regii in ea parte emanati in Domo (Capitulari) Ecclesiæ Cathedralis Divi Pauli London xxiv die Mensis Novembris Anno Dom' 1584 ultimo præterit' inchoata ac celebrata, ac de die in diem & loco in locum continuat' & prorogat'. de consilio & assensu vestris & aliorum venerabilium confratrum nostrorum totiusque Cleri nostræ Cant' Provinciæ in eadem Sacra Synodo sive Convocatione ultimo die Mensis Martii ultimo præterit' congregat' inter nonnulla alia per Nos mutuo & unanimi nostro consensu ad Dei gloriam illustrandam, Divini cultus augmentum, Ecclesiæ Anglicanæ utilitatem, & Ordinis Clericalis decentiam tendentia ordinata & stabilita, ex certis magnis & urgentibus causis per Nos eisdem Confratribus nostris & Clero dictæ nostræ Cant' Provinciæ expositis, & inter nos matura deliberatione consideratis & ponderatis, quasdam Ordinationes intitulat' *Articuli per Archiepiscopum, Episcopos, & reliquum Clerum Cantuar' Provinciæ in Synodo inchoata London' xxiv die Mensis Novembris, A. D. 1584. Regni que Serenissime in Christo Principis Domine Elizabethæ Dei Gratia Angliæ Franciæ & Hyberniæ Reginæ, &c. xxviiº Stabiliti, & Regia Auctoritate Approbati & Confirmati*; Nos igitur



igitur Ordinationes supradictas in & per totam Provinciam nostram Cant' de-  
bitæ executioni demandari volentes easdem per Typographum ad hoc auctori-  
tate legitima munitum Typis excudi mandavimus; Unumque Exemplar ita Ex-  
cufum & impressum præsentibus annexum una cum vero Exemplari Manuscripto  
cujusdam Obligatorie Cautionis de qua in dictarum Ordinationum una sit men-  
tio, ne quisquam ignorantiam prætexere possit, Fraternitati vestræ transmitti-  
mus publicand'. Eidem Fraternitati vestræ firmiter præcipiendo mandantes qua-  
tenus vera Exemplaria prædictarum Ordinationum ac cautionis obligatorie præ-  
dictæ sub sigillo & [seperalibus] literis vestris universis & singulis venerabili-  
bus Confratribus nostris Episcopis Suffraganeis dictæ nostræ Cant' Provinciæ,  
& Custodibus Spiritualitatis sedium Vacantium transmittend' ex parte nostra  
Eis injungatis, Quibus nos etiam harum serie injungimus, Quatenus eorum sin-  
guli in singulis Civitatibus & Diocesisbus Eorundem, prout ad Eos & Eorum  
Quemlibet respective pertinet, Ordinationes & cautionem Obligatoriam præ-  
dictam debite publicent & denuntient, & ab omnibus quos concernunt Obser-  
vari & debitæ Executioni demandari faciant & curent cum effectu. Ac insuper  
Ordinationes memoratas per Fraternitatem vestram in & per Civitatem & Dioc-  
cesim vestras, prout ad Vos attinet, debite & effectualiter Publicari, Denun-  
tiari, & Executioni debitæ demandari volumus & mandamus prout convenit.  
In cujus rei testimonium Sigillum nostrum præsentibus apponi fecimus. Dat'  
in Manerio nostro de Lambethe xvi<sup>o</sup> die Mens' Aprilis Anno Dom' 1585. Et  
nostræ Translationis secundo.

### Conditio Obligatoria.

**T**HE Condition of this Obligation is such that if hereafter there shall not  
appear any Lawful Let or Impediment by reason of any Præ-contract, Con-  
sanguinitie, Affinitie, or by any other Lawful Meanes whatsoever but that the  
within bounden *A. B.* and *C. D.* may lawfully solemnize Matrimonie toge-  
ther, and in the same afterwards lawfully remain and continue like Man and  
Wife according to the Laws in that behalfe provided; And moreover, if there  
be not at this present time any Action, Suit, Plaint, Querele, or Demand  
moved or depending before any Judge Ecclesiasticall or Temporall for and  
concerning any such Lawful Let or Impediment between the said Parties; And  
also if the said Parties do not proceed to the Solemnization of this Marriage  
without the Consent of their Parents or Governours; and lastly if the said  
Marriage be openly solemnized in the Church, that then this present Obliga-  
tion to be voide and of none Effect, or else the same to stand and abide in  
full Power, Strength, and Vertue.

### N U M. CLVII.

*The King's License to the Convocation of York, and their Proceedings  
thereupon, Anno 1605.*

**J**A M E S by the Grace of God King of *England, Scotland, France, and Ireland,* A. D. 1605.  
Defender of the Faith, &c. To all Men to whom these Presents shall come,  
Greeting. Whereas in and by one Act of Parliament made at *Westminster* in  
the five and twentieth Year of the Reign of King *Henry* the viii<sup>th</sup> reciting that  
Whereas the King's Humble and Obedient Subjects the Clergie of the Realm of  
*England* had not only knowledged according to the truth that the Convocations  
of the same Clergie were always, had been, and ought to be Assembled only by  
the Kings Writ, but also submitting Themselves to the Kings Majestie had pro-  
mised in *Verbo sacerdotii* that they would never from thenceforth presume to At-  
tempt Alledge Claime or Put in Ure or Enact Promulge or Execute any New  
Canons Constitutions Ordinance Provincial or Other or by whatsoever other  
Name they should be Called in the Convocation unlesse the Kings most Royall  
Assent and License might to them be had to Make Promulge and Execute the  
same and that the said King did give his most Royal Assent and Authority in that  
behalf; It was therefore Enacted by the Authority of the said Parliament accord-  
ing to the said Submission and Petition of the said Clergie, amongst other things,  
M m that

Out of the  
Convocation  
Book.



A. D. 1605. that They nor Any of Them from thenceforth should Enact Promulge or Execute any such Canons Constitutions or Ordinances Provinciaall, by whatsoever Name or Names they might be called in their Convocations in time coming, which always should be Assembled by Authority of the Kings Writ, unlesse the said Clergy might have the Kings most Royal Assent and License to Make Promulge and Execute such Canons, Constitutions and Ordinances Provinciaall or Synodall, upon paine of Every One of the said Clergie doing Contrary to the said Act, and being thereof convict, to suffer Imprisonment and make Fine at the Kings Will. And further by the said Act is provided that no Canons, Constitutions, or Ordinances, should be made or put in Execution within this Realm by Authority of the Convocations of the Clergie contrary or repugnant to the Kings Prerogative Royal, or the Customs, Laws, or Statutes of this Realme, any thing in the said Act to the contrary thereof notwithstanding. And lastly it is also provided by the said Act that such Canons, Constitutions, Ordinances and Synodals Provinciaall which then were already made and which then were not contrary or repugnant to the Laws, Statutes and Customes of this Realm, nor to the damage or hurt of the Kings Prerogative Royal should then still be used and executed as they were before the making of the said Act untill such time as they should be Viewed Searched or otherwise Ordered or Determined by the Persons mentioned in the said Act, or the more part of Them, according to the Tenour, Form, and Effect of the said Act, as by the said Act amongst divers other things more fully, and at large, it doth and may appear. Know ye that We for divers urgent and weighty Causes and Considerations us thereunto especially moving, of our especiall Grace, certain Knowledge, and meer motion, by vertu of our Prerogative Royall and supreme Authority in Causes Ecclesiasticall, have given and granted and by these Presents do Give and Grant full, free, and lawful Libertie License Power and Authority unto the Reverend Father in God *John* Bishop of *Bristol* and Dean of our Metropolitan Church of *St. Peter* in our City of *York* President of this present Convocation for the Province of *York* for this present Parliament now assembled and to the rest of the Bishops of the same Province, and to all Deans of Cathedrall Churches, Archdeacons, Chapters, and Colledges, and the whole Clergy of every severall Diocesse within the said Province, that they the said Bishop of *Bristol* President of the said Convocation and the rest of the said Bishops of the same Province or the greater number of them, whereof the sayd President of the said Convocation to be One, and the rest of the Clergy of this present Convocation within the said Province of *Yorke* or the greater number of them, shall and may from time to time during this present Parliament Conferr, Treat, Debate, Consider, Consult, and Agree of and upon such Canons, Orders, Ordinances and Constitutions, as the said Bishop of *Bristol* President of the said Convocation and the rest of the said Bishops of the same Province or the greater Number of them (whereof the said President of the said Convocation to be One) and the rest of the Clergy of this present Convocation within the said Province of *Yorke*, or the greater Number of them shall think necessary, fit, and convenient, for the Honour and Service of Almighty God, the Good and Quiet of the Church, and the better Government thereof to be from time to time Observed, Performed, Fulfilled, and Kept, as well by the Archbishops of *Yorke*, the Bishops and their Successors, and the rest of the whole Clergie of the said Province of *Yorke* in their severall Callings, Offices, Functions, Ministries, Degrees and Administrations, as also by All and Every Deane of the Arches and other Judge of the said Archbishops Courts, Guardians of Spiritualties, Chancellors, Deanes and Chapters, Archdeacons, Commissaries, Officials, Registers, and All and Every Other Ecclesiastical Officers and their inferiour Ministers whatsoever of the same Province of *Yorke* in their, and every of their, distinct Courts, and in the Order Manner and Form of their and every of their Proceedings, and by All other Persons within this Realme as far as lawfully being Members of the Church it may concern them: And further, to Confer, Treat, Debate, Consider, Consult, and Agree of and upon such other Points Matters Causes and Things as we from time to time shall deliver or cause to be deliver'd unto the said Bishop of *Bristol* President of the said Convocation in writing under our Signe Manual or Privy Signet to be Debated, Consulted, and Agreed upon, the said Statute, or any other



other Statute, Act of Parliament, Proclamation, Provision or Restraint heretofore had made provided or set forth, or the Vacancy of the See of *Yorke*, or any other Cause Matter or Thing whatsoever to the contrary notwithstanding. And we do also by these Presents give and grant unto the said Bishop of *Bristol* President of the said Convocation, and to the rest of the Bishops of the Province of *Yorke*, and unto all Deanes of Cathedral Churches, Archdeacons, Chapters, and Colledges, and the whole Clergy of our several Diocesse within the said Province, full free and lawful Libertie License Power and Authoritie, that They the said Bishop of *Bristol* President of the said Convocation, and the rest of the said Bishops of the same Province, or the greater Number of Them, whereof the said President of the said Convocation to be One, and the rest of the Clergy of this present Convocation within the said Province of *Yorke*, or the greater Number of them, All and Every the said Canons, Orders, Ordinances, Constitutions, Matters, Causes and Things so by them from time to time Conferred, Treated, Debated, Consider'd, Consulted, and Agreed upon, shall and may set down in writing in such form as heretofore hath been accustomed, and the same so set down in writing to exhibit and deliver, or cause to be exhibited and delivered unto us, to the End that We upon mature Consideration by Us to be taken thereupon, may Allow, Approve, Confirm, and Ratifie, or otherwise Disallow, Annihilate, and Make voyd such and so many of the said Canons, Orders, Ordinances, and Constitutions, Matters, Causes, and Things so to be by force of these Presents Consider'd, Consulted, and Agreed upon, as we shall think fit, requisite, and convenient. Provided always that the said Canons, Orders, Ordinances, Constitutions, Matters and Things, or any of Them so to be Consider'd, Consulted, or Agreed upon as aforesaid, be not contrary or repugnant to the Doctrine, Orders, and Ceremonies of the Church of *England*, already establish'd. Provided also, and our expresse Will Pleasure and Commandment is, that the said Canons, Orders, Ordinances, Constitutions, Matters, and Things, or any of Them, so to be by force of these Presents Consider'd, Consulted, or Agreed upon, shall not be of any force, effect, or validity in the Law, but only such and so many of them and after such time as We by our Letters Patents under our Great Seal of *England* shall allow, approve, and confirm the same, any thing before in these Presents contained to the contrary thereof in any wise notwithstanding. In Witness whereof we have caused these our Letters to be made Patents. Witness our self at *Westminster* the xviii<sup>th</sup> Day of *February* in the third Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the nine and thirtieth.

*Per ipsum Regem.*

Coppyn.

*The Decree hereupon.*

Whereas we the President and Clergy of the Convocation of the Province of *Yorke*, authorized by his Majesties Commission in this behalf have diligently veiwed, and deliberately examined the Constitutions and Canons Ecclesiastical, treated, concluded, and agreed upon, by the Reverend Father in God *Richard* by God's Providence late Bishop of *London* President of the Convocation for the Province of *Canterbury*, and the rest of the Bishops and Clergy of the same Province, by His Majesties License, in their Synod begun at *London* Anno Dom. 1603. And since that published for the due Observation thereof by his Majesties Authority, and by his Majesties said Authority commanded to be diligently observed by all his Subjects of this Realm of *England* within both Provinces of *Canterbury* and *Yorke* in all Points wherein they do or may concern Every or Any of Them : We his Majesties Loyal Subjects furthering as much as is in us the Honour and Service of Almighty God, the Peace of Gods Church, and better Government of the same ; and finding the said Constitutions and Canons very fit and requisite ( for the good of the Churches ) to be observed within and throughout all the Province of *Yorke*, ( yielding respectively in all Points to the Archbishop of *Yorke*, to every Bishop of the Province of *Yorke*, and to his and their Chancellors, Commissaries, and other Officers having Ecclesiastical Jurisdiction within the said Province, such and the same Authoritie, as by force of these Canons and Constitutions was and is severally Attributed

to



A. D. 1605. to the Archbishop of *Canterbury*, to the Bishops, and to Others exercising Ecclesiastical Jurisdiction in that Province) do therefore decree and ordain that All and Singular the said Constitutions and Canons Ecclesiastical, and the Contents of Them, and every of Them, be for ever hereafter of full Power, Force, and Authoritie, within the Province of *York*, and be accounted and numbered among the Constitutions and Canons of the Province of *York*: And that They and Every One of Them be from henceforth duly and diligently observed, executed, and equally kept by all and singular Persons not only of the Clergy but of the Laity within the Province of *York* aforesaid, so far forth as it doth and may concern them, and every or any of them in their several Functions, Degrees, and States, upon the Perils and Penalties therein expressed, and other Censures Ecclesiastical to be inflicted upon all and every the Transgressors thereof according to the measure and quality of their Offence. In testimonie whereof, we for our selves, and for the whole Clergy within the Province of *York* lawfully Assembled and Deputed in this behalfe, have willingly and *ex animo* subscribed in this Schedule of Parchment annex'd to the Canons and Constitutions: Humbly praying the King's most Excellent Majesty graciously to accept our most humble Duty and Service therein, and to give his Highnesses Royall Assent to the same.

## N U M. CLVIII.

*The Process of the Convocation of York, in the Settlement of the Liturgie, &c. Anno 1661.*

A. D. 1661.  
Out of the  
Convocation-  
Book.

Ultimo Novembr' 1661: Venerabilibus Viris *Ricardo March* S. T. P. Decano Ecclesiæ Cathedralis & Metropolitane Ebor' *Johanne Neile* Sacræ Theologiæ etiam Professore, & *Prolocutore* hujus Convocationis, & *Antonio Elcock* S. T. P. Reverendissimi in Christo Patris & Domini, Domini *Accepti Providentia* divina Ebor' Archiepiscopi Angliæ Primatis & Metropolitanæ Commisionar' pro hac Convocatione sive Synodo Provinciali Prælatorum & Cleri Civitatis, Diœces' & Provinciæ Ebor' legitime fulcit' in præsentia mei *Georgii Aisleby* Notarii Publici, Registrarii.

—Et tunc præfatus Venerabilis Vir Dominus Decanus antedictus de & cum Consensu & Assensu expressis dictorum Collegarum suorum secum Assident' rite & legitime procedens omnes & singulos Personas in hujusmodi Convocatione comparere debentes publice præconizatas, diutiusque expectatas, & nullo modo comparentes, ut in Scheda prædicta notatur, pronuntiavit Contumaces, & Eorum quemlibet contumacem, & in pœnam Contumaciarum suarum hujusmodi decrevit ad ulteriora in hujusmodi Convocatione sive Synodo procedere secundum Naturam Eiusdem, Eorum absentiis sive Contumaciis in aliquo non Obstant'. Tunc publice perlectis Literis Regiis dicto Reverendissimo Patri Ebor' Archiepiscopo directis, aliisque Literis Prælatorum hujus Provinciæ Ebor' & una Litera ab Archiepiscopo prædicto mihi direct' per Venerabilem Virum *Johannem Neile* Synodi prædict' Prolocutorem habitoque tractatu solenni & diligenti de & super Eisdem Literis, & Causis hujusmodi Convocationis Ponderatis atque etiam consideratis: Iidem Venerabiles Viri unanimibus Consensu & Assensu suis Cæterisque Personis tunc interessent' Commissionem sive Procuratorium speciale fieri decreverunt & concedi Venerabilibus Viris *Johanni Barwick* S. T. P. Decano Ecclesiæ Cath' D. Pauli London: *Johanni Earles* S. T. P. Ecclesiæ Collegiatæ S. Petri Westm' Decano: *Henrico Fernc*, S. T. P. Decano Ecclesiæ Cath' Eliens': *Henrico Bridgman* S. T. P. Decano Ecclesiæ Cath' Cestrens: *Roberto Hitch* S. T. P. Archidiacono Archidiaconatus Leicestr' & Præbendario Præbendæ de Holme Archiepiscopi in Eccles' Cath' Ebor': *Mattheo Smalwood* S. T. P. Procurator' Cleri Archidiaconatus Cestr' & Richmond': *Andrea Sandiland* Clerico, Rectori de Skerringham alias Scrayingham, & Procurator' Cleri Archidiaconatus de Eastryding; & *Humfredo Lloyd* Clerico Præbendario Præbendæ de Ampleford in dicta Ecclesia Ebor' conjunctim & divisim ad Comparend' & Vice Loco ac nomine Eorum & Omnium & Singulorum Cler' hujus Synodi sive Convocationis Ebor' interessend' in Synodo sive Convocatione Cleri Provinciæ Cant' jam apud *London* tent' & celebrat' ex consilio & deliberatione Communi



Communi in negotio Revisionis Libri Publicarum Precum, nec non formæ Consecrandi & Ordinandi Episcopos, Presbyteros, & Diaconos, Virtute Literarum seu Mandati Domini nostri Regis in ea parte direct' prout per Eandem Commissionem sive Procuratorium speciale inferius descript' plenius liquet & apparet, &c.

A. D. 1661.

*Tenor prædictarum Literarum Regiarum sequitur in hæc Verba.*

I.

CHARLES R.

**M**ost Reverend Father in God we greet you well. Whereas by our Commission under our Great Seale of England, bearing date the tenth day of June last, We did (amongst other things) give full, free, and lawful Liberty to you as President of the Convocation, and to Other the Bishops and Clergie for our Province of York, to Confer, Debate, Treat, Consider, Consult and Agree of and upon such Other Points, Matters and Things as We from time to time should deliver or cause to be delivered unto you in Writing under our Signe Manual or Privy Signet, to be debated, considered, consulted, and concluded upon, any Statutes, Act of Parliament, Proclamation, Provision, Restraint, Clause, Matter, or Thing to the Contrary notwithstanding: Our Pleasure therefore is, and according to the Liberty and Power reserved by our said Commission, We do hereby authorize and require, that you Review or cause a Review to be had and taken both of the Book of Common Prayer, and of the Book of the Form and Manner of Making and Consecrating Bishops, Priests, and Deacons; And after mature Consideration, that you make such Additions or Alterations in the said Books respectively as to you shall seem meet and convenient: Which our Pleasure is, that you exhibit and present unto us in Writing for our further Consideration, Allowance or Confirmation; And for so doing this shall be your Warrant. Given at our Court at Whitehall the 22th day of November 1661.

By his Majesties Command.

To our Right Trusty and Well-beloved the most Reverend Father in God *Acceptus* Archbishop of York.

II.

The Archbishops and Bishops Letter to the Convocation.

Sirs,

**Y**OU see the Contents of his Majesties Letters for the Review of the Book of Common Prayer, and Ordination of Bishops, Priests, &c. for the dispatch whereof his Majesty requires all possible Expedition. His Grace, and our selves sit in Consultation with the Bishops of the Province of Canterbury. And because the Time allotted for the dispatch of these things is so short, and an Act of Parliament for Confirmation of them ready to passe, the Ordinary Course of concluding them here first, then sending of them down for your Concurrence, and returning them up again, is so dilatory, that it will not be consistent with his Majesties Expectation. It is therefore our Desires and Request to you, that forthwith you would pass a Vote for a Proxie in behalfe of your whole House (wherein our Prolocutors are desired to concurr) to Dr. Henry Fearn Prolocutor, Dr. John Earles Dean of Westm. Dr. John Barwick Dean of Pauls, or to some other of the Lower House of Convocation there Con-junctim & Divisim, to give your Consents to such things as shall be concluded on here in relation to the Premises. This Proxie under your Dean and Chapter and your Chancellours Seale we earnestly desire may (if possible) be sent up by the next Post after this comes to your hands. This is all we have at present: We therefore commit you to the Protection of Almighty God, resting,

Your most Affectionate Friends,

To the Right Worshipful Dr. John Neile Prolocutor, and the rest of his Brethren of the Convocation Assembled for the Province of York.

*Accept. Ebor.  
Jo. Duresme.  
Rich. Carliol.  
Bri. Cestriens.*



A. D. 1661.

## III.

## The Archbishop's Letter to the Register.

Sir,  
**T**HE Enclosed to Doctor Neile your Prolocutor goes to him from All the Bishops of the Province, having in it a true Copie of another from his Majestie to my selfe. Deliver it I pray unto him presently (excusing my not writing unto him at present in particular) and hasten their Dispatch back according to the Directions therein with as much speed as possibly you can; for 'tis of Great and General Concernment. The Chancellour who hath been our Clerk herein will perhaps (if at leisure) say more! I adding only this here in the Close, that if we have not All from you by the End of next Week we are lost. And in Case the Convocation sit not, wish the Doctor presently to open the Letter as if it had been sent to himselfe only. Farewell.

Yours,

Novemb. 23.

Accept. Ebor<sup>s</sup>.

For Mr. George Aislebie at the Register's Office in the Minster-Yard, Yorke.

## IV.

## Procuratorium diversis Clericis ad Negotiand' in Synodo Provinciae Cant' tent' apud London' 1661.

**P**Ateat Universis per præsentes, Quod nos Johannes Neile S. T. P. Referendarius sive Prolocutor domus inferioris Sacrae Synodi sive Convocationis infra Provinciam Ebor' tentæ & celebratæ, necnon cæteri Prælati & Clerici in eadem Congregati, unanimibus nostris Assensu pariter & Consensu venerabiles viros Johannem Barwick S. T. P. Decanum Ecclesiae Cath' D. Pauli London. Johannem Earles S. T. P. Ecclesiae Collegiatæ S. Petri Westm' Decanum. Henricum Ferne S. T. P. Decan' Eccles' Cath' Eliens'. Henricum Bridgman Decanum Eccles' Cath' Cestrens'. Robertum Hitch S. T. P. Archidiaconum Leicestrens'. Matthæum Smalwood S. T. P. Procuratorem Cleri Archidiaconat' Cestr' & Richmond'. Andream Sandiland Clericum, Rectorem de Skeringham alias Scrayingham, & Procuratorem Cleri Archidiaconat' de Eastryding Com' Ebor' & Humfridum Floyd Clericum, Procuratorem Capituli Eccles' Ebor' & Præbendar' Præbendæ de Ampleford in eadem Ecclesia fundat' Conjunctim, & Eorum quemlibet divisim & in solidum, ad Negotia infra scripta & Ea concernentia Omnibus & singulis melioribus via modo & juris forma, quibus de jure melius aut Efficacius poterimus, nostros Veros, Certos, Legitimos, & Indubitatos Procuratores, Actores, Factores, Negotiorum nostrorum Gestores, & Nuntios speciales, Nominamus, Ordinamus, Facimus, Constituimus & Deputamus per præsentes: Damusque & Concedimus eisdem Procuratoribus nostris, & Eorum cuilibet, potestatem generalem, & Mandatum speciale, pro Nobis ac Vice, Loco, & nomine nostris, Omnibus & Singulis quæ in Sacra Synodo sive Convocatione Cleri Provinciae Cant' jam apud Westm' tent & celebrat' ex Consilio & Deliberatione Communi in negotio Revisionis Libri Publicarum Precum, necnon Formæ Consecrandi & Ordinandi Episcopos, Presbyteros, & Diaconos Virtute Litterarum seu Mandati Serenissimi Domini nostri Regis in ea parte directi, ad Dei honorem, Ecclesiae & Regni Utilitatem salubriter & concorditer Ordinari, Statui, vel decerni contigerint, Consentiendi, & Consensum & Assensum respective suos dandi & præbendi, aliisque ex adverso (si & quatenus, Videbitur expediens) dissentendi & Contradicendi; Et generaliter Omnia & singula alia faciendi, exercendi, & expediendi quæ in præmissis aut circa Ea, necessaria fuerint seu Quomodolibet Opportuna, etiam si Mandatum de se exigant magis speciale quam præsentibus est Expressum; Et quæ Nosmet ipsi facere possemus si præsentes personaliter interessemus (Juribus, Liberatibus, præ-eminentiis & Consuetudinibus Provinciae, & Ecclesiae Eboracensis dignitate, & honore, in omnibus semper salvis & reservatis :) Promittimusque Nos Ratum, Gratum & Firmum perpetuo habituros totum & quicquid dicti Procuratores nostri



nostri fecerint, seu Eorum aliquis fecerit in præmissis, sub Hypotheca & Obligatione Omnium & Singulorum Bonorum nostrorum & in ea parte Cautionem exponimus per præsentis. In cuius rei testimonium sigillum Capitulare Ecclesiæ Cath' & Metropolitice B. Petri Ebor' prædict' præsentibus apponi fecimus. Dat' in domo Capitulari dictæ Ecclesiæ Ebor' ultimo die Mensis Novembris Anno Regni Serenissimi Domini nostri Caroli Secundi, &c. xiii<sup>o</sup> Annoque Domini M DC LXI.

A. D. 1661.

## N U M. CLIX.

Nomina in Convocationem Cleri Ebor' Provinciæ Vocandorum,  
Anno Dom. 1424.

Registr. Dec.  
& Cap. sede  
Vacante fol.  
361.

**D**om' Arch' Ebor'.  
Dom' Episc' Dunelm'.  
Dom' Episc' Carliol'.

### Cleaveland.

Decanus Eccles' Ebor'.  
Archidiaconus Richmond'.  
Archidiaconus Ebor'.  
Archid' East-riding.  
Archid' Cleaveland.  
Archid' Nottingham.

Abbas de Whitby.  
Abb. de Bella-landa.  
Abb. de Rievall.  
Prior de Gisburn.  
Pr. de Newburgh.  
Pr. de Malton.  
Pr. de Morton.  
Officialis Archidiaconi Cleaveland.  
Procuratores Cleri Ejusdem.

Capitulum Eccles' Ebor'.  
Capitulum Beverl'.  
Capitulum Rypone.  
Capitulum Southwell.  
Capitulum Howden.

### Nottingham.

Præposit. Beverlac'.  
Abbas Monast. B. Mariæ Ebor'.  
Abb. de Selby.  
Abb. de Sallay.  
Abb. de Rupe.  
Abb. de Kirkstall.

Abbas de Welbeck.  
Abb. de Rufford.  
Prior de Thurgarton.  
Pr. de Wirksope.  
Pr. de Newstede.  
Pr. de Shelforde.  
Pr. de Lenton.  
Officialis Archid. Nottingham.  
Procuratores Cleri Ejusdem.

Prior S. Oswaldi.  
Pr. de Boston in Craven.  
Pr. de Monkbretton.  
Pr. de Drax.  
Pr. de Pontefract.  
Pr. de Helags Park.  
Pr. S. Trinitat. Ebor'.  
Pr. S. Andrea juxta Ebor'.  
Officialis Archid. Ebor'.  
Procuratores Cleri Ejusdem.

### Richmond.

### Eastrideing.

Abb. de Melsa.  
Pr. de Bridlington.  
Pr. de Kirkham.  
Pr. de Watton.  
Pr. de Wartre.  
Pr. de Ferriby.  
Pr. de Hanton Price.  
Pr. de Ellerton.  
Pr. Carth. juxta H.  
Officialis Archid. East-riding.  
Procuratores Cleri Ejusdem.

Abbas de Torneys.  
Abb. de Fontibus.  
Abb. de Forevall.  
Abb. S. Agathæ.  
Abb. de Coverham.  
Abb. de Eggleston.  
Abb. de Cockersand.  
Minister S. Roberti.  
Pr. de Cartmell.  
Officialis Archid. Richmond.  
Procuratores Cleri Ejusdem.  
Officialis Præpositi Beverl'.  
Custos Spiritualitatis de Howden  
& de Howden-shire.  
Procuratores Cleri Ejusdem.

Prior Ecclesiæ Dunelm.  
Procuratores Cleri Ejusdem.  
Archidiaconus Northumberland.  
Officialis Ejusdem.  
Procuratores Cleri Ejusdem.

Prior



A. D. 1424. Prior Ecclesie Karliol.  
 Archidiaconus Karliolens.  
 Officialis Ejusdem.  
 Procuratores Cleri Ejusdem.

Abbas de Holme Cultrum.  
 Abb. de Shap.  
 Prior de Lenercost.

Ibid. fol.  
 638, 640.

## 2. Præter hos Anno Dom. 1530. Vocati sunt.

Abbas de Abbalanda.  
 Prior de Brenteborn.  
 Decanus de Derlington.  
 Decanus de Aukland.  
 Decanus Lancestria.

Decanus de Cestria.  
 Prior de  
 Præpositus de Graystakes.  
 Præpositus de Kirk Oswald.

Convoc. Book.

## 3. In Convocatione Anni 1545.

Arch. Ebor.  
 Episc. Dunelm.  
 Episc. Carliol.  
 Episcopus Cestrens.  
 Custos Jurisdictionis Manna.

Custos Jurisdictionis de Allerton, &c.  
 Clerus Jurisdictionis Ejusdem.

Capitulum Ecclesie Colleg. de Southwell.  
 Clerus Jurisdictionis Ejusdem.

Decanus Eccles. Cath. Ebor.  
 Capitulum Ejusdem Ecclesie.  
 Archidiaconus Ebor.  
 Clerus Jurisdic. Capituli Ebor.  
 Officialis Archidiaconi Ebor.  
 Clerus Ejusdem Archidiaconatus.

Decanus Eccles. Cath. Dunelm.  
 Capitulum Ejusdem Ecclesie.  
 Archidiaconus Dunelm.  
 Officialis Archidiaconi Dunelm.  
 Clerus Archidiaconatus Dunelm.

Archidiaconus Eastriding.  
 Officialis Archidiaconi Eastriding.  
 Clerus Ejusdem Archidiaconatus.

Archidiaconatus Northumbria.  
 Officialis Ejusdem.  
 Decanus de Dainton.  
 Decanus de Chestre.  
 Decanus de Langchestre.

Archidiaconus Cleaveland.  
 Officialis Ejusdem.  
 Clerus Ejusdem Archidiaconatus.

Decanus Eccles. Cath. Carliol.  
 Capitulum Ejusdem Ecclesie.  
 Præpositus Eccles. Colleg. de Graystocke.  
 Archidiaconus Carliolens.  
 Officialis Ejusdem.  
 Clerus Ejusdem Archidiaconatus.  
 Præpositus de Kirk Oswald.

Archidiaconus Nottingham.  
 Officialis Archidiaconi Nottingham.  
 Clerus Ejusdem Archidiaconatus.

Decanus Eccles. Cathedr. Cestrens.  
 Capitulum Ejusdem Ecclesie.  
 Archidiaconus Cestria.  
 Clerus Archidiaconatus Cestria.  
 Archidiaconus Richmondia.

Præpositus Ecclesie Beverlacens.  
 Capitulum Ecclesie Collegiata Beverlae.  
 Officialis Jurisdictionis Ejusdem.  
 Clerus Jurisdictionis Ejusdem.

Robertus Episc. Sodorensis.  
 Archidiaconus Mannia.  
 Clerus Ejusdem Archidiaconatus.

Capitulum Ecclesie Colleg. de Howden.  
 Custos Jurisdictionis de Howden.  
 Clerus Jurisdictionis de Howden.

Capitulum Ecclesie Colleg. de Ripon.

## 4. Nomina



4. Nomina Prælatorum & Cleri totius Provinciæ Ebor. comparentes seu comparere debentes in Convocatione, &c. xx<sup>o</sup> die Mensis Maii, 1628. A. D. 1545.

Dom. Archs. Ebor.

Episcopus Dunelm.  
Episcopus Carliol.  
Episcopus Cestriens.

Decanus Ebor.  
Decanus Dunelm.  
Decanus Carliol.  
Decanus Cestrie.

Archid. Ebor.  
Archid. Eastriding.  
Archid. Cleaveland.  
Archidiac. Nottingham.  
Archidiac. Dunelm.  
Archidiac. Northumbria.  
Archidiac. Carliol.  
Archidiac. Cestria.  
Archidiac. Richmond.

Capitulum Ebor.  
Capitulum Dunelm.  
Capitulum Carliol.  
Capitulum Cestriens.  
Capitulum Southwell.

Capitulum Rippon.

Clerus Archidiac. Ebor.  
Clerus Archid. Nottingham.  
Clerus Archid. Eastriding.  
Clerus Archid. Cleaveland.  
Clerus Archid. Dunelm.  
Clerus Archid. Northumbria.  
Clerus Archid. Carliol.  
Clerus Archidiac. Cestria.  
Clerus Archid. Richmond.  
Clerus Jurisdic. Dec. & Cap. Ebor.  
Clerus Jurisdic. Capit. de Southwell.  
Custos Jurisdic. peculiaritatis de Howden.  
Custos Jurisd. pecul. de Allerton, &c.  
spect. ad Episc. Dunelm.  
Custos Jurisd. pecul. de Allerton, &c.  
spect. ad Dec. & Capit. Dunelm.  
Clerus Jurisdictionis pecul. de Howden.  
Clerus Jurisdic. pecul. de Allerton Episcopi  
Dunelm.  
Clerus Jurisdic. peculiar. de Allerton De-  
cani & Capit. Dunelm.

N U M. CLX.

Breve Reg. pro Parlamento.

Claus. 49. Henr. 3. m. 6. dors.

**R**EX Decano & Capitulo Ebor' Salutem. Cum Prælatos & Magnates Regni nostri jam vocari fecerimus quod sint ad Nos apud Winton' primo die Junii prox' ventur' ad Tractandum Nobiscum super nostris & Regni nostri Negotiis, quæ sine Eorum præsentia finaliter expleri nolumus, Vobis Mandamus in fide & dilectione quibus Nobis tenemini firmiter injungentes quatenus modis Omnibus duos de discretioribus Con-canonice vestris ad dictos diem & locum mittatis, qui plenam habeant potestatem vice vestra ad Tractandum Nobiscum, una cum Præfatis Prælati & Magnatibus, super Negotiis antedictis, & ad Ea facienda Nomine Vestro quæ Vos ipsi facere possitis si præsentibus ibidem Effetis: Et hoc sicut Nos & Utilitatem Regni nostri diligitis nullatenus Omit-talis. Teste Rege apud Glouc' xv Maii.

A. D. 1265.

O o

An



# An INDEX of such Instruments as are contain'd in the foregoing APPENDIX.

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apud Clarendunam promulgatae.  
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1270. 6 Breve Regium de XXa in usum Terræ S. concedenda.  
1270. 7 Breve Regium pro Eadem a Religiosis acquirenda.  
1271. 8 { Excusatio Arch. Ebor. pro Parlamento: Et de XXa in Provincia Ebor. conce-  
denda.  
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Edwardo facienda.  
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11 { Breve Regis, & Archiepiscopi Cant. Mandatum, de pace & instauratione Uni-  
versitatis Oxon.  
1274. 12 Mandatum Arch. pro Concilio Provincia Cantuar.  
1275. 13 Breve Regis pro Parlamento Prorogando.  
1277. 14 Procuratorium Arch. Ebor. pro Parlamento.  
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21 Concessio Regi ibidem facta de Decima duorum Annorum.  
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1283. 28 Mandatum pro Convocatione a die Pasch. in iii Septimanas.  
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30 Aliud Mandatum pro Eadem.  
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1290. 32 { Summonitio Convocationis Eliensis: pro Subsidio.  
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1294. 34 Breve Regis pro Conventu Cleri apud Westm. in Festo S. Matthæi Apostoli.  
35 { Conventus Cleri Diocæs. Cant. ad Audiend. Recipiend. & Faciend. ea quæ in  
prædicto conventu Ordinata fuerunt.  
1296. 36 Consultatio Arch. Cant. de præstando Subsidio per Clerum Domino Regi, vel non.  
37 { Excerpta e Chron. Anonym. MS. Oxon. de Conventibus Cleri, & Regni, ejus-  
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40 { Acta Cleri Gallicani Occasione Bullæ Bonifacii viii PP. de Subsidio Principibus Sa-  
cularibus, absque ipsius Licentia non Præstando.  
1304. 41 { Procuratorium pro Parlamento formula Variæ: Sc. Prioris Wygorn. Con-  
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| 44 <i>Mandatum pro Concilio Provinciali Ebor.</i>                                                                                                                                        | 1311.     |
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ADDEN.



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**P**reface Page iv. Line 3. *I desired, Read, seem'd faulty in it:* p.v. l. 35. *Duty*, r. *Right*: p. xiii. l. 7. *from*, r. *for them*: p. xiv. l. 27. r. *backward to retract*: p. xvi. l. 11. r. *He intrusted*.

CONTENTS, P. 17. col. 2. l. 29. *three last*, r. *two last*.

BOOK, P. 3. l. 17. r. *the Lower Clergy*: p. 4. l. 39. r. *Who having by Authority of his Writ commanded the Archbishops to summon Them for State purposes (as the Tenour of his Writ shews) has it now in his Own Breast, &c.* P. 21. l. 40. r. *of One of these Convocations*.

Pag. 22. l. 13. r. *Nay but this President will go yet farther: For so, in effect, it met in King James time too; so in the two last Parliaments, &c.*

Pag. 26. l. 45. Marg. insert this Note. "Of what concerns the Assemblies of 1402. 1404, 1509. See more correctly below, p. 341. 342, 389.

Pag. 27. l. 27. *such a Council*. Add. "That which comes the nearest of Any I know to One is the Council of 1438, summon'd for a mix'd End, both by Royal and Papal Authority. But as it may be doubted whether that was, after all, a pure Ecclesiastical Council; so allowing the most that can be desired to it, it is but a single Instance, and will be of no force against a stated and general Practise to the contrary. See p. 368. 422.

Pag. 83. l. 50. r. *from what has been*: p. 92. l. 50. *Patres*, r. *Fratres*: p. 97. l. 22. del. *so*.

Pag. 106. l. 52. After *I will not deny*: Add. "Tho' Gervase gives another Account of them, where speaking of these very Persons he tells us, *quos Presbyteros appellabant, licet Monachi fuissent*. Act. Pont. Cant. col. 1639.

Pag. 118. l. 32. To avoid Mistakes, as if I had ascribed to the Laity a greater Authority in Church Synods than I ever intended to do, either blot out those Words, *let the Deacons, nay let the People too*; or, to express what I before meant more clearly, put them in a Parenthesis thus (*nay let the Deacons, and the People too*) Ib. l. 36. r. *Debate and Define*.

Pag. 120. l. 23. *is a Provincial Assembly*. Pag. 122. l. 46. r. *for the most part made*.

Pag. 125. l. 14. Correct that Paragraph thus. "In 1495 the Parliament and One of the Convocations kept a pretty equal pace with One Another. So They did the Year following: But then the Other Province was all in disorder. The Parliament sate October the 14th. 1495; but the Convocation of York met not till the 16th of May following. The Parliament again was held January the 16th, 1496. But the same Convocation was not Assembled till the 26th of April, above three Months after.

Pag. 141. l. 33. after *sign*, Add: *neither Gervase in his Lives of our Archbishops, nor &c.* Ib. l. 34. r. *take any manner, &c.*

Pag. 146. l. 12. After *to Him*, read it thus: *To say nothing of Ædilberchus Candensis Casæ, or, as it should have been, Æthelbertus Candidæ Casæ; Who is Adulphus Myiensis? But especially who is Æthilwinus, &c.*

Pag. 194. l. 40. Having in a very Antient Register once belonging to the Church of Salisbury, met with a particular Account of this Affair, of which our Histories are generally silent; It may not be amiss for me to give a more full Relation, than I was before Able to do of it. Marg. del. Sect. 57: and for Sect. 58. put Sect. 57.

Ib. l. 49. After *Diocesses*; instead of what follows add: *What was farther done by them in pursuance of this Affair, I shall shew in its proper Place.*

Pag. 195. l. 25. Marg. Sect. 58. 1226. --- "To come now to the Account of the Grant which the Clergy, in Obedience to the Pope's Authority, made to the King. They were first Assembled, (as I have before observed) in their several Diocesses about it. But they came to no Conclusion there; but desired that they might meet together by their Proctors in One Provincial Convocation for this purpose. Accordingly the Archbishop of Canterbury summon'd them to meet at London, a fortnight after Michaelmas. The Deans, and Archdeacons, or some Other Proctors, appear'd for the Clergy: So did the Religious by themselves, or their Proctors. They agreed upon a xvth of such of their Possessions as had not been charged to the xvth before.

"Ib. l. 26. Such was the Convocation of this Province, one of the first of this kind that has yet Occurr'd to Me. As for the Assembly which was held about two Years after, and which --- Parliament, the Case of it was this.

Pag. 212. after l. 33. add. "To this famous Parliament only the Deans of some Cathedral Churches seem to have been summon'd. But to another which was design'd to have been held not long after, the Chapters were also called. So I find in a Writ dated at Gloucester, May the 15th. 1265. In which the King having recited his Intention to hold his Parliament with his Prelates and Great Men, June the 1st, requires the Church of York to send Two of their Body to appear there on their behalf, to Treat with the Prelates and Great Men aforesaid. This Writ having never yet been Publish'd, that I know of, I have inserted it into my Appendix, num. 160. for the better Clearing of  
"that



“ that farther Advance which was hereby made towards the bringing of the *Lower Clergy*  
“ to *Parliament*.

Pag. 254. l. 14. r. *November* the 20th. Pag. 264. l. 46. r. of the *Kings*.

Pag. 267. l. 33. r. *Dean and Chapter*.

Pag. 287. l. 26. Correct that, and the next Line, thus. “ The *Clergy* were called as  
“ usual both by the *Premunitory Clause*, and by a *Provincial Summons*; yet but few of  
“ them seem to have come to it.

Pag. 352. l. 27. r. *confirms* it. l. 46. del. *After*. Pag. 362. l. 11. r. *now come*.

Pag. 364. l. 30. r. *with it*. In this. Pag. 367. l. 1. be, r. *have been*.

Pag. 376. l. 24. after *Provinces*, add: *so were some of the Canons under that Queen*.

Pag. 400. l. 21. *Thirty*, r. *Twenty*. Pag. 412. The two last Columns are mis-placed.

Pag. 445. l. 44. r. *some Power or Privilege which he had not a Right, &c.*

Pag. 449. l. 26. *Matter*, r. *Case*. Pag. 460. l. 18. r. *Where upon*.

Pag. 469. Correct l. 12, &c. thus, “ but they began to omit these Forms as Matters  
“ of little Moment. Such was the Case of the two last *Convocations* of that Prince: In-  
“ deed in the Reign of King *James* the 2d, the *Archbishop, &c.* Ib. l. 18. del. *if of*  
*Electing*.

Pag. 489. l. 29. Marg. Note. Since this was printed I find in one of the *Dean and*  
*Chapters Books* of the Church of *Exeter* this Minute: That on *January* the 29th. *Capitulum*  
*constituit Magistros Jo. Chambron Praecentor, &c. Procuratores pro Convocatione Cleri*. And  
this may seem to intimate that the *Convocation* was to meet with the *Parliament* at this  
time. But then, in those *Books*, *Convocatio* is often used for the *Parliamentary Convention* of  
the *Clergy*: And in the very next Entry of this kind we have an evident Proof of it.  
*Anno 1539. Martii 29. Tunc et ibidem Constituuntur Procuratores pro Capitulo in Convocatione*  
*prox. celebrand. 28 die April. prox. futur.* Which was the Day that the *Parliament*, not  
the *Convocation*, was to meet.

Pag. 497. l. 45. r. *Queens Chappel*. fo 498. l. 1, 61. Pag. 499. l. 10.

Pag. 498. l. 56. *Archbishops*, r. *Cardinals*. l. 60. r. *President of our Convocation*.

Pag. 507. l. 52. add. “ after her *Own Life*. To most of those *Constitutions* the *Archbishop*  
“ and *Bishops* of that Province had probably both *Agreed and Subscribed with Ours*; And  
“ upon both these *Accounts* They were the less, &c.

Pag. 519. l. 3. after *August 1679*; instead of the next three Lines add, “ Which is all  
“ the Account I can with any certainty Give of it. For tho’ what is there said, came to Me  
from a Hand, which I thought I might have depended upon, yet I am since inform’d by  
One who was a Member of that *Convocation*, that there was a *Sermon Preach’d*, and a *Pro-*  
*locutor Chosen*; and have been Otherwise fully satisfied of the Truth of it. In the Other  
*Convocation*, which met the same Year, *October* the 18th, there was neither any *Sermon*  
preach’d, nor *Prolocutor* chosen, for a Twelve-month after it Assembled; nor can I learn  
that there was Any chosen afterwards.

Pag. 535. l. 36. for the *One*, r. *These*. Pag. 536. l. 27. r. *Or which they did intend*.

Pag. 566. l. 25. del. *are*. Pag. 618. l. 45. *Provincial*, add, or *Synodal*.

I have now taken such a Review of my Book as I am, at present, Able to do. I have Cor-  
rected every thing that either my Friends suggested to Me, or I otherwise thought to need an  
Amendment. I am not unsensible that Many of the Changes are of little Importance, and might  
well enough have been Omitted: But they will at least shew the Desire I have to be exact; and  
may encourage those who shall discover any more considerable Errours to communicate their Ob-  
servations to Me. I shall not only very thankfully acknowledge their Favours, but take care to  
make that Publick Use which I ought to do of Them.

T H E E N D.



























Wake, William

The State of the Church and Clergy of England in their Councils, Synods,  
Convocations, Conventions

London 1703

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